

BY AUTHORITY OF CONGRESS.

THE
Public Statutes at Large
OF THE
UNITED STATES OF AMERICA,

FROM THE
ORGANIZATION OF THE GOVERNMENT IN 1789, TO MARCH 3, 1845.

ARRANGED IN CHRONOLOGICAL ORDER.

WITH
REFERENCES TO THE MATTER OF EACH ACT AND TO THE SUBSEQUENT ACTS
ON THE SAME SUBJECT,

AND
COPIOUS NOTES OF THE DECISIONS

OF THE
Courts of the United States

CONSTRUING THOSE ACTS, AND UPON THE SUBJECTS OF THE LAWS.

WITH AN
INDEX TO THE CONTENTS OF EACH VOLUME,
AND A
FULL GENERAL INDEX TO THE WHOLE WORK, IN THE CONCLUDING VOLUME.

TOGETHER WITH
**The Declaration of Independence, the Articles of Confederation, and
the Constitution of the United States;**

AND ALSO,
TABLES, IN THE LAST VOLUME, CONTAINING LISTS OF THE ACTS RELATING TO THE JUDICIARY,
IMPOSTS AND TONNAGE, THE PUBLIC LANDS, ETC.

EDITED BY
RICHARD PETERS, ESQ.,
COUNSELLOR AT LAW.

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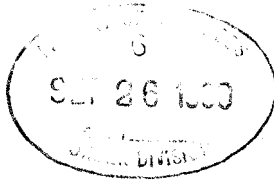
VOL. I.

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PHILADELPHIA:
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TO THE
HONORABLE JOSEPH STORY,

ONE OF THE ASSOCIATE JUSTICES OF THE SUPREME COURT
OF THE UNITED STATES.

MY DEAR SIR :

IN expressing to you my sincere acknowledgments for your permission to inscribe this work to you, I have afforded to me the opportunity to record my full sense of your high judicial character; of your deep and universal learning in the law; of the great value of your decisions on the important questions of constitutional and statute law which have come before the Supreme Court during your long and honorable presence in that tribunal, in the maintenance of those constitutional principles on which, only, our government can permanently rest; and of your arduous and successful labors to elevate and diffuse the science of jurisprudence in our country.

In other relations to you, I ask leave to declare my grateful feelings for your kind and affectionate friendship, and for the esteem with which you have always been pleased to regard me.

This work is indebted to you for its existence. It has been prepared according to a plan suggested by you; and in your approbation of the manner in which it has been edited by me, there is a perfect assurance that it will receive the sanction and support of all. This is a proud and complete title to the claims of the work to public patronage.

I have the honor to be,

My dear Sir,

Very respectfully and faithfully,

Your obedient servant,

RICHARD PETERS.

PHILADELPHIA, *January*, 1845.

ADVERTISEMENT.

THE Publishers would call the attention of all those who have occasion to consult the laws of the United States to the following characteristics of this edition, which justify them in unhesitatingly recommending it as worthy of the public approbation, in addition to high testimonials in the accompanying letters as to its merits.

1. It has the sanction of Congress, and is issued under their auspices. It is to be the edition supplied to the officers of government, and an interest in the copyright is reserved to the United States.

2. It will contain *all* the laws, and yet will be put at a less price than those editions which contain only a portion of those laws. The purchaser will be sure that he can find every law which he may have occasion to refer to.

3. It is enriched with copious notes of the decisions of the courts of the United States on the several statutes, and with references to other statutes.

4. It will be the only edition in which the laws are chaptered as is directed by the joint resolution of Congress of March 3, 1845, except the session acts, which are too expensive to be within the reach of but very few persons.

5. It can be relied upon for accuracy. It is printed with great care, from authorized editions of the laws, and then is subjected to a careful revision by the records at the seat of government. The value given to it, by so great care to secure its entire authenticity, will be at once perceived by all professional persons. The Publishers would refer those whose pursuits have not given them occasion to appreciate the importance of the entire accuracy of the text, to the letters of the Hon. RUFUS CHOATE, and of the Hon. ROBERT C. WINTHROP, which are printed herewith.

6. The superiority of the paper on which it is printed, and of its typographical execution, over all other editions, will be seen and appreciated at once by every one.

LETTERS

ADDRESSED TO THE PUBLISHERS.

Letter from the Hon. Robert C. Winthrop, of Massachusetts.

"BOSTON, 25 November, 1845.

"GENTLEMEN :

"I take pleasure in putting on paper, agreeably to your request, the favorable opinions I have already expressed, in relation to your new edition of the Laws of the United States.

"The mere fact, that your edition has been freshly and carefully compared with the originals in the Department of State, would seem a sufficient commendation of it to all who appreciate the importance of an accurate text to the just understanding of the statutes. This comparison, I learn, has not been instituted in the preparation of previous editions of the laws, (except that of Bioren and Duane,) and has resulted, in the present instance, in the discovery and correction of numerous errors.

"But your edition promises to be as comprehensive and complete as it is accurate. It embraces *all the laws* which have been enacted since the foundation of our government, Private as well as Public, District as well as National, the obsolete and repealed as well as those now in force. It includes, also, all our Treaties with foreign governments and with the Indian tribes. And you have furnished it, still further, with copious references to the Decisions of the Federal Courts, and with an ample and elaborate Index. There would thus seem nothing left to be desired for the completeness of our National Code.

"I say nothing of the typographical execution of the volumes, or of the moderate price at which you propose to supply them. These matters will speak for themselves, and will combine with the other considerations which I have suggested in securing for your work the patronage it deserves. It will afford additional satisfaction to purchasers, to know that you intend to publish an annual supplement, containing the laws which may be passed by Congress from year to year, and conforming in all respects to the body of the work.

"Wishing you all success in your undertaking,

"I am,

"Very respectfully,

"Your obedient servant,

"ROBERT C. WINTHROP.

"Messrs. LITTLE AND BROWN."

Letter from the Hon. Rufus Choate, of Massachusetts.

“BOSTON, 1 December, 1845.

“GENTLEMEN :

“I have examined, with some attention, the first three volumes of your new edition of the Laws and Treaties of the United States. Judging from so ample a specimen of the whole work, I can have no doubt that it will be at once, and universally, and permanently, approved by the profession of law, and the country, and answer all the expectations which induced Congress to encourage and adopt it in advance. Completed as it is begun, it will contain the entire series of General and Private Laws and Resolves, obsolete or in force, chronologically arranged; all Treaties with foreign nations or Indian tribes, in the same arrangement; the Articles of Confederation and the Constitution; references, in proper places, to the decisions of all the Federal Courts applicable to any law, resolve, or treaty; and references, also, in proper places, to other laws, resolves, or treaties, upon the same subjects with those in the text. The whole succession of laws is most conveniently distributed into statutes and chapters, with a running title at the head of each page, expressing the session of Congress, and the date and chapter of each law or resolve which is contained on the page, with a full alphabetical verbal general Index of matters, and a separate Index to each volume.

“It adds, I think, greatly to the value of this edition, that you have caused every law, resolve, and treaty, to be carefully collated with the originals in the Department of State. It is thus rendered, in the most absolute sense, a standard and authoritative work; and, published as it is under the sanction of Congress, and in obedience to a general professional and public demand, it cannot fail to supersede all other editions.

“I am

“Your obedient servant,

“RUFUS CHOATE.

“Messrs. LITTLE AND BROWN.”

PREFACE.

THE edition of the Statutes of the United States now presented to the public comprehends all the Public Acts passed since the organization of the government, preceded by the Declaration of Independence, the Articles of Confederation, and the Constitution of the United States; in one volume, the Private Acts; and in one volume, the Treaties of the United States with Foreign Nations and with the Indian tribes, which compose the whole diplomatic collection.

Copious notes of the Decisions of the courts of the United States, which construe, comment upon, or apply to the law, treaty, or text, and upon the subjects of the laws, which have come under the consideration of the courts, are placed under the acts.

On the margin, or at the foot of the page containing each law, there is a reference to the acts passed before or after the law on the same matter. The repeal of every law, and its having become obsolete, are also noted. In Notes, the whole legislation on many of the subjects of the laws is fully referred to.

The laws are divided so as to comprehend the acts of every session of Congress as a separate statute, designated as the First, Second, or Third statute; with a running title at the head of each page expressing the session of Congress and the date of each chapter or resolve, contained in the page; and each law forms a separate chapter.

It will be seen that the acts are inserted in chronological order, but the numbers of the chapters are not consecutive. It was the purpose of the editor to adopt a different arrangement of the chapters, but the Attorney-General of the United States has decided that the "Joint Resolution" imposes the manner of chaptering which has been pursued. The numbers of the chapters of the Private Acts, are those of the omitted chapters in the volumes of the public laws.

Every volume contains a separate alphabetical index of the matters in the volume, in which particular reference is given to the subject of every act; and at the end of the last volume of the Public Laws there is an Index of all the matters in the volumes of the Public Laws. The volume of Private Laws contains an index to their contents; and to the volume containing the Treaties a full and particular index is given, in such a form as that an easy reference is obtained to every provision in every treaty.

A complete list of all the acts, resolves, and treaties, in every volume, is given, chronologically arranged, with a brief and general description of the subject of every act.

Tables of the laws chronologically arranged, relating to the Judiciary, Imposts and Tonnage, the Public Lands, &c., are prefixed to the last volume of the Public Laws. By these tables the whole legislation on the subjects of those laws may be readily referred to. The facilities thus afforded for such reference will give to this work the advantages of separate selections of the laws upon these matters.

This work is stereotyped. Every effort has been made to make this edition a correct transcript of the laws as they are recorded at Washington. By a contract with the government of the United States, the plates from which the work is printed belong to the government, to the extent set forth in the Joint Resolution of March 3, 1845; thus securing to the United States the use of the plates, to the end of time; so that all future editions of the statutes and treaties may be printed in the same manner. The work will thus become, for all purposes, the PERMANENT NATIONAL EDITION OF THE LAWS OF THE UNITED STATES; and all future statutes and treaties may be printed in the same form, and become consecutive volumes of the NATIONAL CODE.

The plan of this work has been submitted to distinguished judicial and professional gentlemen in the United States; their advice sought, and followed in maturing and perfecting the designs of the publication, and their opinions solicited on the usefulness and value of the work, and on the necessity for its completion. The letters, in reply to communications from the editor, give assurances of its favourable reception by the public.

It is earnestly hoped that this work will be found acceptable to all whose official situations and professional duties oblige them to administer and consult the laws of the United States. The Government of the United States having sanctioned by its liberal patronage this publication, it is confidently believed, that a full and complete knowledge of the statutes and treaties of the United States, and of the decisions of the courts of the United States, construing the laws, and the subjects to which they relate—the administration of public justice—and public and private convenience, will be extensively promoted, and permanently secured by this work.

EXTRACTS

FROM

LETTERS ADDRESSED TO THE EDITOR.

Letter from Mr. Justice Story, of the Supreme Court of the United States.

“WASHINGTON, January 29, 1844.

“DEAR SIR: I wrote you a considerable time ago my views as to the plan upon which an edition of the Laws of the United States, to be worthy of the nation, should be executed. I have since read your printed programme; and I perceive that you have adopted in it all the suggestions which I ventured to make. If an edition such as you propose should be published, it would, in my judgment, supersede all others, and be of great permanent benefit, not only to the profession, but to Congress and to the whole country. Indeed, I cannot but consider it as of such vital importance as to be, in a just sense, of urgent necessity. The editions now in use and circulation are, either from defect of plan or execution, or the constant accumulation of new laws, inadequate to the public wants.

“I earnestly hope that Congress may by its patronage enable the enterprising booksellers, with the aid of your known abilities, to accomplish this most desirable undertaking, and thus present our statutes at large in a form which shall be worthy of our national character.”

Extracts from letters from Mr. Chief Justice Taney, dated January 21 and 24, 1844.

“The publication of the Laws of the United States upon the plan proposed is certainly very desirable, and will be of great public value. Can you afford to undertake it without the patronage of the General Government? Upon that subject you can judge better than I can. The publication you propose seems to me to be peculiarly entitled to the support of Congress. At all events, however, I hope you will find encouragement enough to induce you to go on with your plan.”

“As you will have seen from my former letter, I had hardly any thing to offer, more than to express my conviction of the value and importance of the work, and my confidence in any plan proposed by Judge Story, whose long experience in matters of that kind has given him the best opportunities of forming a correct judgment.”

Letter from the Hon. Judge McKinley, Supreme Court.

“WASHINGTON, January 17, 1844.

“DEAR SIR: The edition of the Statute Laws of the United States which you propose to publish will, in my opinion, be very useful to the profession and to the country generally; and the plan you have adopted will enable the reader to ascertain, with very little labour, what the statute law is, although there may be several statutes on the same subject passed at different and distant periods of time. Such a work is greatly needed at present, and I hope, sir, your success will be such as the enterprise deserves.”

Letter from Chancellor Kent.

NEW YORK, November 30, 1843.

“MY DEAR SIR: I am very much pleased with your plan of a new edition of the Statutes of the United States at large. It is excellent and most comprehensive, and will require time and labour; and if your health, leisure, and perseverance will enable you to complete it, you will confer a signal benefit on the nation, and a lasting honour to its legislative character. Such a work is exceedingly wanted, and deserves the most liberal public patronage. The aid of Judge Story, which you say is generously assured, will facilitate your labours, and add to the editorial and national character of the work the highest sanction.”

LETTERS TO THE EDITOR.

Letter from the Hon. John Nelson, Attorney General of the United States.

“WASHINGTON, November 22, 1843.

“MY DEAR SIR: My absence will plead my apology for this delay in expressing to you my cordial approbation of your plan for the publication of the Laws of the United States. I have no suggestions to add to those furnished by Mr. Justice Story.

“Of the *importance* of the proposed work, all who have occasion to consult the public laws must be aware; of its *necessity*, those who are charged with the performance of public duties are daily made conscious; and I regard it as matter of just congratulation, that it is to be undertaken by one upon whose professional intelligence and enlarged experience the public may so confidently rely.”

Letter from the Hon. Martin Van Buren.

“LINDENWALD, December 16, 1843.

“DEAR SIR: I have, at your request, examined the plan of your proposed edition of the Laws of the United States, and think it a very excellent one.

“Sincerely wishing you success in your undertaking, I am,” &c.

Letter from the Hon. A. Ware, District Judge of Maine.

“PORTLAND, December 12, 1843.

“DEAR SIR: I am glad to learn from you that you propose to publish a new edition of the Statutes of the United States at large. It has now become difficult to obtain a complete copy of all the laws passed from the commencement of the Government; and although Story’s edition of the laws, now in common use, is the most convenient for ordinary purposes, yet it is sometimes necessary to recur to obsolete laws, not included in that edition. It is very important that the whole series of laws, from the commencement of the government, shall be preserved in a permanent form. You propose to give a complete edition, with references to the jurisprudence of the courts, which will add much to its value. It is an enterprise well worthy of the patronage of the public, and especially of the government.”

Letter from the Hon. Judge McLean, Supreme Court United States.

“WASHINGTON, January 20, 1844.

“DEAR SIR: I have read your proposals to publish ‘the Statutes of the United States at large’ with much interest. The arrangement, I think, is excellent, and the annexation of notes at the foot of each page, showing the construction of the statutes by the federal courts, will add much to the value of the work. This enterprise will be attended with great expense; but the great ability of the work, and an increasing demand for it, will, I trust, in a short time reimburse your expenditures. The work, as you well remark, will be national, and I hope it will receive, as it well deserves, the patronage of the legal profession and of the constituted authorities of the country.”

Letter from the Hon. William Crawford, District Judge of the United States for the District of Alabama.

“MOBILE, January 4, 1844.

“DEAR SIR: I have examined your plan for the publication of ‘the Statutes of the United States at large,’ and am satisfied that the plan is judicious, and that the work is much needed. The chronological order in which the laws will be arranged, and your foot and marginal notes, will enable any person desirous to know what the law is at the present day readily to obtain that information.

“The work, in my opinion, merits the patronage of the public; and, as it will be a highly useful work, I cannot doubt that it will be liberally afforded.”

Letter from the Hon. Judge Sprague, District Judge of Massachusetts.

“BOSTON, December 4, 1843.

“MY DEAR SIR: I have examined your plan for an edition of the Statutes of the United States at large, and it meets my cordial approbation.

“Such a work is very much needed, and must be of great utility to all who may have occasion to investigate the laws of the United States.”

Letter from the Hon. Henry Clay.

“ASHLAND, December 4, 1843.

“MY DEAR SIR: I have received your favour, transmitting to me a programme of a complete edition of the laws of the United States, which you propose to collect and publish, and to stereotype. I believe the wants of the community, of the courts, and of the bar, require such a work; and the plan of executing it which you propose can have no higher recommendation than that which Judge Story has given it. I would add my individual wish that your index may be as full and perfect as that which is contained in the judge's edition of the Statutes.”

Letter from the Hon. John Kennedy, of the Supreme Court of Pennsylvania.

“PHILADELPHIA, December 14, 1843.

“DEAR SIR: Having looked over your prospectus of a publication of the Statutes of the United States at large, I feel myself bound to say that the plan, as it strikes me, is admirably well adapted to meet every reasonable wish that either individuals or the public could have on the subject. I cannot but express my full and entire approbation of it; and permit me also to add, that I have the most full and entire confidence that the execution of the work in your hands will be at least equal to all that is promised. It is certainly a work of considerable magnitude, and will be attended with a vast expense as well as labour on your part; and as the advantage to be derived from it will be immensely important and valuable, I therefore hope that you will not only be indemnified, but liberally rewarded by the patronage of a generous public.”

Letter from the Hon. Thomas Sergeant, of the Supreme Court of Pennsylvania.

“PHILADELPHIA, December 7, 1843.

“DEAR SIR: The plan of publishing the Statutes of the United States, contained in the proposals enclosed in your letter, I should think the best that can be suggested for such a work, considering it in reference either to present use or permanent preservation; and I do not doubt but that your well known professional talents and long experience in judicial publications will ensure to it that accuracy in editing and excellence in printing which a work of this character requires.”

Letter from the Hon. Mollon C. Rogers, of the Supreme Court of Pennsylvania.

“DEAR SIR: I am pleased to learn that you propose to publish an edition of the Laws of the United States, on a plan which cannot fail to be useful. I have read your prospectus with attention, and if carried out as you design, and of that I can entertain no doubt, it will meet the patronage of the profession and of Congress, who will lend their efficient aid and countenance to a work which will most materially contribute to a knowledge of the laws of the Union, so indispensable to the citizens of the United States.”

Letter from the Hon. Samuel R. Betts, District Judge of the Eastern District of New York.

“NEW YORK, December 5, 1843.

“SIR: I received your favour of the 30th ultimo, enclosing a prospectus of an edition of the Laws of the United States. I sincerely hope the project may be carried into execution, and that so important a work may secure you an adequate remuneration.

“I think a reprint of the statutes in full decidedly to be preferred to any other mode of publication. Abridgments, or mere indexes, are convenient for hasty consultation, but the entire act must be examined before its spirit or parts can be justly appreciated.

“The arrangement of the acts, with a view to present in connection those relating to the same subjects, has advantages; yet, in investigating a point, the apprehension that something has been omitted will necessarily lead to searches through the entire series of legislation, notwithstanding such juxtaposition of particular statutes, by a compiler or editor of the highest learning and reputation.

“I am persuaded it is the safest and more satisfactory course to publish the laws in the order of their passage. That is not unfrequently an essential element to their proper interpretation. Until they are codified or remodelled by the legislature, I believe they can be furnished in no form so useful as in the order of their enactment.”

LETTERS TO THE EDITOR.

Letter from the Hon. Matthew Harvey, District Judge of the United States for New Hampshire.

“HOPKINTON, December 16, 1843.

“DEAR SIR:—I have examined a prospectus of an edition of the Laws of the United States, which you propose to publish, and I think it must meet the entire approbation of every one who feels the least interest in a work of this kind. The labour which would be saved by it to all executive and judicial officers, as well as to gentlemen of the legal profession, and members of Congress, is beyond calculation.

“There are few persons, I imagine, whose duty has required them to make frequent references to the Laws of the United States, who have not been embarrassed and confused, if not sometimes perplexed, from causes which would be entirely removed by this work.

“No one, who will compare for a moment the vast superiority of this over any arrangement or edition of the laws we have ever had, can doubt its necessity, its value, and great public importance.

“In my estimation, the work has a claim upon all patronage, both public and private. It should become a national work.”

Letter from the Hon. Samson Mason, of Ohio.

“SPRINGFIELD, December 12, 1843.

“MY DEAR SIR: I have examined the plan on which you propose to publish the Statutes of the United States at large; and if executed, as I doubt not it will be, in conformity with the principles you have laid down, the work could not fail to be eminently useful, and greatly superior, in my judgment, to any of the kind heretofore attempted. It would well deserve, as I hope it would receive, the patronage of both government and people. The want of such a work is, I am sure, extensively felt.”

Letter from David B. Ogden, Esq., New York.

“NEW YORK, December 1, 1843.

“MY DEAR SIR: I have received your letter of the 27th of November, enclosing your prospectus for the publication of an edition of the Statutes of the United States. I have no hesitation in saying, that in my opinion the publication of the statutes upon the plan proposed by you will be one of great use to gentlemen of the bar, upon investigations into the laws of the United States, which must be much facilitated by it.”

Letter from the Hon. A. Conkling, District Judge of the United States for the Western District of New York.

“MELROSE, NEAR AUBURN, December 6, 1843.

“SIR: Your letter, enclosing your prospectus of an edition of the Laws of the United States, was received two days ago. The plan of the proposed work, as stated in the prospectus, appears to me excellent; and I have no doubt that the work, if well executed and correctly printed, will be highly useful.”

Letter from the Hon. John M. Clayton, of Delaware.

“NEWCASTLE, December 5, 1843.

“DEAR SIR: I have read with great pleasure your proposal to publish an edition of the Statutes at large of the United States. This is, indeed, a *desideratum*. Every public man now feels the want of such a work. The plan is excellent, and the undertaking richly merits national patronage.”

Letter from the Hon. J. L. Pettigru, of South Carolina.

“MILLEDGEVILLE, December 9, 1843.

“DEAR SIR: Your favour of 27th of November has been forwarded to me at this place.

“It gives me pleasure to see that you propose to publish a new edition of the Statutes of the United States. Such a work is called for by the accumulation of new enactments since the last edition was put out, under the auspices of Judge Story; and the improvements which you propose upon the plan of former editions will give to a new edition great additional value.

“Your plan appears to me most judiciously arranged; and such a work as you propose, executed with the advantages of your experience, will speedily supersede any existing compilation of the acts of Congress. It is to be hoped that a work of such obvious utility will not languish for the want of public patronage.”

Letter from Henry D. Gilpin, Esq., of Pennsylvania, late Attorney General.

“PHILADELPHIA, December 6, 1843.

“DEAR SIR: I have read your plan for publishing the Statutes of the United States at large. I am extremely glad that you have undertaken this most useful and necessary work. No person who has had frequent occasion to examine and compare the various enactments of Congress will hesitate to say that such a publication has become indispensable. The plan you have selected seems to me to be such as will give the work very great value, both for authority and reference.”

Letter from B. F. Butler, Esq., late Attorney General.

“NEW YORK, January 5, 1844.

“DEAR SIR: I thank you for your prospectus of your proposed edition of the Statutes of the United States at large. Such a work is much needed by all judicial and other officers connected with the Federal Government, by many of the functionaries under the State Governments, and by the legal profession generally. Your plan appears to me to contain all the requisites of such a publication, and, if executed in the manner and published in the form proposed, will deserve, and I trust receive, the patronage of the government as well as of the public.”

Letter from Judges Pettit and Jones, Judges of the District Court of Philadelphia County.

“PHILADELPHIA, December 8, 1843.

“DEAR SIR: We have read the prospectus of your permanent and complete edition of the Laws of the United States. The plan seems to be well conceived and judiciously marked out, and, if successfully executed, cannot fail to produce a most valuable edition of our national statutes at large, arranged chronologically.

“The foot notes and marginal references, with a view to accurate historical search concerning the legislation of Congress, constitute an important feature of the design, and will require industry, and tact, and experience, which we know you to possess.”

Letter from William M. Meredith, Esq., of Philadelphia.

“PHILADELPHIA, December 18, 1843.

“MY DEAR SIR: I have read the prospectus of the Statutes of the United States at large, which you were good enough to send me, and am glad to find you have undertaken a work, which, edited with your acknowledged ability, must be highly useful. The best existing editions of the acts of Congress are on plans the defects of which are very obvious, and will be fully supplied in your publication.”

Letter from William B. Reed, Esq., of Philadelphia.

“PHILADELPHIA, December 11, 1843.

“DEAR SIR: I thank you for the prospectus of the Statutes at large. It seems to me that such an undertaking will command not only the professional approbation which you desire, but, what is at least of equal value, that of the student of the political and social history of the country. The legislation of Congress, whether it be obsolete or temporary in its character, or even expressly abrogated, is an important part of the history of the country.”

Letter from Daniel Lord, Jr., Esq., New York.

“NEW YORK, November 30, 1843.

“DEAR SIR: I have your prospectus of an edition of the Laws. I know of no work more called for. Judge Story's edition of the Laws is now the only one accessible to the profession, and may perhaps suffice for the text of public acts. But, in the matter of the private acts, no access can be had except to the originally published acts, which are not to be found except as rarities. The courts, too, in their reference to the citation of the United States laws, sometimes refer to the act by its date and title, and sometimes to the session pamphlet, sometimes to volumes accidentally bound up, and sometimes to Judge Story's. The citations by counsel are equally various, and great difficulty and confusion result.

“The annotations, giving a history of the laws, and a series of the adjudications upon them, seem to me a matter of so great convenience as almost to amount to a necessity.

“Your whole enterprise seems to me to be called for by the greatest need, and to be one really of national benefit. I hope it will receive every public and private patronage.”

LETTERS TO THE EDITOR.

Letter from Henry M. Watts, Esq., District Attorney of the United States.

“PHILADELPHIA, December 8, 1843.

“MY DEAR SIR: I have examined carefully the prospectus of the work you propose to publish, and am happy to find there is some one of sufficient capacity to undertake so useful and herculean a task.

“A complete edition of the Articles of Confederation, the Constitution of the United States, and the Statutes of the United States, since the organization of the government, in the style, mode, and with the notes and appendix you contemplate, will undoubtedly be a most valuable acquisition, not only to Congress, the public officers, the judiciary, and the bar, but to the whole community.”

Letter from Thomas Ewing, Esq., of Ohio.

“WASHINGTON, January 27, 1844.

“DEAR SIR: I have examined your prospectus for the publication of the Laws of the United States, with notes and references, and approve of your plan entirely.

“Such a publication is much needed by the legal profession, and I am satisfied that you will execute it with care and fidelity.”

Letter from the Hon. Joseph L. Tillinghast, of Rhode Island.

“MY DEAR SIR: I had the pleasure, this morning, to receive your letter, with a prospectus of your intended publication of an edition of the Laws of the United States.

“Such a work must prove highly acceptable, not only to the National and State Legislatures, the tribunals of justice, and the profession, but to the great numbers of the community who have occasion at times to look at the laws of the Union, and who are now obliged to expend much time and toil in looking for them.

“There are by no means a sufficient number of copies in the Library of Congress for the accommodation of the members.

“The subject of a new edition was before the Joint Library Committee of Congress at several times and on several suggestions, while I had the honour of being a member of the committee. All concurred in the necessity of the work; but differences of opinion existed as to the plan, and as to the auspices or direction under which it should be accomplished.

“I have looked carefully at the plan detailed in your prospectus; and as to all that relates to the matter to be comprised, and the arrangement and designation of that matter, I do not believe a better could be adopted.”

Letter from the Hon. Isaac H. Bronson, Judge of the Supreme Court of Florida.

“NEWMANSVILLE, EAST FLORIDA, December 20, 1843.

“MY DEAR SIR: I have examined your notice or plan of this new work with much satisfaction. Such a work is much needed, and I think cannot fail to meet with the ready approbation of the bench and the bar throughout the country, as well as all public men or officers in any way connected with the execution or administration of the laws of the United States.

“The plan of the work seems to be calculated to render it very perfect.”

Letter from the Hon. Andrew T. Judson, District Judge of Connecticut.

“CANTERBURY, CONNECTICUT, March 4, 1844.

“I have received and examined with care your prospectus of a work entitled ‘the Statutes of the United States at large,’ and permit me to say, that a work of that description is very much needed. If executed in the manner you propose, a great favour will be conferred on the public, and I have no doubt it will be universally acknowledged. Its convenience and benefit will be incalculable to the *profession*.

“I hope you will not only be encouraged to progress with the work, but find from all quarters an ample reward.”

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THE
DECLARATION OF INDEPENDENCE.

IN CONGRESS, JULY 4, 1776.

THE UNANIMOUS DECLARATION OF THE THIRTEEN
UNITED STATES OF AMERICA.

July 4, 1776.

WHEN, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident: that all men are created equal; that they are endowed, by their Creator, with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established, should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their former systems of government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world.

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature; a right inestimable to them, and formidable to tyrants only. He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

THE DECLARATION OF INDEPENDENCE.

July 4, 1776.

He has dissolved representative houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the state remaining, in the mean time, exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these States; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers, to harass our people, and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of, and superior to the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us;

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States;

For cutting off our trade with all parts of the world;

For imposing taxes on us without our consent;

For depriving us, in many cases, of the benefits of trial by jury;

For transporting us beyond seas to be tried for pretended offences;

For abolishing the free system of English laws in a neighbouring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies;

For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments;

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun with circumstances of cruelty and perfidy, scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms. Our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

July 4, 1776.

Nor have we been wanting in attentions to our British brethren. We have warned them, from time to time, of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connexions and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace friends.

We, therefore, the representatives of the UNITED STATES OF AMERICA, in General Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name, and by authority of the good people of these colonies, solemnly publish and declare, That these United Colonies are, and of right ought to be, FREE and INDEPENDENT STATES; that they are absolved from all allegiance to the British crown, and that all political connexion between them and the state of Great Britain is, and ought to be, totally dissolved; and that, as FREE and INDEPENDENT STATES, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which INDEPENDENT STATES may of right do. And for the support of this Declaration, with a firm reliance on the protection of DIVINE PROVIDENCE, we mutually pledge to each other our lives, our fortunes, and our sacred honour.

JOHN HANCOCK.

New Hampshire.—Josiah Bartlett, William Whipple, Matthew Thornton.

Massachusetts Bay.—Samuel Adams, John Adams, Robert Treat Paine, Elbridge Gerry.

Rhode Island, &c.—Stephen Hopkins, William Ellery.

Connecticut.—Roger Sherman, Samuel Huntington, William Williams, Oliver Wolcott.

New York.—William Floyd, Philip Livingston, Francis Lewis, Lewis Morris.

New Jersey.—Richard Stockton, John Witherspoon, Francis Hopkinson, John Hart, Abraham Clark.

Pennsylvania.—Robert Morris, Benjamin Rush, Benjamin Franklin, John Morton, George Clymer, James Smith, George Taylor, James Wilson, George Ross.

Delaware.—Cæsar Rodney, George Read, Thomas M'Kean.

Maryland.—Samuel Chase, William Paca, Thomas Stone, Charles Carroll of Carrollton.

Virginia.—George Wythe, Richard Henry Lee, Thomas Jefferson, Benjamin Harrison, Thomas Nelson, Jun., Francis Lightfoot Lee, Carter Braxton.

North Carolina.—William Hooper, Joseph Hewes, John Penn.

South Carolina.—Edward Rutledge, Thomas Hayward, Jun., Thomas Lynch, Jun., Arthur Middleton.

Georgia.—Button Gwinnett, Lyman Hall, George Walton.

ARTICLES OF CONFEDERATION.

To all to whom these presents shall come,

We, the undersigned, Delegates of the States affixed to our names, send greeting :

Whereas the Delegates of the United States of America in Congress assembled, did on the fifteenth day of November, in the year of our Lord one thousand seven hundred and seventy-seven, and in the second year of the Independence of America, agree to certain Articles of Confederation and Perpetual Union between the states of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, in the words following, viz.

ARTICLES OF CONFEDERATION AND PERPETUAL UNION,
between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

July 9, 1778.

ARTICLE 1. The style of this confederacy shall be, "THE UNITED STATES OF AMERICA."

ART. 2. Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this confederation, expressly delegated to the United States, in Congress assembled.

ART. 3. The said States hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

ART. 4. § 1. The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall have free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions, as the inhabitants thereof respectively; provided that such restrictions shall not extend so far as to prevent the removal of property imported into any State, to any other State, of which the owner is an inhabitant; provided also, that no imposition, duties, or restriction, shall be laid by any State on the property of the United States, or either of them.

§ 2. If any person guilty of, or charged with, treason, felony, or other high misdemeanor in any State, shall flee from justice, and be found in any of the United States, he shall, upon demand of the governor or executive power of the State from which he fled, be delivered up, and removed to the State having jurisdiction of his offence.

§ 3. Full faith and credit shall be given, in each of these States, to the records, acts, and judicial proceedings of the courts and magistrates of every other State.

ART. 5. § 1. For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislature of each State shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the year.

July 9, 1778.

§ 2. No State shall be represented in Congress by less than two, nor by more than seven members; and no person shall be capable of being a delegate for more than three years, in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or another for his benefit, receives any salary, fees, or emolument of any kind.

§ 3. Each State shall maintain its own delegates in a meeting of the States, and while they act as members of the committee of these States.

§ 4. In determining questions in the United States in Congress assembled, each State shall have one vote.

§ 5. Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress; and the members of Congress shall be protected in their persons from arrests and imprisonments during the time of their going to and from, and attendance on, Congress, except for treason, felony or breach of the peace.

ART. 6. § 1. No State, without the consent of the United States, in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty, with any king, prince or State; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign State; nor shall the United States, in Congress assembled, or any of them, grant any title of nobility.

§ 2. No two or more States shall enter into any treaty, confederation, or alliance whatever, between them, without the consent of the United States, in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

§ 3. No State shall lay any imposts or duties which may interfere with any stipulations in treaties, entered into by the United States, in Congress assembled, with any king, prince, or State, in pursuance of any treaties already proposed by Congress to the courts of France and Spain.

§ 4. No vessels of war shall be kept up in time of peace, by any State, except such number only as shall be deemed necessary by the United States, in Congress assembled, for the defence of such State, or its trade; nor shall any body of forces be kept up, by any State, in time of peace, except such number only as, in the judgment of the United States, in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such State; but every State shall always keep up a well-regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use, in public stores, a due number of field-pieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

§ 5. No State shall engage in any war without the consent of the United States, in Congress assembled, unless such State be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such State, and the danger is so imminent as not to admit of a delay till the United States, in Congress assembled, can be consulted; nor shall any State grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States, in Congress assembled, and then only against the kingdom or State, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States, in Congress assembled, unless such State be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States, in Congress assembled, shall determine otherwise.

July 9, 1778.

ART. 7. When land forces are raised by any State, for the common defence; all officers of, or under the rank of colonel, shall be appointed by the legislature of each State respectively by whom such forces shall be raised, or in such manner as such State shall direct, and all vacancies shall be filled up by the State which first made the appointment.

ART. 8. All charges of war, and all other expenses that shall be incurred for the common defence or general welfare, and allowed by the United States, in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States, in proportion to the value of all land within each State, granted to, or surveyed for, any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States, in Congress assembled, shall, from time to time, direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several States, within the time agreed upon by the United States, in Congress assembled.

ART. 9. § 1. The United States, in Congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth Article, of sending and receiving ambassadors; entering into treaties and alliances, provided that no treaty of commerce shall be made, whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever; of establishing rules for deciding, in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States, shall be divided or appropriated; of granting letters of marque and reprisal in times of peace; appointing courts for the trial of piracies and felonies committed on the high seas; and establishing courts for receiving and determining finally appeals in all cases of captures; provided that no member of Congress shall be appointed a judge of any of the said courts.

§ 2. The United States, in Congress assembled, shall also be the last resort on appeal, in all disputes and differences now subsisting, or that hereafter may arise between two or more States concerning boundary, jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following: Whenever the legislative or executive authority, or lawful agent of any State in controversy with another, shall present a petition to Congress, stating the matter in question, and praying for a hearing, notice thereof shall be given, by order of Congress, to the legislative or executive authority of the other State in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question; but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven, nor more than nine names, as Congress shall direct, shall, in the presence of Congress, be drawn out by lot; and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges, who shall hear the cause, shall agree in the determination; and if either party shall neglect to attend at the day appointed, without showing reasons which Congress shall judge sufficient, or being present, shall refuse to strike, the Congress shall proceed to nominate three persons out of each State, and the secretary of Congress shall strike in behalf of such party absent

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or refusing; and the judgment and sentence of the court, to be appointed in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence, or judgment, which shall in like manner be final and decisive; the judgment or sentence and other proceedings being in either case transmitted to Congress, and lodged among the acts of Congress, for the security of the parties concerned; provided, that every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the supreme or superior court of the State where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favour, affection, or hope of reward." Provided, also, that no State shall be deprived of territory for the benefit of the United States.

§ 3. All controversies concerning the private right of soil claimed under different grants of two or more States, whose jurisdictions, as they may respect such lands, and the States which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the Congress of the United States, be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different States.

§ 4. The United States, in Congress assembled, shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective States; fixing the standard of weights and measures throughout the United States; regulating the trade and managing all affairs with the Indians, not members of any of the States; provided that the legislative right of any State, within its own limits, be not infringed or violated; establishing and regulating post offices from one State to another, throughout all the United States, and exacting such postage on the papers passing through the same, as may be requisite to defray the expenses of the said office; appointing all officers of the land forces in the service of the United States, excepting regimental officers; appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States; making rules for the government and regulation of the said land and naval forces, and directing their operations.

§ 5. The United States, in Congress assembled, shall have authority to appoint a committee, to sit in the recess of Congress, to be denominated, "*A Committee of the States*," and to consist of one delegate from each State; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction; to appoint one of their number to preside; provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses; to borrow money or emit bills on the credit of the United States, transmitting every half year to the respective States an account of the sums of money so borrowed or emitted; to build and equip a navy; to agree upon the number of land forces, and to make requisitions from each State for its quota, in proportion to the number of white inhabitants in such State, which requisition shall be binding; and thereupon the Legislature of each State shall appoint the regimental officers, raise the men, and clothe, arm, and equip them, in a soldier-like manner, at the expense of the United States; and the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within

THE ARTICLES OF CONFEDERATION.

July 9, 1778.

the time agreed on by the United States, in Congress assembled; but if the United States, in Congress assembled, shall, on consideration of circumstances, judge proper that any State should not raise men, or should raise a smaller number than its quota, and that any other State should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed, and equipped in the same manner as the quota of such State, unless the Legislature of such State shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, clothe, arm, and equip, as many of such extra number as they judge can be safely spared, and the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the United States in Congress assembled.

§ 6. The United States, in Congress assembled, shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defence and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander-in-chief of the army or navy, unless nine States assent to the same, nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States in Congress assembled.

§ 7. The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances, or military operations, as in their judgment require secrecy; and the yeas and nays of the delegates of each State, on any question, shall be entered on the journal, when it is desired by any delegate; and the delegates of a State, or any of them, at his or their request, shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the legislatures of the several States.

ART. 10. The committee of the States, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States, in Congress assembled, by the consent of nine States, shall, from time to time, think expedient to vest them with; provided that no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of nine States, in the Congress of the United States assembled, is requisite.

ART. 11. Canada acceding to this confederation, and joining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this Union: but no other colony shall be admitted into the same, unless such admission be agreed to by nine States.

ART. 12. All bills of credit emitted, moneys borrowed, and debts contracted by or under the authority of Congress, before the assembling of the United States, in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States and the public faith are hereby solemnly pledged.

ART. 13. Every State shall abide by the determinations of the United States, in Congress assembled, on all questions which by this confederation are submitted to them. And the articles of this confederation shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a Congress of the

United States, and be afterwards confirmed by the legislatures of every State.

July 9, 1788.

And whereas it hath pleased the great Governor of the world to incline the hearts of the legislatures we respectively represent in Congress, to approve of, and to authorize us to ratify the said articles of confederation and perpetual union, Know ye, that we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do, by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said articles of confederation and perpetual union, and all and singular the matters and things therein contained. And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States, in Congress assembled, on all questions which by the said confederation are submitted to them; and that the articles thereof shall be inviolably observed by the States we respectively represent, and that the Union shall be perpetual. In witness whereof, we have hereunto set our hands, in Congress.

Done at Philadelphia, in the State of Pennsylvania, the 9th day of July, in the year of our Lord 1778, and in the third year of the Independence of America.

On the part and behalf of the State of New Hampshire.—Josiah Bartlett, John Wentworth, Jun. (August 8, 1778.)

On the part and behalf of the State of Massachusetts Bay.—John Hancock, Samuel Adams, Elbridge Gerry, Francis Dana, James Lovell, Samuel Holten.

On the part and behalf of the State of Rhode Island and Providence Plantations.—William Ellery, Henry Marchant, John Collins.

On the part and behalf of the State of Connecticut.—Roger Sherman, Samuel Huntington, Oliver Wolcott, Titus Hosmer, Andrew Adams.

On the part and behalf of the State of New York.—James Duane, Francis Lewis, William Duer, Gouv. Morris.

On the part and in behalf of the State of New Jersey.—Jno. Witherspoon, Nath. Scudder, (November 26, 1778.)

On the part and behalf of the State of Pennsylvania.—Robert Morris, Daniel Roberdeau, Jona. Bayard Smith, William Clingan, Joseph Reed, (July 22, 1778.)

On the part and behalf of the State of Delaware.—Thomas M'Kean, (February 12, 1779,) John Dickinson, (May 5, 1779,) Nicholas Van Dyke.

On the part and behalf of the State of Maryland.—John Hanson, (March 1, 1781,) Daniel Carroll, (March 1, 1781.)

On the part and behalf of the State of Virginia.—Richard Henry Lee, John Banister, Thomas Adams, Jno. Harvie, Francis Lightfoot Lee.

On the part and behalf of the State of North Carolina.—John Penn, (July 21, 1778,) Corns. Harnett, Jno. Williams.

On the part and behalf of the State of South Carolina.—Henry Laurens, William Henry Drayton, Jno. Mathews, Richard Hutson, Thos. Heyward, Jun.

On the part and behalf of the State of Georgia.—Jno. Walton, (July 24, 1778,) Edwd. Telfair, Edward Langworthy.

THE
CONSTITUTION OF THE UNITED STATES.

Purposes for which the Constitution was ordained and established.

Legislative powers vested in Congress.

House of Representatives.

Representatives and direct taxes to be apportioned according to respective numbers.

Census to be taken every ten years.

Representatives in Congress.

WE, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.^(a)

ARTICLE 1. § 1. All legislative powers herein granted, shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.^(b)

§ 2. The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative, and until such enumeration shall be made, the state of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four,

(a) *Martin*, heir at law of *Fairfax*, v. *Hunter's Lessee*, 1 *Wheat*, 304; 3 *Cond. Rep.* 575. *Briscoe et al. v. the Bank of the Commonwealth of Kentucky*, 11 *Peters*, 257. *McCulloch v. The State of Maryland*, 4 *Wheat*, 316; 4 *Cond. Rep.* 466. *Gibbons v. Ogden*, 9 *Wheat*, 1. *Barron v. The Mayor and City Council of Baltimore*, 7 *Peters*, 243. *Marberry v. Madison*, 1 *Cranch*, 237; 1 *Cond. Rep.* 267. *United States v. Smith*, 5 *Wheat*, 153; 4 *Cond. Rep.* 619. *Owing v. Norwood*, 5 *Cranch*, 344; 2 *Cond. Rep.* 275.

(b) The object of the Constitution was to establish three great departments of government: the Legislative, the Executive, and the Judicial departments. The first was to pass laws; the second to approve and execute them; the third to expound and enforce them. *Martin*, heir at law of *Fairfax*, v. *Hunter's Lessee*, 1 *Wheat*, 304; 3 *Cond. Rep.* 575.

The Constitution unavoidably deals in general language. It did not suit the purpose of the people in framing this great charter of our liberties to provide for minute specifications of its powers, or to declare the means by which those powers were to be carried into execution. It was foreseen that that would be a perilous and difficult, if not an impracticable task. The instrument was not intended merely to provide for the exigencies of a few years, but was to endure through a long lapse of ages; the events of which were locked up in the inscrutable purposes of Providence. It could not be foreseen what new changes and modifications of power might be made indispensable to effectuate the general objects of the charter; and restrictions and specifications which at present might seem salutary, might in the end prove the overthrow of the system itself. Hence its powers are expressed in general terms; leaving to the legislature, from time to time, to adopt its own means to effectuate legitimate objects, and to mould and remodel the exercise of its own powers as its own wisdom, and the public interests should require. *Martin*, &c. v. *Hunter*, 1 *Wheat*, 304; 3 *Cond. Rep.* 575.

Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three. (a)

When vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

§ 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.

Immediately after they shall be assembled, in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be president of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and also a president *pro tempore*, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honour, trust or profit, under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law.

§ 4. The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

§ 5. Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent

Vacancies in the representation, how filled.

Speaker and officers of H. R. Impeachment. Senate, how composed. Senators, how chosen.

Each Senator to have one vote. One third of the Senators to be chosen every second year.—Vacancies during recess of the Legislature of a State. How filled.

Qualifications of Senators.

Vice President of U. S. president of Senate.

The Senate to choose their officers. President pro tempore.

The Senate to have the sole power to try impeachments. When the President of U. S. is tried, the Chief Justice shall preside.

Judgment in case of impeachment. Party convicted subject to indictment at law.

Times and places for holding elections. Congress may at any time make or alter regulations made by the States, except as to the places of choosing Senators.

Congress to assemble once a year.

Each House

(a) South Carolina adopted the Constitution by a convention called in November, 1789. Rhode Island, by a convention held in May, 1790, assented to the Constitution. Kentucky was admitted into the Union, June 1, 1792. Vermont was admitted into the Union, March 4, 1791. Tennessee was admitted into the Union, June 1, 1796. Ohio was established as a state of the Union, by act of April 30, 1802. Louisiana was admitted into the Union, April 30, 1812. Indiana was admitted into the Union, December 11, 1816. Mississippi was admitted into the Union, December 10, 1817. Illinois was admitted into the Union, December 3, 1818. Alabama was admitted into the Union, December 14, 1819. Maine was admitted into the Union by an act of Congress, passed March 3, 1820. Missouri was admitted into the Union, March 2, 1821. Arkansas was admitted into the Union, June 15, 1836. Michigan was admitted into the Union, January 26, 1837. North Carolina became a member of the Union, before June 4, 1790. Iowa and Florida were authorized to become states of the Union, by act of March 3, 1845, chap. 48.

to be the judge of the elections, returns, and qualifications of its members. A majority to form a quorum.

Rules of proceeding.

Each House to keep a journal. Yeas and nays.

Adjournments of the Houses of Congress.

Compensation of the Senators and Representatives. Privileged from arrest, with exceptions. Not to be questioned in any other place for any speech or debate in either House.

Appointment to office of Senators or Representatives. No person holding any office under the U. S. to be a member of either House during his continuance in office.

Bills for raising revenue.

Bills, after having passed Congress, to be presented to the President. Proceedings when the President disapproves.

Every order, resolution, or vote, of both Houses (except on a question of adjournment) to be presented to the President of the U. S.

Powers of Congress.

members, in such manner, and under such penalties, as each House may provide.

Each House may determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two thirds, expel a member.

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House on any question, shall, at the desire of one fifth of those present, be entered on the journal.

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

§ 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to, and returning from, the same; and for any speech or debate in either House, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either House during his continuance in office.

§ 7. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days, (Sundays excepted,) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be re-passed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

§ 8. The Congress shall have power(a)

(a) Congress must possess the choice of means, and must be empowered to use any means, which are in fact conducive to the exercise of a power granted by the Constitution. United States v. Fisher, et al.; Assignees of Blight, 2 Cranch's Rep. 353; 1 Cond. Rep. 421.

To lay and collect taxes, duties, imposts and excises, (a) to pay the debts, and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States: (b)

To borrow money on the credit of the United States:

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes: (c)

To establish an uniform rule of naturalization, (d) and uniform laws on the subject of bankruptcies throughout the United States: (e)

To lay taxes, and provide for the common defence and welfare. Duties to be uniform.

To borrow money. To regulate commerce. Naturalization. Bankruptcies.

The powers granted to Congress are not exclusive of similar powers existing in the States, unless where the Constitution has expressly, in terms, given an exclusive power to Congress; or the exercise of a like power is prohibited to the States; or there is a direct repugnancy, or incompatibility in the exercise of it by the States. The example of the first class is to be found in the exclusive legislation delegated to Congress over places purchased by the consent of the legislature of the State in which the same shall be located for forts, arsenals, dock-yards, &c.; of the second class, of the prohibition of a State to coin money, or emit bills of credit; of the third class, the power to establish a uniform rule of naturalization, and the delegation of admiralty and maritime jurisdiction. In all other cases the States retain concurrent authority with Congress. *Houston v. Moore*, 5 Wheat. 1; 4 Cond. Rep. 589.

An act of Congress repugnant to the Constitution cannot become the law of the land. *Marbury v. Madison*, 1 Cranch, 137; 1 Cond. Rep. 267.

The mere grant of power to Congress does not imply a prohibition on the States to exercise the same power. Whenever the terms in which such a power is granted to Congress require that it should be exercised exclusively by Congress, the subject is as completely taken from the State legislatures, as if they had been expressly forbidden to act upon it. *Sturges v. Crowninshield*, 4 Wheat. 122; 4 Cond. Rep. 409.

(a) The power of Congress to levy and collect taxes, duties, imposts, and excises, is co-extensive with the territory of the United States. *Loughborough v. Blake*, 5 Wheat. 317; 4 Cond. Rep. 660.

The power of Congress to exercise exclusive legislation, in all cases whatever, within the District of Columbia, includes the power of taxing it. *Ibid.*

The authority of Congress to lay and collect taxes, does not interfere with the power of the States to tax for the support of their own governments; nor is the exercise of that power by the States, an exercise of any portion of the power that is granted to the United States. *Gibbons v. Ogden*, 9 Wheat. 1; 5 Cond. Rep. 562.

(b) The constitutional provision that direct taxes shall be apportioned among the several States, according to their respective numbers, to be ascertained by a census, was not intended to restrict the power of imposing direct taxes to States only. *Loughborough v. Blake*, 5 Wheat. 317; 4 Cond. Rep. 660.

(c) An act of Congress, laying an embargo for an indefinite period of time, is constitutional and valid. *The United States v. The William*, 2 Hall's Am. Law Jour. 255.

The power of regulating commerce extends to the regulation of navigation. *Gibbons v. Ogden*, 9 Wheat. 1; 5 Cond. Rep. 562.

The power to regulate commerce extends to every species of commercial intercourse between the United States and foreign nations, and among the several States. It does not stop at the external boundary of a State; but it does not extend to a commerce which is completely internal. *Ibid.*

The power to regulate commerce is general, and has no limitations but such as are prescribed by the Constitution itself. This power, so far as it extends, is exclusively vested in Congress, and no part of it can be exercised by a State. *Ibid.*

The power of regulating commerce extends to navigation carried on by vessels employed in transporting passengers. *Ibid.*

All those powers which relate to merely municipal legislation, or which may be properly called internal police, are not surrendered (by the States) or restrained, and consequently in relation to those the authority of a State is complete, unqualified, and exclusive. *The City of N. York v. Miln*, 11 Peters, 102.

The act of the legislature of New York passed February 1824, entitled, "An Act concerning passengers in vessels arriving in the port of New York," is not a regulation of commerce, but of police; and being so, it was passed in the exercise of a power which belonged to that State. *Ibid.*

The power to regulate commerce, includes the power to regulate navigation, as connected with the commerce with foreign nations and among the States. It does not stop at the mere boundary line of a State, nor is it confined to acts done on the waters, or in the necessary course of the navigation thereof. It extends to such acts done on the land, which interfere with, obstruct, or prevent the due exercise of the powers to regulate commerce and navigation with foreign nations, and among the States. Any offence which thus interferes with, obstructs, or prevents such commerce and navigation, though done on land, may be punished by Congress, under its general authority to make all laws necessary and proper to execute their delegated constitutional powers. *The United States v. Lawrence Coombe*, 12 Peters, 72.

Persons are not the subjects of commerce, and not being imported goods, they do not fall within the meaning founded upon the Constitution, of a power given to Congress, to regulate commerce, and the prohibition of the States for imposing a duty on imported goods. *Ibid.*; *Gibbons v. Ogden*, 9 Wheat. 1; 5 Cond. Rep. 562.

(d) Under the Constitution of the United States, the power of naturalization is exclusively in Congress. *Chirac v. Chirac*, 3 Wheat. 259; 4 Cond. Rep. 111; *Houston v. Moore*, 5 Wheat. 1; 4 Cond. Rep. 589.

(e) The powers of Congress to establish uniform laws on the subject of bankruptcy throughout the

To coin money. To fix the standard of weights and measures.

To punish counterfeiters. Post-offices. To promote the progress of science and useful arts.

Inferior tribunals. Piracies on the high seas.

To declare war.

To raise armies.

Navy, &c. Government of the army and navy. Militia.

For the organization, &c. of the militia.

Exclusive Legislation over seat of government of the U. S.

Exclusive authority over places purchased with the consent of States.

To make laws for carrying into execution all powers vested in government of U. S.

Migration or importation of persons.

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures :

To provide for the punishment of counterfeiting the securities and current coin of the United States :

To establish post-offices and post-roads :

To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries :

To constitute tribunals inferior to the Supreme Court :

To define and punish piracies and felonies committed on the high seas, and offences against the law of nations : (a)

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water :

To raise and support armies : but no appropriation of money to that use shall be for a longer term than two years :

To provide and maintain a navy :

To make rules for the government and regulation of the land and naval forces :

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions :

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress. (b)

To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings. And,

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof. (c)

§ 9. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight ; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

United States, does not exclude the right of the States to legislate on the same subject, except when the power is actually exercised by Congress, and the State laws conflict with those of Congress. *Ogden v. Saunders*, 12 Wheat. 213 ; 6 Cond. Rep. 523 ; *Sturges v. Crowninshield*, 4 Wheat. 122 ; 4 Cond. Rep. 409.

Since the adoption of the Constitution of the United States, a state has authority to pass a Bankrupt law, provided such law does not impair the obligation of contracts ; and provided there be no act of Congress in force to establish a uniform system of bankruptcy, conflicting with such law. *Sturges v. Crowninshield*, 4 Wheat. 122 ; 4 Cond. Rep. 409.

(a) The act of the 3d March, 1819, chap. 76, sec. 5, referring to the law of nations for a definition of the crime of piracy, is a constitutional exercise of the power of Congress to define and punish that crime. *United States v. Smith*, 5 Wheat. 153 ; 4 Cond. Rep. 619. See also *United States v. Palmer*, 3 Wheat. 610 ; 4 Cond. Rep. 352.

(b) The act of Congress of Feb. 28, 1795, to provide for the calling out the militia to execute the laws of the Union, suppress insurrections, and repel invasions, is within the constitutional powers of Congress. *Martin v. Mott*, 12 Wheat. 19 ; 6 Cond. Rep. 410.

(c) Congress must possess the choice of means, and must be empowered to use any means which are in fact conducive to the exercise of a power granted by the Constitution. *United States v. Fisher et al.*, 2 Cranch, 358 ; 1 Cond. Rep. 421. *Van Horne's Lessee v. Dorrance*, 2 Dall. 304 ; *Marbury v. Madison*, 1 Cranch, 137 ; 1 Cond. Rep. 267, 268. *The United States v. Bevans*, 3 Wheat. 336 ; 4 Cond. Rep. 275. *McCulloch v. Maryland*, 4 Wheat. 316 ; 4 Cond. Rep. 466. *United States v. Tingley*, 5 Peters, 115. *Anderson v. Dunn*, 6 Wheat. 204. *Dugan v. The United States*, 3 Wheat. 172 ; 4 Cond. Rep. 223. *The Exchange*, 7 Cranch, 116 ; 2 Cond. Rep. 439. *Oshorn v. The Bank of the United States*, 9 Wheat. 738 ; 5 Cond. Rep. 741. *Harrison v. Sterry*, 6 Cranch, 239 ; 2 Cond. Rep. 260. *Postmaster General v. Early*, 12 Wheat. 136 ; 6 Cond. Rep. 480.

The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.(a)

Writ of Habeas Corpus.

No bill of attainder or *ex post facto* law shall be passed.(b)

Bills of attainder, or *ex post facto* laws.

No capitation, or other direct tax, shall be laid, unless in proportion to the *census* or enumeration herein before directed to be taken.

Capitation or other direct tax.

No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State be obliged to enter, clear, or pay duties in another.

No tax or duty on articles exported from any State.

No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No preference to ports of one State over another.

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.

No money drawn from the treasury but by law. Receipts and expenditures published.

No title of nobility to be granted.

§ 10. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts;(c) pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.(d)

Limitation of the powers of the States.

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.(e) No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war, in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

Executive power vested in a President of the U. S. Duration of office.

ART. II. § 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice President, chosen for the same term, be elected as follows :

(a) *Ex parte* Burford, 3 Cranch, 448. *Ex parte* Bollman, 4 Cranch, 75; 2 Cond. Rep. 33. *Ex parte* Kearney, 7 Wheat. 38; 5 Cond. Rep. 225. *Ex parte* Tobias Watkins, 3 Peters, 193. *Ex parte* Milburn, 9 Peters, 704. Martin v. Mott, 12 Wheat. 19; 6 Cond. Rep. 410.

(b) The prohibition of the Federal Constitution of *ex post facto* laws extends to penal statutes only; and does not extend to cases affecting only the civil rights of individuals. *Calder et al. v. Bull*, 3 Dall. 386; 1 Cond. Rep. 172. *Fletcher v. Peck*, 6 Cranch, 87; 2 Cond. Rep. 308. *Ogden v. Saunders*, 12 Wheat. 213; 6 Cond. Rep. 523.

(c) *Briscoe v. The Bank of the Commonwealth of Kentucky*, 11 Peters, 257. *Craig v. The State of Missouri*, 4 Peters, 431. *Sturges v. Crowninshield*, 4 Wheat. 122; 4 Cond. Rep. 409. *Ogden v. Saunders*, 12 Wheat. 213; 6 Cond. Rep. 523. *Cooper v. Telfair*, 4 Dall. 14; 1 Cond. Rep. 211.

(d) If any act of the legislature is repugnant to the Constitution, it is, *ipso facto*, void; and it is the duty of the court so to declare it. *Vanhorne's Lessee v. Dorrance*, 2 Dall. 304.

The Constitution fixes the limits to the exercise of legislative authority, and prescribes the orbit in which it must move. Whatever may be the case in other countries, yet here there can be no doubt that any act of the Legislature repugnant to the Constitution is absolutely void. *Ibid.* *Fletcher v. Peck*, 6 Cranch, 87; 2 Cond. Rep. 308.

The legislature of a state can pass no *ex post facto* law. An *ex post facto* law is one which renders an act punishable, which was not punishable when it was committed. *Ibid.* *Houston v. Moore*, 5 Wheat. 1; 4 Cond. Rep. 589.

The invalidity of a state law, as impairing the obligation of contracts, does not depend on the extent of the change which the law effects in the contract. *Green v. Biddle*, 8 Wheat. 1; 5 Cond. Rep. 369. *Briscoe v. The Bank of the Commonwealth of Kentucky*, 11 Peters, 257. *New Jersey v. Wilson*, 7 Cranch, 164; 2 Cond. Rep. 457. *Terrett v. Taylor*, 9 Cranch, 43; 3 Cond. Rep. 254. *Trustees of Dartmouth College v. Woodward*, 4 Wheat. 518; 4 Cond. Rep. 526. *The Proprietors of the Charles River Bridge v. The Proprietors of the Warren Bridge*, 11 Peters, 420. *Sturges v. Crowninshield*, 4 Wheat. 122; 4 Cond. Rep. 409. *Hawkins v. Barney's Lessee*, 5 Peters, 456. *Mason v. Haile*, 12 Wheat. 370; 6 Cond. Rep. 535. *Farmers' and Mechanics' Bank v. Smith*, 6 Wheat. 131; 5 Cond. Rep. 35. *Satterlee v. Matthewson*, 2 Peters, 380. *Wilkinson v. Leland*, 2 Peters, 627.

(e) *Brown v. The state of Maryland*, 12 Wheat. 419; 6 Cond. Rep. 554.

Manner of
electing Pre-
sident and Vice
President.

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President. (a)

Electors of
President and
Vice President.

Qualifications
of the Presi-
dent.

Vacancy in
the office of
President. How
supplied.

Compensation
for the services
of the Presi-
dent.

Oath of office
of the Presi-
dent.

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed, or a President shall be elected.

The President shall at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation:

"I do solemnly swear, (or affirm,) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

§ 2. The President shall be commander-in-chief of the army and

(a) By an amendment to the Constitution, a substitute for this paragraph was adopted. Amendment, Art. 12, § 1. This amendment was proposed in October 1803, and was ratified before September 1804. See the amendment, *post*.

navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; (a) and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments. (b)

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

§ 3. He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient. He may on extraordinary occasions, convene both Houses, or either of them; and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper. He shall receive ambassadors and other public ministers. He shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

§ 4. The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ART. III. § 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behaviour; and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office. (c)

§ 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the

Powers and duties of the President.

May grant reprieves and pardons.

May make treaties, by and with the advice and consent of the Senate.

Appointments to office.

Vacancies during the recess of the Senate.

Give Congress information of the State of the Union.

Convene Congress on extraordinary occasions. When he may adjourn Congress.

Other powers and duties.

Removals from office by impeachment and conviction of crimes.

Judicial powers.

Judges to hold office during good behaviour.

Compensation not to be diminished during continuance in office.

Extent of judicial power.

(a) The decisions of the Supreme Court of the United States on the powers and duties of the President of the United States have been the following: *Marbury v. Madison*, 1 Cranch, 137; 1 Cond. Rep. 267; 1 Peters, 296; 12 Peters, 524. *Williams v. The Suffolk Ins. Com.*, 13 Peters, 415.

(b) *Am. Ins. Comp. v. Canter*, 1 Peters, 511, 517; with Mr. Justice Johnson's opinion. *Ex parte Duncan N. Hennen*, 13 Peters, 230.

(c) The decisions of the Supreme Court of the United States on the 1st and 2d sections of the 3d article of the Constitution have been: *The State of Rhode Island v. The State of Massachusetts*, 12 Peters, 637-72. *McBride v. Hoey*, 11 Peters, 167. *Marbury v. Madison*, 1 Cranch, 137; 1 Cond. Rep. 267. *Ex parte Crane*, 5 Peters, 190. *Ex parte Milburn*, 9 Peters, 704. *Town of Pawlet v. Clark et al.*, 9 Cranch, 292; 3 Cond. Rep. 408. *Ex parte Kearney*, 7 Wheat. 38; 5 Cond. Rep. 225. *McCluny v. Silliman*, 2 Wheat. 369; 4 Cond. Rep. 162. *The United States v. Bevens*, 3 Wheat. 336; 4 Cond. Rep. 275. *United States v. Hamilton*, 3 Dall. 17. *Ex parte Bollman*, 4 Cranch, 75; 2 Cond. Rep. 33. *Ex parte Tobias Watkins*, 3 Peters, 193. *Cherokee Nation v. The State of Georgia*, 5 Peters, 1. *Cohens v. The State of Virginia*, 6 Wheat. 264. *Osborn v. The Bank of the United States*, 9 Wheat. 738; 5 Cond. Rep. 741. *The United States v. Ortega*, 11 Wheat. 467; 6 Cond. Rep. 394. *Fowler v. Lindsey et al.*, 3 Dall. 411. *The United States v. Goodwin*, 7 Cranch, 108; 2 Cond. Rep. 434.

The third article of the Constitution of the United States enables the judicial department to receive jurisdiction to the full extent of the Constitution, laws and treaties of the United States, when any question respecting them shall assume such form that the judicial power is capable of acting on it. That power is capable of acting, only when the subject is submitted to it by a party who asserts his rights in a form prescribed by law. It then becomes a case.

Osborn et al. v. The Bank of the United States, 9 Wheat. 738; 5 Cond. Rep. 741.

United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects.

Original jurisdiction of the Supreme Court. Appellate jurisdiction of the Supreme Court.

In all cases affecting ambassadors, other public ministers and consuls, (a) and those in which a State shall be party, the Supreme Court shall have original jurisdiction. (b) In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make. (c)

Trial by jury.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

Treason. Conviction for treason.

§ 3. Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Punishment of treason. Attainder.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attained.

The public acts, &c., of the States to have full faith and credit.

ART. IV. § 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof. (d)

Citizens of the States entitled to equal privileges.

§ 2. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

Fugitives from justice.

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

Fugitives from labour.

No person held to service or labour in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour, but shall

(a) An indictment under the crimes act of 1790, chap. 9, sec. 23, for infracting the law of nations by offering violence to the person of a foreign minister, is a case "affecting ambassadors and other public ministers, or consuls," within the second section of the third article of the Constitution of the United States. *The United States v. Ortega*, 11 Wheat. 467; 6 Cond. Rep. 394.

(b) On the original jurisdiction of the Supreme Court, the following cases have been decided: *Ex parte Kearney*, 7 Wheat. 38; 5 Cond. Rep. 225. *McCluny v. Sullivan*, 2 Wheat. 369; 4 Cond. Rep. 162. *The Columbian Insurance Company v. Wheelwright*, 7 Wheat. 634; 5 Cond. Rep. 334. *United States v. Hamilton*, 3 Dall. 17. *Ex parte Tobias Watkins*, 3 Peters, 193. *Ex parte Crane et al.*, 5 Peters 190. *United States v. Ravara*, 2 Dall. 297. *Cherokee Nation v. The State of Georgia*, 5 Peters, 1. *The State of New Jersey v. The State of New York*, 6 Peters, 234. *Ex parte Juan Madrazo*, 7 Peters, 627. *The State of Rhode Island v. The State of Massachusetts*, 12 Peters, 657-755. *Cohens v. The State of Virginia*, 6 Wheat. 264; 5 Cond. Rep. 90. *Osborn v. The Bank of the United States*, 9 Wheat. 738; 5 Cond. Rep. 741. *Fowler et al. v. Lindsey et al.*, 3 Dall. 411.

(c) Upon the appellate powers of the Supreme Court, the following cases have been decided: *United States v. Goodwin*, 7 Cranch, 108; 2 Cond. Rep. 434. *Wiscart v. Dauchy*, 3 Dall. 321; 1 Cond. Rep. 144. *United States v. Moore*, 3 Cranch, 159; 1 Cond. Rep. 480. *Osborn v. The Bank of the United States*, 9 Wheat. 738; 5 Cond. Rep. 741. *Owings v. Norwood's Lessee*, 5 Cranch, 344; 2 Cond. Rep. 275. *Martin v. Hunter's Lessee*, 1 Wheat. 304; 3 Cond. Rep. 575. *Gordon v. Caldwell*, 3 Cranch, 268; 1 Cond. Rep. 624. *Ex parte Kearney*, 7 Wheat. 38; 5 Cond. Rep. 225. *Inglee v. Coolidge*, 2 Wheat. 363; 4 Cond. Rep. 155. *Gelston et al. v. Hoyt*, 3 Wheat. 246; 4 Cond. Rep. 244. *Nicholls et al. v. Hodges' Ex'r*, 1 Peters, 562. *Buel v. Van Ness*, 8 Wheat. 312; 5 Cond. Rep. 445. *Miller v. Nicholls*, 4 Wheat. 311; 4 Cond. Rep. 465. *Mathews v. Zane et al.* 7 Wheat. 164; 5 Cond. Rep. 265. *Houston v. Moore*, 3 Wheat. 433; 4 Cond. Rep. 286. *Williams v. Norris*, 12 Wheat. 117; 6 Cond. Rep. 462. *Montgomery v. Hernandez*, 12 Wheat. 129; 6 Cond. Rep. 475. *Gibbons v. Ogden*, 6 Wheat. 448; 5 Cond. Rep. 134. *Weston et al. v. The City Council of Charleston*, 2 Peters, 449.

(d) *Mills v. Duryee*, 7 Cranch, 481; 2 Cond. Rep. 578. *Hampton v. McConnel*, 3 Wheat. 234; 4 Cond. Rep. 243. See act of May 26, 1790, chap. 11. Act of March 27, 1804, chap. 56.

be delivered up on claim of the party to whom such service or labour may be due.^(a)

§ 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned, as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

§ 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive, (when the legislature cannot be convened,) against domestic violence.

ART. V. The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided, that no amendment, which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ART. VI. All debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States, under this Constitution, as under the confederation.

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land: and the judges, in every State, shall be bound thereby, any thing in the Constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound, by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ART. VII. The ratification of the conventions of nine States, shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in Convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand

(a) Prigg v. The Commonwealth of Pennsylvania, 16 Peters, 539. The clause in the Constitution relating to fugitives from labour, manifestly contemplates the existence of a positive, unqualified right on the part of the owner of the slave, which no State law or regulation can in any way qualify, regulate, control, or restrain. Any law or regulation which interrupts, limits, delays, or postpones the rights of the owner to the immediate command of his service or labour, operates pro tanto, a discharge of the slave therefrom. The question can never be how much he is discharged from; but whether he is discharged from any service by the natural and necessary operation of the State laws, or State regulations. The question is not one of quantity and degree, but of withholding or controlling the incidents of a positive right.

The owner of a fugitive slave has the same right to take him in a State to which he has escaped or fled, that he had in the State from which he escaped; and it is well known that this right to seizure or re-capture is universally acknowledged in all the slave-holding States. *Ibid.*

New States.
Formation of
new States out
of other States.

Congress to
have power to
dispose of and
make regula-
tions respecting
the territories
or other prop-
erty of the U. S.

Guarantee by
the U. S. of a
republican form
of government
to every State;
and each State
to be protected
from invasion,
and against do-
mestic vio-
lence.

Amendments
to Constitution.

No State,
without its con-
sent, shall be
deprived of an
equal suffrage
in the Senate.

Debts &c.,
contracted be-
fore the adop-
tion of the Con-
stitution to be
valid against
the U. S.

The Constitu-
tion and laws
of the U. S. or
treaties, the
supreme law of
the land.

Oath or affir-
mation to sup-
port the Consti-
tution.

No religious
test a qualifi-
cation for office.

Ratification of
the Constitution.

THE CONSTITUTION OF THE UNITED STATES.

seven hundred and eighty-seven, and of the independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names.

GEORGE WASHINGTON, PRESIDENT, and Deputy from Virginia.

New Hampshire.—John Langdon, Nicholas Gilman.

Massachusetts.—Nathaniel Gorham, Rufus King.

Connecticut.—William Samuel Johnson, Roger Sherman.

New York.—Alexander Hamilton.

New Jersey.—William Livingston, David Brearley, William Paterson, Jonathan Dayton.

Pennsylvania.—Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas Fitzsimons, Jared Ingersoll, James Wilson, Gouverneur Morris.

Delaware.—George Read, Gunning Bedford, Jun., John Dickinson, Richard Bassett, Jacob Broom.

Maryland.—James M'Henry, Daniel of St. Thomas Jenifer, Daniel Carroll.

Virginia.—John Blair, James Madison, Jun.

North Carolina.—William Blount, Richard Dobbs Spaight, Hugh Williamson.

South Carolina.—John Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler.

Georgia.—William Few, Abraham Baldwin.

Attest:

WILLIAM JACKSON, *Secretary.*

AMENDMENTS TO THE CONSTITUTION.(a)

ART. I. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Religion.
Freedom of
Speech. Right
of petition.

ART. II. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

Right to bear
and keep arms.

ART. III. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

Quartering of
soldiers.

ART. IV. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.(b)

Unreasonable
searches and
seizures prohi-
bited.

ART. V. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb;(c) nor shall be compelled, in any criminal case, to be witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

No warrant to
issue but on
oath or affirma-
tion.

Trials for capi-
tal offences, or
infamous
crimes.

No one to be
twice put in
jeopardy of life
or limb, for the
same offence.

Private prop-
erty not to be
taken for public
use without just
compensation.

Trial by jury
in criminal
cases.

Trial by jury
in civil cases.

Excessive bail
not to be re-
quired, nor ex-
cessive punish-
ments inflicted.

Enumeration
of rights not to
be construed to
deny or dispar-
age those re-
tained by the
people. Re-
served powers.

ART. VI. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour; and to have the assistance of counsel for his defence.

ART. VII. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law.(d)

ART. VIII. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ART. IX. The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

ART. X. The powers not delegated to the United States by the Con-

(a) The first ten of these amendments were proposed by Congress, (with others which were not ratified by three fourths of the legislatures of the several states,) by resolution of 1789, post, pp. 97, 98, and were ratified before 1791. The eleventh amendment was proposed by Congress by resolution of the year 1794, post, p. 402, and was ratified before 1796. The twelfth article was proposed by Congress by resolution of October, 1803, vol. 2, p. 306, and was ratified before September, 1804.

(b) *Ex parte* Burford, 3 Cranch, 448; 1 Cond. Rep. 594.

(c) *United States v. Haskell and Francis*, 4 Wash. C. C. R. 402. *United States v. Gilbert*, 2 Sumner's C. C. R. 19.

(d) The amendments to the Constitution of the United States, by which the trial by jury was secured, may, in a just sense, be well construed to embrace all suits which are not of equity or admiralty jurisdiction, whatever may be the form they may assume to settle legal rights. *Parsons v. Bedford et al.* 3 Peters, 433.

stitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

Limitation of
the judicial
power.

ART. XI. The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.^(a)

Election of
President and
Vice President
of the U. S.

ART. XII. § 1.(b) The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President and of all persons voted for as Vice President, and of the number of votes for each, which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately by ballot the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President.

§ 2. The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice President: a quorum for the purpose shall consist of two thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

§ 3. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

(a) The amendment to the Constitution by which the judicial power was declared not to extend to any suit commenced or prosecuted by a citizen or citizens of another State, or by foreign subjects against a State, prevented the exercise of jurisdiction in any case past or future. *Hollingsworth v. The State of Virginia*, 3 Dall. 378; 1 Cond. Rep. 169.

(b) This amendment was proposed in October, 1803, and was ratified before September, 1804.

THE
LAWS OF THE UNITED STATES.

ACTS OF THE FIRST CONGRESS

OF THE

UNITED STATES,

Passed at the first session, which was begun and held at the City of New York on Wednesday, March 4, 1789, and continued to September 29, 1789.

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

STATUTE I.

CHAPTER I.—*An Act to regulate the Time and Manner of administering certain Oaths.*

June 1, 1789.

SEC. 1. *Be it enacted by the Senate and [House of] Representatives of the United States of America in Congress assembled,* That the oath or affirmation required by the sixth article of the Constitution of the United States, shall be administered in the form following, to wit: "I, A. B. do solemnly swear or affirm (as the case may be) that I will support the Constitution of the United States." The said oath or affirmation shall be administered within three days after the passing of this act, by any one member of the Senate, to the President of the Senate, and by him to all the members and to the secretary; and by the Speaker of the House of Representatives, to all the members who have not taken a similar oath, by virtue of a particular resolution of the said House, and to the clerk: and in case of the absence of any member from the service of either House, at the time prescribed for taking the said oath or affirmation, the same shall be administered to such member, when he shall appear to take his seat.

Constitution of the U. S. article 6, page 19. Form of the oath or affirmation to support the Constitution of the United States, to be administered to the members of the Senate and to the members of the House of Representatives.

SEC. 2. *And be it further enacted,* That at the first session of Congress after every general election of Representatives, the oath or affirmation aforesaid, shall be administered by any one member of the House of Representatives to the Speaker; and by him to all the members present, and to the clerk, previous to entering on any other business; and to the members who shall afterwards appear, previous to taking their seats. The President of the Senate for the time being, shall also administer the said oath or affirmation to each Senator who shall hereafter be elected, previous to his taking his seat: and in any future case of a President of the Senate, who shall not have taken the said oath or affirmation, the same shall be administered to him by any one of the members of the Senate.

Manner of administering the oath or affirmation to Speaker of the House of Representatives.

To each Senator.

SEC. 3. *And be it further enacted,* That the members of the several State legislatures, at the next sessions of the said legislatures, respectively, and all executive and judicial officers of the several States, who have been heretofore chosen or appointed, or who shall be chosen or

To the members of the several State Legislatures, and to all executive and judicial officers of the States.

By whom the oaths or affirmations shall be administered in the several States.

appointed before the first day of August next, and who shall then be in office, shall, within one month thereafter, take the same oath or affirmation, except where they shall have taken it before; which may be administered by any person authorized by the law of the State, in which such office shall be holden, to administer oaths. And the members of the several State legislatures, and all executive and judicial officers of the several States, who shall be chosen or appointed after the said first day of August, shall, before they proceed to execute the duties of their respective offices, take the foregoing oath or affirmation, which shall be administered by the person or persons, who by the law of the State shall be authorized to administer the oath of office; and the person or persons so administering the oath hereby required to be taken, shall cause a record or certificate thereof to be made, in the same manner, as, by the law of the State, he or they shall be directed to record or certify the oath of office.

To all officers of the U. States appointed, or to be appointed, before they act.

SEC. 4. *And be it further enacted*, That all officers appointed, or hereafter to be appointed under the authority of the United States, shall, before they act in their respective offices, take the same oath or affirmation, which shall be administered by the person or persons who shall be authorized by law to administer to such officers their respective oaths of office; and such officers shall incur the same penalties in case of failure, as shall be imposed by law in case of failure in taking their respective oaths of office.

Oath of secretary of the Senate and clerk of the House of Representatives.

SEC. 5. *And be it further enacted*, That the secretary of the Senate, and the clerk of the House of Representatives for the time being, shall, at the time of taking the oath or affirmation aforesaid, each take an oath or affirmation in the words following, to wit: "I, A. B. secretary of the Senate, or clerk of the House of Representatives (as the case may be) of the United States of America, do solemnly swear or affirm, that I will truly and faithfully discharge the duties of my said office, to the best of my knowledge and abilities."

APPROVED, June 1, 1789.

STATUTE I.

July 4, 1789.

CHAP. II.—*An Act for laying a Duty on Goods, Wares, and Merchandises imported into the United States.*(a)

[Repealed.]

SEC. 1. Whereas it is necessary for the support of government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures, that duties be laid on goods, wares and merchandises imported : (b)

Act of August 10, 1790, ch. 38, sec. 1 and 2.

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 August next ensuing, the several duties hereinafter mentioned shall be laid on the following goods, wares and merchandises imported into the United States from any foreign port or place, that is to say :

(a) Duty Acts. Act of July 4, 1789, chap. 2; act of August 4, 1790, chap. 35; act of June 5, 1794, chap. 51; act of January 29, 1795, chap. 17; act of March 3, 1797, chap. 10; act of May 13, 1800, chap. 66; act of March 27, 1804, chap. 57; act of June 7, 1794, chap. 54; act of January 29, 1795, chap. 17; act of March 27, 1804, chap. 46; act of July 8, 1797, chap. 15; act of May 7, 1800, chap. 43; act of March 27, 1804, chap. 57; act of July 1, 1812, chap. 112; act of February 25, 1813, chap. 30; act of August 2, 1813, chap. 38; act of April 27, 1816, chap. 107; act of January 14, 1817, chap. 3; act of April 20, 1818, chap. 105; act of April 20, 1818, chap. 93; act of May 21, 1824, chap. 136; act of May 19, 1828, chap. 55; act of May 24, 1828, chap. 102; act of May 28, 1830, chap. 147; act of July 14, 1832, chap. 227; act of March 2, 1833, chap. 62; act of September 11, 1841, chap. 24; act of August 30, 1842, chap. 270.

(b) The powers of Congress to levy and collect taxes, duties, exports and excises, is co-extensive with the United States. *Loughborough v. Blake*, 5 Wheat. 317; 4 Cond. Rep. 660.

- On all distilled spirits of Jamaica proof, imported from any kingdom or country whatsoever, per gallon, ten cents. Specific duties on certain enumerated articles.
- On all other distilled spirits, per gallon, eight cents.
- On molasses, per gallon, two and a half cents.
- On Madeira wine, per gallon, eighteen cents.
- On all other wines, per gallon, ten cents.
- On every gallon of beer, ale or porter in casks, five cents.
- On all cider, beer, ale or porter in bottles, per dozen, twenty cents.
- On malt, per bushel, ten cents.
- On brown sugars, per pound, one cent.
- On loaf sugars, per pound, three cents.
- On all other sugars, per pound, one and a half cents.
- On coffee, per pound, two and a half cents.
- On cocoa, per pound, one cent.
- On all candles of tallow, per pound, two cents.
- On all candles of wax or spermaceti, per pound, six cents.
- On cheese, per pound, four cents.
- On soap, per pound, two cents.
- On boots, per pair, fifty cents.
- On all shoes, slippers or goloshoes made of leather, per pair, seven cents.
- On all shoes or slippers made of silk or stuff, per pair, ten cents.
- On cables, for every one hundred and twelve pounds, seventy-five cents.
- On tarred cordage, for every one hundred and twelve pounds, seventy-five cents.
- On untarred ditto, and yarn, for every one hundred and twelve pounds, ninety cents.
- On twine or packthread, for every one hundred and twelve pounds, two hundred cents.
- On all steel unwrought, for every one hundred and twelve pounds, fifty-six cents.
- On all nails and spikes, per pound, one cent.
- On salt, per bushel, six cents.
- On manufactured tobacco, per pound, six cents.
- On snuff, per pound, ten cents.
- On indigo, per pound, sixteen cents.
- On wool and cotton cards, per dozen, fifty cents.
- On coal, per bushel, two cents.
- On pickled fish, per barrel, seventy-five cents.
- On dried fish, per quintal, fifty cents.

On all teas imported from China or India, in ships built in the United States, and belonging to a citizen or citizens thereof, or in ships or vessels built in foreign countries, and on the sixteenth day of May last wholly the property of a citizen or citizens of the United States, and so continuing until the time of importation, as follows :

On teas imported from India or China.

- On bohea tea, per pound, six cents.
- On all souchong, or other black teas, per pound, ten cents.
- On all hyson teas, per pound, twenty cents.
- On all other green teas, per pound, twelve cents.

On all teas imported from Europe in ships or vessels built in the United States, and belonging wholly to a citizen or citizens thereof, or in ships or vessels built in foreign countries, and on the sixteenth day of May last wholly the property of a citizen or citizens of the United States, and so continuing until the time of importation, as follows :

On teas imported from Europe.

- On bohea tea, per pound, eight cents.
- On all souchong, and other black teas, per pound, thirteen cents.
- On all hyson teas, per pound, twenty-six cents.
- On all other green teas, per pound, sixteen cents.

On all teas imported, in any other manner than as above mentioned, as follows:—

- On bohea tea, per pound, fifteen cents.
- On all souchong, or other black teas, per pound, twenty-two cents.
- On all hyson teas, per pound, forty-five cents.
- On all other green teas, per pound, twenty-seven cents.

On all other goods imported from India or China, 12½ per centum ad valorem.

On all goods, wares and merchandises, other than teas, imported from China or India, in ships not built in the United States, and not wholly the property of a citizen or citizens thereof, nor in vessels built in foreign countries, and on the sixteenth day of May last wholly the property of a citizen or citizens of the United States, and so continuing until the time of importation, twelve and a half per centum ad valorem.

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| <p>On other enumerated articles, 10 per centum ad valorem.</p> <p>On other enumerated articles, 7½ per ct. ad valorem.</p> | <p>On all looking-glasses, window and other glass (except black quart bottles),</p> <p>On all China, stone and earthen ware,</p> <p>On gunpowder,</p> <p>On all paints ground in oil,</p> <p>On shoe and knee buckles,</p> <p>On gold and silver lace, and</p> <p>On gold and silver leaf,</p> <p>On all blank books,</p> <p>On all writing, printing or wrapping paper, paper-hangings and pasteboard,</p> <p>On all cabinet wares,</p> <p>On all buttons,</p> <p>On all saddles,</p> <p>On all gloves of leather,</p> <p>On all hats of beaver, fur, wool, or mixture of either,</p> <p>On all millinery ready made,</p> <p>On all castings of iron, and upon slit and rolled iron,</p> <p>On all leather tanned or tawed, and all manufacture of leather, except such as shall be otherwise rated.</p> <p>On canes, walking sticks and whips,</p> <p>On clothing ready made,</p> <p>On all brushes,</p> <p>On gold, silver, and plated ware, and on jewelry and paste work,</p> <p>On anchors, and on all wrought, tin, and pewter ware,</p> <p>On playing cards, per pack, ten cents.</p> <p>On every coach, chariot or other four wheel carriage, and on every chaise, solo, or other two wheel carriage, or parts thereof,</p> | <p>} Ten per centum ad valorem.</p> <p>} Seven and a half per centum ad valorem.</p> |
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On all other goods, except certain articles, 5 per cent. on the value at the time and place of importation.

On all other goods, wares and merchandise, five per centum on the value thereof at the time and place of importation, except as follows: saltpetre, tin in pigs, tin plates, lead, old pewter, brass, iron and brass wire, copper in plates, (a) wool, cotton, dyeing woods and dyeing drugs, raw hides, beaver, and all other furs, and deer skins.

Duty on hemp and cotton imported after the 1st Dec. 1790.

SEC. 2. *And be it further enacted by the authority aforesaid,* That from and after the first day of December, which shall be in the year one thousand seven hundred and ninety, there shall be laid a duty on every one hundred and twelve pounds, weight of hemp imported as aforesaid, of sixty cents; and on cotton per pound, three cents.

Drawback allowed for the duties on goods exported within 12 months.

SEC. 3. *And be it [further] enacted by the authority aforesaid,* That all the duties paid, or secured to be paid upon any of the goods, wares and merchandises as aforesaid, except on distilled spirits, other than brandy and geneva, shall be returned or discharged upon such of the said goods,

(a) Round copper in bars, and copper plates turned up at the edges, are not subject to duty under this act, or under the act of August 10, 1790, and the act of May 2, 1792; by which "copper in plates, and copper in pigs and bars," is exempted from duty. *United States v. Kidd & Watson*, 4 Cranch, 1; 2 Cond. Rep. 1.

wares, or merchandises, as shall within twelve months after payment made, or security given, be exported to any country without the limits of the United States, as settled by the late treaty of peace; except one per centum on the amount of the said duties, in consideration of the expense which shall have accrued by the entry and safe-keeping thereof.

Except one per cent.

SEC. 4. *And be it [further] enacted by the authority aforesaid,* That there shall be allowed and paid on every quintal of dried, and on every barrel of pickled fish, of the fisheries of the United States, and on every barrel of salted provision of the United States, exported to any country without the limits thereof, in lieu of a drawback of the duties imposed on the importation of the salt employed and expended therein, viz :

Allowance in lieu of a drawback on dried and pickled fish and salted provisions exported.

On every quintal of dried fish, five cents.

On every barrel of pickled fish, five cents.

On every barrel of salted provision, five cents.

SEC. 5. *And be it further enacted by the authority aforesaid,* That a discount of ten per cent. on all the duties imposed by this act, shall be allowed on such goods, wares and merchandises, as shall be imported in vessels built in the United States, and which shall be wholly the property of a citizen or citizens thereof, or in vessels built in foreign countries, and on the sixteenth day of May last, wholly the property of a citizen or citizens of the United States, and so continuing until the time of importation.

Discount on duties for goods imported in vessels of citizens.

SEC. 6. *And be it further enacted by the authority aforesaid,* That this act shall continue and be in force until the first day of June, which shall be in the year of our Lord one thousand seven hundred and ninety-six, and from thence until the end of the next succeeding session of Congress which shall be held thereafter, and no longer.

Continuance of the act.

APPROVED, July 4, 1789.

CHAP. III.—*An Act imposing Duties on Tonnage.*(a)

STATUTE I.

July 20, 1789.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following duties shall be, and are hereby imposed on all ships or vessels entered in the United States, that is to say :

Repealed by act of July 20, 1790, chap. 30.

On all ships or vessels built within the said States, and belonging wholly to a citizen or citizens thereof; or not built within the said States, but on the twenty-ninth day of May, one thousand seven hundred and eighty-nine, belonging, and during the time such ships or vessels shall continue to belong wholly to a citizen or citizens thereof, at the rate of six cents per ton. On all ships or vessels hereafter built in the United States, belonging wholly, or in part, to subjects of foreign powers, at the rate of thirty cents per ton. On all other ships or vessels, at the rate of fifty cents per ton.

Six cents per ton on vessels built in U. S., or belonging to citizens. On vessels hereafter built in the U. S., belonging to foreigners, 30 cts. per ton. On all others, 50 cts. per ton.

SEC. 2. *Provided always, and be it enacted,* That no ship or vessel built within the aforesaid States, and belonging to a citizen or citizens thereof, shall, whilst employed in the coasting trade, or in the fisheries, pay tonnage more than once in any year.

Vessels built in the U. S., in the coasting trade, to pay tonnage but once a year.

SEC. 3. *And be it further enacted,* That every ship or vessel employed in the transportation of any of the produce or manufactures of the United States, coastwise within the said States, except such ship or

50 cts. a ton on foreign vessels engaged in the coasting trade.

(a) General acts relating to tonnage duties: Act of July 20, 1789, chap. 3; act of September 16, 1789, chap. 15; act of July 20, 1790, chap. 30; act of May 1, 1802; act of March 3, 1815, chap. 76; April 27, 1816, chap. 107; April 27, 1816, chap. 110; January 14, 1817, chap. 3; act of March 1, 1817, chap. 31; act of March 3, 1817, chap. 50; act of March 3, 1819, chap. 74; act of January 7, 1824, chap. 4.

vessel be built within the said States, and belong to a citizen or citizens thereof, shall, on each entry, pay fifty cents per ton.

Act to commence August 15, 1789.

SEC. 4. *And be it further enacted*, That this act shall commence and be in force from and after the fifteenth day of August next.

APPROVED, July 20, 1789.

STATUTE I.

July 27, 1789.

CHAP. IV.—*An Act for establishing an Executive Department, to be denominated the Department of Foreign Affairs.*(a)

Altered by act of September 15, 1789, ch. 14, sec. 1.

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, to be denominated the Department of

(a) Before the adoption of the Constitution of the United States the following resolution was adopted: *Resolved*, That the Department of Foreign Affairs be under the direction of such officer as the United States, in Congress assembled, have already for that purpose appointed, or shall hereafter appoint, who shall be styled, “Secretary to the United States of America for the Department of Foreign Affairs;” shall reside where Congress or a committee of the States shall sit, and hold his office during the pleasure of Congress.

That the books, records, and other papers of the United States, that relate to this department, be committed to his custody, to which, and all other papers of his office, any member of Congress shall have access: Provided, That no copy shall be taken of matters of a secret nature, without the special leave of Congress.

That the correspondence and communications with the ministers, consuls and agents of the United States, in foreign countries, and with the ministers and other officers of foreign powers with Congress, be carried on through the office of foreign affairs by the said Secretary, who is also empowered to correspond with all other persons from whom he may expect to receive useful information relative to his department: Provided always, That letters to the ministers of the United States, or ministers of foreign powers, which have a direct reference to treaties or conventions proposed to be entered into, or instructions relative thereto, or other great national subjects, shall be submitted to the inspection, and receive the approbation of Congress before they shall be transmitted.

That the Secretary for the Department of Foreign Affairs correspond with the Governors or Presidents of all or any of the United States, affording them such information from his department as may be useful to their States or to the United States, stating complaints that may have been urged against the government of any of the said States, or the subjects thereof, by the subjects of foreign powers, so that justice may be done agreeably to the laws of such State, or the charge proved to be groundless, and the honour of the government vindicated.

He shall receive the applications of all foreigners relative to his department, which are designed to be submitted to Congress, and advise the mode in which the memorials and evidence shall be stated in order to afford Congress the most comprehensive view of the subject; and if he conceives it necessary, accompany such memorial with his report thereon; he may concert measures with the ministers or officers of foreign powers, amicably to procure the redress of private injuries, which any citizen of the United States may have received from a foreign power or the subjects thereof, making minutes of all his transactions relative thereto, and entering the letters at large which have passed on such occasions.

He shall report on all cases expressly referred to him for that purpose by Congress, and on all others touching his department, in which he may conceive it necessary.

And that he may acquire that intimate knowledge of the sentiments of Congress, which is necessary for his direction, he may at all times attend upon Congress, and shall particularly attend when summoned or ordered by the President.

He may give information to Congress respecting his department, explain and answer objections to his reports, when under consideration, if required by a member, and no objection be made by Congress; he shall answer to such inquiries respecting his department as may be put from the chair by order of Congress, and to questions stated in writing about matters of fact which lie within his knowledge, when put by the President at the request of a member, and not disapproved of by Congress; the answers to such questions may, at the option of the Secretary, be delivered by him in writing.

He shall have free access to the papers and records of the United States, in the custody of their Secretary, or in the offices of finance and war, or elsewhere; he may be furnished with copies, or take extracts therefrom, when he shall find it necessary.

He shall use means to obtain from the ministers and agents of the said United States in foreign countries, an abstract of their present state, their commerce, finances, naval and military strength, and the characters of sovereigns and ministers, and every other political information which may be useful to the United States.

All letters to sovereign powers, letters of credence, plans of treaties, conventions, manifestoes, instructions, passports, safe-conducts, and other acts of Congress relative to the department of foreign affairs, when the substance thereof shall have been previously agreed to in Congress, shall be reduced to form in the office of foreign affairs, and submitted to the opinion of Congress, and when passed, signed and attested, sent to the office of foreign affairs to be countersigned and forwarded.

If an original paper is of such a nature as cannot be safely transmitted without cyphers, a copy in cyphers, signed by the Secretary for the department of foreign affairs, shall be considered as authentic, and the ministers of the United States at foreign courts may govern themselves thereby, in the like manner as if the originals had been transmitted.

And for the better execution of the duties hereby assigned him, he is authorized to appoint a secretary, and one, or, if necessary, more clerks, to assist him in the business of his office.

Foreign Affairs, and that there shall be a principal officer therein, to be called the Secretary for the Department of Foreign Affairs, who shall perform and execute such duties as shall from time to time be enjoined on or intrusted to him by the President of the United States, agreeable to the Constitution, relative to correspondences, commissions or instructions to or with public ministers or consuls, from the United States, or to negotiations with public ministers from foreign states or princes, or to memorials or other applications from foreign public ministers or other foreigners, or to such other matters respecting foreign affairs, as the President of the United States shall assign to the said department; and furthermore, that the said principal officer shall conduct the business of the said department in such manner as the President of the United States shall from time to time order or instruct.

Secretary of Foreign Affairs, his duties.

SEC. 2. *And be it further enacted*, That there shall be in the said department, an inferior officer, to be appointed by the said principal officer, and to be employed therein as he shall deem proper, and to be called the chief Clerk in the Department of Foreign Affairs, and who, whenever the said principal officer shall be removed from office by the President of the United States, or in any other case of vacancy, shall during such vacancy have the charge and custody of all records, books and papers appertaining to the said department.

Principal clerk, his duty.

SEC. 3. *And be it further enacted*, That the said principal officer, and every other person to be appointed or employed in the said department, shall, before he enters on the execution of his office or employment, take an oath or affirmation, well and faithfully to execute the trust committed to him.

Oath of office.

SEC. 4. *And be it further enacted*, That the Secretary for the Department of Foreign Affairs, to be appointed in consequence of this act, shall forthwith after his appointment, be entitled to have the custody and charge of all records, books and papers in the office of Secretary for the Department of Foreign Affairs, heretofore established by the United States in Congress assembled.

Secretary to take charge of papers, &c. of foreign department.

APPROVED, July 27, 1789.

STATUTE I.

CHAP. V.—*An Act to regulate the Collection of the Duties imposed by law on the tonnage of ships or vessels, and on goods, wares and merchandises imported into the United States.*

July 31, 1789.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That for the due collection of the duties imposed by law on the tonnage of ships and vessels, and on goods, wares and merchandises imported into the United States, there shall be established and appointed, districts, ports, and officers, in manner following, to wit:

Repealed by act of August 4, 1790, ch. 35, sec. 73.

The State of New Hampshire shall be one district, to include the town of Portsmouth as the sole port of entry; and the towns of Newcastle, Dover and Exeter, as ports of delivery only; but all ships or vessels bound to or from either of the said ports of delivery, shall first come to, enter and clear at Portsmouth; and a naval officer, collector

District and ports in New Hampshire.

Resolved, That the salaries annexed to this department be as follows:

To the Secretary of the United States for the Department of Foreign Affairs, the sum of four thousand dollars per annum, exclusive of office expenses, to commence from the first day of October last.

To the secretary, one thousand dollars per annum.

To the clerks, each, five hundred dollars per annum.

Resolved, That the Secretary for the Department of Foreign Affairs, and each of the persons employed under him, shall take an oath before a judge of the State where Congress shall sit, for the faithful discharge of their respective trusts, and an oath of fidelity to the United States, before they enter upon office.

By an act passed September 15, 1789, chap. 14, the Executive department denominated the Department of Foreign Affairs, was declared to be, thereafter, denominated the Department of State.

and surveyor for the said district shall be appointed, to reside at Portsmouth.

Districts and
ports in Massa-
chusetts.

In the State of Massachusetts shall be twenty districts and ports of entry, to wit: Newburyport, Gloucester, Salem and Beverly, as one port; Marblehead, Boston and Charlestown, as one port; Plymouth, Barnstable, Nantucket, Edgartown, New Bedford, Dighton, York, Biddeford and Pepperelborough, as one port; Portland and Falmouth, as one port; Bath, Wiscasset, Penobscot, Frenchman's Bay, Machias and Passamaquody. To the district of Newburyport shall be annexed the several towns or landing places of Almsbury, Salisbury, and Haverhill, which shall be ports of delivery only; and a collector, naval officer and surveyor for the district, shall be appointed, to reside at Newburyport. To the district of Gloucester shall be annexed the town of Manchester, as a port of delivery only; and a collector and surveyor shall be appointed, to reside at Gloucester. To the district of Salem and Beverly shall be annexed the towns or landing places of Danvers and Ipswich, as ports of delivery only; and a collector, naval officer and surveyor for the district shall be appointed, to reside at Salem; and a surveyor to reside at each of the towns of Beverly and Ipswich. To the district of Marblehead shall be annexed the town of Lynn, as a port of delivery only; and a collector for the district shall be appointed, to reside at Marblehead. To the district of Boston and Charlestown shall be annexed the towns or landing places of Medford, Cohasset, and Hingham, as ports of delivery only; and a collector, naval officer and surveyor shall be appointed, to reside at Boston. To the district of Plymouth shall be annexed the several towns or landing places of Scituate, Duxbury and Kingston, as ports of delivery only; and a collector for the district shall be appointed, to reside at Plymouth. To the district of Barnstable shall be annexed the several towns or landing places of Sandwich, Harwich, Welfleet, Provincetown and Chatham, as ports of delivery only; and a collector for the district shall be appointed, to reside at Barnstable. In the district of Nantucket, the port of Sherbourne shall be the sole port of entry and delivery within the same; and a collector shall be appointed, to reside at Sherbourne. To the district of Edgartown shall be annexed the town of Falmouth, as a port of delivery only; and a collector shall be appointed, to reside at Edgartown. To the district of New Bedford shall be annexed Westport, Rochester and Wareham, as ports of delivery only; and a collector for the district shall be appointed, to reside at New Bedford. To the district of Dighton shall be annexed Swansea and Freetown, as ports of delivery only; and a collector for the district shall be appointed, to reside at Dighton. To the district of York shall be annexed Kittery and Berwick, as ports of delivery only; and a collector for the district shall be appointed, to reside at York. To the district of Biddeford and Pepperelborough shall be annexed Scarborough, Wells, Kennebunk, and Cape Porpoise, as ports of delivery only; and a collector for the district shall be appointed, to reside at Biddeford. To the district of Portland and Falmouth shall be annexed North Yarmouth and Brunswick, as ports of delivery only; and a collector and surveyor shall be appointed for the district, to reside at Portland. To the district of Bath shall be annexed Hallowell, Pittstown, and Topsham, as ports of delivery only; and a collector for the district shall be appointed, to reside at Bath. To the district of Wiscasset shall be annexed Bristol, Boothbay and Waldoborough, as ports of delivery only; and a collector for the district shall be appointed, to reside at Wiscasset. To the district of Penobscot shall be annexed Thomaston, Frankfort, Sedgwick Point and Deer Island, as ports of delivery only; and a collector for the district shall be appointed, to reside at Penobscot. To the district of Frenchman's Bay shall be annexed Union river, as a port of delivery only, and a collector for

the district shall be appointed, to reside at Frenchman's Bay. For each of the districts of Machias and Passamaquody shall be appointed a collector, to reside at the said ports of Machias and Passamaquody respectively. The district of Newburyport shall include all the waters and shores from the State of New Hampshire, to the north line of Ipswich. The district of Gloucester shall include all the waters and shores in the towns of Gloucester and Manchester. The district of Salem and Beverly shall include all the shores and waters within the towns of Ipswich, Beverly, Salem and Danvers. The district of Marblehead shall include all the waters and shores within the towns of Marblehead and Lynn. The district of Boston and Charlestown shall include all the waters and shores within the counties of Middlesex and Suffolk. The district of Plymouth shall include all the waters and shores within the county of Plymouth, excepting the towns of Wareham and Rochester. The district of Barnstable shall include all the shores and waters within the county of Barnstable, excepting the town of Falmouth. The district of Nantucket shall include the island of Nantucket. The district of Edgartown shall include all the waters and shores within the county of Duke's county and the town of Falmouth. The district of New Bedford shall include all the waters and shores within the towns of New Bedford, Dartmouth, Westport, Rochester and Wareham, together with all the islands within the county of Bristol. The district of Dighton shall include all the waters and shores on Taunton river, and in the town of Rehobeth; and the collectors of the several districts within that part of the State of Massachusetts, eastward of New Hampshire, shall agree as soon as may be upon a divisional line between their respective districts, and transmit the same to the Comptroller of the Treasury; and such districts so agreed upon, shall include all the shores, waters and islands within the same.

Districts and ports in Massachusetts.

In the State of Connecticut shall be three districts, to wit: New London, New Haven, and Fairfield. The district of New London shall extend from the east line of the said State of Connecticut to the west line of the town of Killingsworth, and north to the south line of the State of Massachusetts, and shall also include the several towns or landing places of Norwich, Stonington, Groton, Lyme, Saybrook, Haddam, East Haddam, Middletown, Chatham, Weathersfield, Glastenbury, Hartford, East Hartford and Killingsworth, as ports of delivery only; New London to be the sole port of entry; and a collector and surveyor for the district shall be appointed, to reside at New London, and a surveyor to reside at each of the ports of Stonington and Middletown. The district of New Haven shall extend from the west line of the district of New London, westerly to Ousatumnick river; to which shall be annexed the several towns or landing places of Guilford, Brandford, Milford, and Derby, as ports of delivery only; New Haven to be the sole port of entry; and a collector and surveyor for the district shall be appointed, to reside at New Haven. The district of Fairfield shall include all the ports and places in the said State of Connecticut, west of the district of New Haven, to which shall be annexed the several towns or landing places of Norwalk, Stratford, Stamford, and Greenwich, as ports of delivery only; Fairfield to be the sole port of entry; and a collector for the district shall be appointed, to reside at Fairfield; and New London, New Haven and Fairfield, shall severally be ports of entry.

Districts and ports in Connecticut.

In the State of New York shall be two districts, to wit: Sagg Harbour on Nassau or Long Island, and the city of New York, each of which shall be a port of entry. The district of Sagg Harbour shall include all bays, harbours, rivers and shores, within the two points of land, which are called Oyster-Pond Point, and Montauk Point; and a collector for the district shall be appointed, to reside at Sagg Harbour, which shall be the only place of delivery in the said district. The district of

Districts and ports in New York.

Districts and
ports in New
York.

the city of New York shall include such part of the coasts, rivers, bays and harbours of the said State, not included in the district of Sagg Harbour, and moreover, the several towns or landing places of New Windsor, Newburgh, Poughkeepsie, Esopus, city of Hudson, Kinderhook, and Albany, as ports of delivery only; and a naval officer, collector and surveyor for the district shall be appointed, to reside at the city of New York; also two surveyors, one to reside at the city of Albany, and the other at the city of Hudson; and all ships or vessels bound to, or from any port of delivery within the last named district, shall be obliged to come to, and enter or clear out at the city of New York.

Districts and
ports in New
Jersey.

In the State of New Jersey shall be three districts, to wit: Perth Amboy, Burlington and Bridgetown, which shall severally be ports of entry. The district of Perth Amboy shall comprehend all that part of the State of New Jersey known by the name of East New Jersey (that part excepted which is hereafter included in the district of Burlington) together with all the waters thereof, heretofore within the jurisdiction of the said State, in which district the towns or landing places of New Brunswick, Middletown Point, Elizabethtown and Newark, shall be ports of delivery only; and a collector for the district shall be appointed, to reside at Perth Amboy. The district of Burlington shall comprehend that part of the said State known by the name of West New Jersey, which lies to the eastward and northward of the county of Gloucester, with all the waters thereof, heretofore within the jurisdiction of the said State, including the river and inlet of Little Egg Harbour, with the waters emptying into the same, and the sea coast, sound, inlets and harbours thereof, from Barnegat inlet to Brigantine inlets, in which district the landing places of Lamberton and Little Egg Harbour shall be ports of delivery only; and a collector shall be appointed for the district, to reside at Burlington, and a surveyor at Little Egg Harbour. The district of Bridgetown shall comprehend the counties of Gloucester, Salem, Cumberland and Cape May, (that part of Gloucester county excepted which is included within the district of Burlington,) and all the waters thereof heretofore within the jurisdiction of the said State; and the town of Salem, Port Elizabeth on Morrice river, and Stillwell's landing on Great Egg Harbour, shall be ports of delivery only; and a collector for the district shall be appointed, to reside at Bridgetown.

Districts and
ports in Penn-
sylvania.

The State of Pennsylvania shall be one district, and Philadelphia shall be the sole port both of entry and delivery for the same; and a naval officer, collector and surveyor for the district shall be appointed, to reside at the said port of Philadelphia.

Districts and
ports in Dela-
ware.

The State of Delaware shall be one district, and the borough of Wilmington shall be the port of entry, to which shall be annexed Newcastle and Port Penn as ports of delivery only; and a collector for the district shall be appointed, to reside at the said port of Wilmington.

Districts and
ports in Mary-
land.

In the State of Maryland shall be nine districts, to wit: Baltimore, Chester, Oxford, Vienna, Snow Hill, Annapolis, Nottingham, Nanjemoy, and Georgetown. The district of Baltimore shall include Patapsco, Susquehanna and Elk rivers, and all the waters and shores on the west side of Chesapeake Bay, from the mouth of Magetty river to the south side of Elk river, inclusive, in which Havre de Grace and Elkton shall be ports of delivery only; and a naval officer, collector and surveyor shall be appointed for the said district, to reside at the town of Baltimore, which shall be the sole port of entry. The district of Chester shall include Chester river, and all the waters and shores on the eastern side of Chesapeake Bay, from the south side of Elk river to the north side of the Eastern bay and Wye river, exclusive, in which Georgetown on Sassafras river shall be a port of delivery only; and a collector for the district shall be appointed, to reside at Chester, which shall be the sole port of entry. The district of Oxford shall include all the waters

and shores on the eastern side of Chesapeake Bay, from the north side of Wye river and the Eastern bay, to the south side of Choptank river, inclusive, and Cambridge shall be a port of delivery only; and a collector for the district shall be appointed, to reside at Oxford, which shall be the sole port of entry. The district of Vienna shall include all the waters and shores on the eastern side of Chesapeake Bay, from the south side of Choptank river to the south side of Wicomico river, inclusive, and Salisbury shall be a port of delivery only; and a collector for the district shall be appointed, to reside at Vienna, which shall be the sole port of entry. The district of Snow Hill shall include all the waters and shores on the sea coast, from the north line of Virginia to the south line of Delaware, together with all the waters and shores on the eastern side of Chesapeake Bay, from the south side of Wicomico river to the south side of Pocomoke river, inclusive, so far as the jurisdiction of the said State of Maryland extends, to which Sinnepuxent shall be a port of delivery for West India produce only; and a collector for the district shall be appointed, to reside at Snow Hill, which shall be the sole port of entry. The district of Annapolis shall include Magetty river, and all the waters and shores from thence to Drum Point, on Patuxent river; and a collector for the district shall be appointed, to reside at Annapolis, which shall be the sole port of entry and delivery for the same. The district of Nottingham shall include all the waters and shores on the west side of Chesapeake Bay to Drum Point, on the river Patuxent, together with the said river, and all the navigable waters emptying into the same, to which Benedict, Lower Marlborough, Town Creek, and Silvey's landing, shall be annexed as ports of delivery only; a collector for the district shall be appointed, to reside at Nottingham, and a surveyor at Town Creek; and Nottingham shall be the sole port of entry. The district of Nanjemoy shall include all the waters of Potomac river, within the jurisdiction of the State of Maryland, from Point Lookout to Pomonkey creek, inclusive, to which St. Mary's shall be annexed as a port of delivery only; and a collector for the district shall be appointed, to reside at Nanjemoy; also a surveyor to reside at St. Mary's, and Nanjemoy shall be the sole port of entry. The district of Georgetown shall include all the waters and shores from Pomonkey creek, on the north side of Potomac river, to the head of the navigable waters of the said river, within the jurisdiction of the State of Maryland, to which Digges's landing and Carrollsburg shall be annexed as ports of delivery only; and a collector for the district shall be appointed, to reside at Georgetown, which shall be the sole port of entry.

Districts and
ports in Mary-
land.

In the State of Virginia shall be twelve districts, to wit: Hampton as one port; Norfolk and Portsmouth as one port; Bermuda Hundred and City Point as one port; Yorktown, Tappahannock, Yeocomico river, including Kinsale, Dumfries, including Newport, Alexandria, Folly-Landing, Cherry-Stone, South-Quay, and Louisville; the authority of the officers at Hampton shall extend over all the waters, shores, bays, harbours, and inlets, between the south side of the mouth of York river, along the west shore of Chesapeake Bay to Hampton, and thence up James river to the west side of Chickahominy river; and a collector shall be appointed, to reside at Hampton, which shall be the sole port of entry. To the district of Norfolk and Portsmouth shall be annexed Suffolk and Smithfield as ports of delivery only; and the authority of the officers of the said district shall extend over all the waters, shores, bays, harbours, and inlets, comprehended within a line drawn from Cape Henry to the mouth of James river, and thence up James river to Jordan's Point, and up Elizabeth river to the highest tide water thereof; and Norfolk and Portsmouth shall be the sole port of entry; and a collector, naval officer and surveyor for the district shall be appointed, to reside at Norfolk; also a surveyor to reside at each of the ports of Suf-

Districts and
ports in Virgi-
nia.

Districts and
ports in Virgi-
nia.

fold and Smithfield. To the district of Bermuda Hundred, or City Point, shall be annexed Richmond, Petersburg and Manchester, as ports of delivery only; and a collector and surveyor shall be appointed, to reside at Bermuda Hundred, or City Point, which shall be the sole port of entry; also a surveyor for Petersburg, to reside thereat, and a surveyor for Richmond and Manchester, to reside at Richmond; and the authority of the officers of the said district shall extend over all the waters, shores, bays, harbours and inlets, comprehended between Jordan's Point and the highest tide-water on James and Appomattox rivers. To the district of Yorktown shall be annexed West Point and Cumberland, as ports of delivery only; and a collector for the district shall be appointed, to reside at Yorktown, which shall be the sole port of entry; also a surveyor for the two ports of delivery, to reside at West Point; and the authority of the officers of the said district shall extend over all waters, shores, bays, harbours and inlets, comprehended between the point forming the south shore of the mouth of Rappahannock river, and the point forming the south shore of the mouth of York river, and thence up the said river to West Point, and thence up Pamunkey and Mattaponi rivers, to the highest navigable waters thereof. To the district of Tappahannock shall be annexed Urbanna, Port Royal, Fredericksburg and Falmouth, as ports of delivery only; and a collector for the district shall be appointed, to reside at Tappahannock, which shall be the sole port of entry; also a surveyor for each of the ports of Urbanna, Port Royal, and Fredericksburg, and the authority of the officers of the said district shall extend over all the waters, shores, bays, harbours and inlets, comprehended between Smith's Point, at the mouth of Potomac, and the point forming the south shore of the mouth of Rappahannock river, and thence up the last mentioned river to the highest tide water thereof. The district of Yeocomico river, including Kinsale, shall extend from Smith's Point on the south side of Potomac river, to Boyd's Hole on the same river, including all the waters, shores, bays, rivers, creeks, harbours and inlets, along the south shore of Potomac river to Boyd's Hole aforesaid; and Yeocomico, including Kinsale, shall be the sole port of entry; and a collector shall be appointed, to reside on Yeocomico river. The district of Dumfries, including Newport, shall extend from Boyd's Hole to Cockpit Point on the south side of Potomac river; and a collector shall be appointed, to reside at Dumfries, which shall be the sole port of entry; and the authority of the officers of this district shall extend over all the waters, shores, bays, harbours and inlets, comprehended between Boyd's Hole and Cockpit Point aforesaid. For the district of Alexandria shall be appointed a collector and surveyor, to reside at Alexandria, which shall be the sole port of entry; and the authority of the officers of the said district shall extend over all the waters, shores, bays, harbours and inlets, on the south side of the river Potomac, from the last mentioned Cockpit Point, to the highest tide water of the said river. For the district of Folly-Landing shall be appointed a collector, who shall reside at Accomack Court House, and whose authority shall extend over all the waters, shores, bays, habours and inlets of the county of Accomack. For the district of Cherry-Stone shall be appointed a collector, to reside at Cherry-Stone, whose authority shall extend over all the waters, shores, bays, harbours and inlets comprehended within Northampton county. For the district of South-Quay a collector shall be appointed, to reside thereat, whose authority shall extend over all the waters, shores, bays, harbours and inlets in that part of Virginia, comprehended within the limits of the said State. For the district of Louisville a collector shall be appointed, to reside thereat, whose authority shall extend over all waters, shores and inlets, included between the rapids and the mouth of Ohio river, on the south-east side thereof.

In the State of South Carolina shall be three districts, to wit: George-

town, Charleston and Beaufort, each of which shall be a port of entry. The district of Georgetown shall include the shores, inlets and rivers, from the boundary of North Carolina to the point of Cape Roman. The district of Charleston shall include all the shores, inlets and rivers, from Cape Roman to Combahee river, inclusive; and the district of Beaufort shall include the shores, inlets and rivers from Combahee river to Back river in Georgia, comprehending also the shores, inlets and harbours, formed by the different bars and sea islands, lying within each district respectively; at the port of Charleston shall be a collector, naval officer and surveyor, and a collector at each of the other ports.

Districts and
ports in South
Carolina.

In the State of Georgia shall be four districts, to wit: Savannah, Sunbury, Brunswick, and St. Mary's, each of which shall be a port of entry. The district of Savannah shall include Savannah river, Great and Little Ogeechee rivers, with the other harbours, creeks and rivers, formed by the inlets of Tybee, Little Tybee, Warsaw and Ossabaw, north of the island of Ossabaw; and a naval officer, collector and surveyor, for the said district shall be appointed, to reside at Savannah. The district of Sunbury shall include the Medway, North and South Newport, and Sapelo rivers, with the harbours, creeks and rivers, formed by the inlets of St. Catherine's, south of Ossabaw and Sapelo; and a collector for the district shall be appointed to reside at Sunbury. The district of Brunswick shall include the Alatamaha, Frederica, and Turtle rivers, with the other harbours, creeks and rivers, formed by the inlets of Doboy south of Sapelo, Alatamaha, and St. Simons, north of the south point of Jekyl island; Frederica shall be a port of delivery only; and a collector for the said district shall be appointed, to reside at Brunswick; the district of St. Mary's shall include Great Setilla, Little Setilla, Crooked river, and St. Mary's river, with the harbours, creeks and rivers, formed by the inlets of St. Andrews and Amelia sounds; and a collector for the said district shall be appointed, to reside at St. Mary's. And in each district it shall be lawful for the collector to grant a permit to unlade at any port or place within the district, and to appoint or put on board any ship or vessel for which a permit is granted, one or more searchers or inspectors, as may be necessary for the security of the revenue.

Districts and
ports in Georgia.

Sec. 2. *And be it further enacted*, That every port of entry established by this act, shall be a port of delivery also: *Provided always*, That no ship or vessel not wholly belonging to a citizen or citizens of the United States, shall be admitted to unload at any port or place except the following, to wit: Portsmouth, in the State of New Hampshire, Portland, Falmouth, Dighton, Salem, Gloucester, Newburyport, Marblehead, Sherbourne, Boston, Plymouth, Wiscasset, Machias, and Penobscot, in the State of Massachusetts; New London or New Haven, in the State of Connecticut; New York; Perth Amboy or Burlington, in the State of New Jersey; Philadelphia; Wilmington, New Castle and Port Penn, in the State of Delaware; Baltimore, Annapolis, Vienna, Oxford, Georgetown on Potomac, Chester Town, Town Creek, Nottingham, Nanjemoy, Digges's Landing, Snowhill and Carrollsburg, in the State of Maryland; Alexandria, Kinsale, Newport, Tappahannock, Port Royal, Fredericksburg, Urbanna, Yorktown, West Point, Hampton, Bermuda Hundred, City Point, Rockett's Landing, Norfolk or Portsmouth, in the State of Virginia; Charleston, Georgetown or Beaufort, in the State of South Carolina; or in either of the districts of Savannah, Sunbury, Brunswick or St. Mary's, in the State of Georgia: nor shall any ship or vessel arriving from the Cape of Good Hope, or from any place beyond the same, be admitted to enter at any other than the following ports, to wit: Portsmouth, in the State of New Hampshire; Boston, Newburyport, Salem, Gloucester, Portland or Falmouth, in the State of Massachusetts; New London or New Haven,

Ports of en-
try to be ports
of delivery also.

Ports of de-
livery to which
foreign vessels
are restricted.

Ports of entry
to which vessels
arriving from
the Cape of
Good Hope, or
beyond it, are
restricted.

in the State of Connecticut; New York; Perth Amboy; Philadelphia; Wilmington, in the State of Delaware; Baltimore town, Annapolis, or Georgetown, in the State of Maryland; Alexandria, Norfolk, or Portsmouth, in the State of Virginia; Charleston, Georgetown, or Beaufort, in the State of South Carolina; Sunbury, or Savannah, in the State of Georgia: *Provided*, That nothing herein contained shall be construed to prevent the master or commander of any ship or vessel, from making entry with the collector of any port or district in which such ship or vessel may be owned, or from whence she may have sailed on such voyage.

Ports of delivery to which vessels bound shall first come at the port of entry.

SEC. 3. *And be it further enacted*, That the master or commander of every ship or vessel bound to a port of delivery only, in any of the following districts, to wit: Portland and Falmouth, Bath, Newburyport, New London, (except the port of Stonington in the said district) Norfolk and Portsmouth, Bermuda Hundred and City Point, Yorktown or Tappahannock, (except the port of Urbanna in the said district) shall first come to at the port of entry of such district, with his ship or vessel, and there make entry, deliver a manifest of her cargo, and pay, or secure to be paid, all legal duties, tonnage, port fees and charges, in manner by this act provided, before such ship or vessel shall proceed to her port of delivery; and that any ship or vessel bound to a port of delivery in any other district not under like restrictions by this act, or to either of the ports of Stonington, or Urbanna, may first proceed to her port of delivery, and then make legal entry within the time by this act limited.

Districts to which vessels bound shall not pass certain ports, without delivering a manifest.

SEC. 4. *And be it further enacted*, That the master or commander of every ship or vessel, if bound to the district of Nottingham, shall, before he pass by the port of Town Creek, and immediately after his arrival, deposit with the surveyor of the said port, a true manifest of the cargo on board such ship or vessel; if bound to any district on the Potomac, shall, before he pass by the rivers St. Mary's and Yeocomico, and immediately after his arrival, deposit with the surveyor at St. Mary's, or the collector at Yeocomico, as may be most convenient, a true manifest of the cargo on board such ship or vessel, including a declaration of the port at which the same is to be entered; if bound to the district of Tappahannock, shall, before he pass by the port of Urbanna, and immediately after his arrival, deposit with the surveyor for that port, a like manifest; and if bound to the district of Bermuda Hundred or City Point, shall, before he pass by Elizabeth river, and immediately after his arrival, deposit with the collector of the port of Norfolk and Portsmouth, or with the collector for the port of Hampton, a like manifest; and the said surveyors and collector respectively, shall, after registering the manifests, transmit the same duly certified to have been so deposited to the officer with whom the entries are to be made, without which certificate no such entry shall be received.

Duties of the collector.

SEC. 5. *And be it further enacted*, That the duties of the respective officers to be appointed by virtue of this act, shall be as follows: That such of the ports to which there shall be appointed a collector, naval officer and surveyor, it shall be the duty of the collector to receive all reports, manifests and documents made or exhibited to him by the master or commander of any ship or vessel, conformably to the regulations prescribed by this act, to make due entry and record in books to be kept for that purpose, all such manifests and the packages, marks and numbers contained therein; to receive the entry of all ships and vessels, and of all the goods, wares and merchandise imported in such ships or vessels, together with the original invoices thereof; to estimate the duties payable thereon, and to endorse the same on each entry; to receive all monies paid for duties, and to take all bonds for securing the payment of duties; to grant all permits for the unloading and delivery

of goods, to employ proper persons as weighers, gaugers, measurers and inspectors at the several ports within his district, together with such persons as shall be necessary to serve in the boats which may be provided for securing the collection of the revenue, to provide at the public expense, and with the approbation of the principal officer of the treasury department, store-houses for the safe keeping of goods, together with such scales, weights and measures as shall be deemed necessary, and to perform all other duties which shall be assigned to him by law. It shall be the duty of the naval officer to receive copies of all manifests, to estimate and record the duties on each entry made with the collector, and to correct any error made therein, before a permit to unlade or deliver shall be granted; to countersign all permits and clearances granted by the collector. It shall be the duty of the surveyor to superintend and direct all inspectors, weighers, measurers and gaugers within his district, and the employment of the boats which may be provided for securing the collection of the revenue; to go on board ships or vessels arriving within his district, or to put on board one or more inspectors, to ascertain by an hydrometer, what distilled spirits shall be of Jamaica proof, rating all distilled spirits which shall be of the proof of twenty-four degrees as of Jamaica proof, and to examine whether the goods imported are conformable to the entries thereof; and the said surveyors shall in all cases be subject to the control of the collector and naval officer.

Naval officer
and surveyor.

SEC. 6. *And be it further enacted,* That every collector appointed in virtue of this act, in case of his necessary absence, sickness, or inability to execute the duties of his office, may appoint a deputy, duly authorized under his hand and seal, to execute and perform on his behalf, all and singular the powers, functions and duties of collector of the district to which he the said principal is attached, who shall be answerable for the neglect of duty, or other mal-conduct of his said deputy in the execution of the office.

Collector may
appoint a deputy.

SEC. 7. *And be it further enacted,* That in case of the disability or death of any collector, the duties and authorities vested in him by this act shall devolve on his deputy, if any such hath been appointed, (for whose conduct the estate of such disabled or deceased collector shall be liable,) and the said deputy shall exercise the authority and perform all the duties, until a successor shall be appointed. But in cases where no deputy is appointed, the authorities and duties of the disabled or deceased collector, shall devolve upon the naval officer of the same district, until a successor duly authorized and sworn, shall enter upon the execution of the duties of the said office.

Duties of a
deputy collector.

SEC. 8. *And be it further enacted,* That at such of the ports established by this act, to which a collector and surveyor only are assigned, the said collector shall execute all the duties herein required to be done by the collector and naval officer at other ports. That at such ports to which a collector only is assigned, such collector shall possess all the powers, and execute as far as may be, all the duties prescribed to a collector, naval officer, and surveyor, at the ports where such officers are established; that at such ports of delivery only, to which a surveyor is assigned, it shall be his duty to receive and record the copies of all manifests transmitted to him by the collector; to enter and record all permits granted by such collector, distinguishing the gauge, weight, measure and quality of the goods specified therein; to take care that no goods be unladen or delivered from any ship or vessel without such permit; and to perform all other duties required to be done by a surveyor; that at such ports of delivery only, to which no surveyor is assigned, it shall be the duty of the collector of the district to attend the unloading and delivery of goods, or in cases of necessity, to employ a proper person or persons for that purpose, who shall possess the power, and be en-

Further duties
of collector and
surveyor.

titled to the like compensation allowed to inspectors during the time they are employed. Every collector, naval officer and surveyor, shall attend in person at the port or district for which he is appointed, and before he enters on the execution of his office, shall take an oath or affirmation in the form following, to wit: "I, ———, do solemnly swear or affirm (as the case may be) that I will truly and faithfully execute and perform all the duties of a ——— of the port or district of ——— according to law, and the best of my skill and ability." The said oath or affirmation shall be administered by any justice of the peace, and a certificate thereof, under the hand and seal of such justice, transmitted within three months thereafter to the comptroller of the treasury. Any collector, naval officer or surveyor, failing herein, shall forfeit and pay two hundred dollars, recoverable with costs in any court having cognizance thereof, to the use of the informer. And no weigher, gauger, measurer or inspector, shall execute the duties of his office, until he shall have taken the above oath or affirmation.

Collectors,
naval officers,
and surveyors,
to keep books.

Collectors to
pay all monies
received, and
settle their ac-
counts every
three months.

Masters of
vessels from fo-
reign ports to
deliver two
manifests to any
officer who shall
first go on board

SEC. 9. *And be it further enacted,* That the collectors, naval officers and surveyors, to be appointed by virtue of this act, shall respectively keep fair and true accounts of all their transactions relative to their duty as officers of the customs, in such manner and form as may be directed by the proper department, or officer appointed by law to superintend the revenue of the United States; and shall at all times submit their books, papers and accounts, to the inspection of such persons as may be appointed for that purpose; and the collectors of the different ports shall at all times pay to the order of the officer who shall be authorized to direct the same, the whole of the monies which they may respectively receive by virtue of this act (such monies as they are otherwise by this act directed to pay, only excepted), and shall also, once in every three months, or oftener if they shall be required, transmit their accounts for settlement to the department or officer before mentioned.

SEC. 10. *And be it further enacted,* That every master or other person having or taking the charge or command of any ship or vessel, bound to any port of the United States, from any foreign port or place, shall deliver upon demand, to any officer or other person lawfully authorized, who shall first come on board his ship or vessel, two manifests, signed by the said master or person having command, and specifying in words (and not in figures) a true account of the loading which such ship or vessel had on board at the port from which she last sailed, and at the time of her sailing, or at any time since, the packages, marks and numbers, and noting thereon to what port in the United States such ship or vessel is bound, and the name or names of the person or persons to whom the goods are consigned, or in cases where the goods are shipped to order, the names of the shippers, noting the goods consigned to their order. One of which manifests, such officer, or other person, shall sign, and return to the master or other person having the charge of such ship or vessel, certifying thereon as nearly as may be, the time when the same was produced, and that a like manifest was delivered to him; and shall transmit the other manifest to the collector of the district to which such ship or vessel is bound.

Master to
make entry
within 48 hours,
and swear to his
manifest.

SEC. 11. *And be it further enacted,* That the master or other person, having the charge or command of any ship or vessel (ships and vessels of war excepted) coming into, or arriving in any of the ports or districts of the United States, or in any of the creeks or harbours thereof, shall, within forty-eight hours after such arrival, repair to the office of the collector of the district where such vessel shall so arrive, and shall report to the said collector the place from whence he last sailed, with the name and burthen of his ship or vessel, and shall deliver to such collector two manifests, agreeably to the directions of this act, unless he shall before have delivered one manifest to some offi

cer, or other person lawfully authorized in manner as herein before is required; in which case he shall deliver the manifest certified as aforesaid, together with such documents as are usually furnished in the port from whence they came, and shall take and subscribe an oath or affirmation, before the collector or other proper officer, which oath or affirmation, he or they are authorized and required to administer, and shall be in the words following, to wit: "I, ———, do solemnly swear or affirm (as the case may be) that this is, to the best of my knowledge and belief, a just and true manifest of all the goods, wares and merchandise, on board the ———, at the port from which she last sailed, at the time of her sailing, or at any time since, and of which vessel I am at present master." And if the master or other person having charge or command of any such ship or vessel, shall refuse or neglect to make entry, or deliver his manifests and documents, pursuant to the directions of this act, or to take the oath or affirmation herein prescribed, he shall forfeit and pay five hundred dollars for each refusal or neglect.

Penalty on refusal or neglect.

SEC. 12. *And be it further enacted*, That no goods, wares or merchandise, shall be unladen or delivered, from any ship or vessel, but in open day, or without a permit from the collector for that purpose; and if the master or commander of any ship or vessel shall suffer or permit the same, such master and commander, and every other person who shall be aiding or assisting in landing, removing, housing, or otherwise securing the same, shall forfeit and pay the sum of four hundred dollars for every offence; shall moreover be disabled from holding any office of trust or profit under the United States, for a term not exceeding seven years; and it shall be the duty of the collector of the district, to advertise the names of all such persons in the public gazette of the State in which he resides, within twenty days after each respective conviction. And all goods, wares and merchandise, so landed or discharged, shall become forfeited, and may be seized by any officer of the customs; and where the value thereof shall amount to four hundred dollars, the vessel, tackle, apparel and furniture, shall be subject to like forfeiture and seizure: *Provided always*, That if any ship or vessel compelled by distress of weather, or other sufficient cause, shall put into any port or place of the United States, other than that to which she was actually destined, the master or other person having command, shall within forty-eight hours next after his arrival, make report and deliver a true manifest of his cargo to the collector of the port or district; and moreover shall within twenty-four hours, make protest in the usual form before a notary public or justice of the peace, of the cause and circumstances of such distress; and if it shall appear to the collector, that there is a necessity for unloading such ship or vessel, he shall grant permission, and appoint a proper officer to attend the unloading thereof; and all goods, wares and merchandise so unladen, shall be stored under the direction, and subject to the safe keeping of such collector; but if any part thereof shall be of a perishable nature, or it may be necessary to make sale of any part thereof to defray the expenses of such vessel or cargo, the said collector shall grant a license to the master, commander or owner, to dispose of so much thereof as are perishable, or shall be necessary to defray such expenses: *Provided*, That the duties thereon be first paid or secured: *And provided also*, That such necessity be made appear by the wardens of the port, or other persons legally authorized to certify the same, and where there are no such persons, by the affidavit of two reputable citizens of the neighbourhood, best acquainted with matters of that kind.

Penalty on masters and others permitting goods to be unladen, unless in open day, and with a permit.

The goods to be forfeited.

Ships or vessels compelled by distress of weather to make entry and protest.

Collector may grant a permit to unload and sell perishable goods, or sufficient to defray expenses;

the duties being first paid or secured.

Owner or consignee of goods imported, to make entry,

SEC. 13. *And be it further enacted*, That every person having goods, wares or merchandise, in any ship or vessel, which shall arrive at any port of entry, or of delivery only, shall make entry with the collector of

the port or district where the same shall arrive, of all such goods, wares and merchandise, specifying the number of packages, and the marks, numbers and contents of each (or if in bulk, the quantity and quality) together with an account of the nett prime cost thereof; and shall moreover produce to the collector, the original invoice or invoices, together with the bills of loading; and the said collector shall estimate and endorse the duties on the said entry, the party making such entry taking an oath or affirmation, that it contains the whole of the goods, wares and merchandise imported by him, or to him consigned in such ship or vessel, which shall then have come to his knowledge, and that the said invoice contains, to the best of his knowledge and belief, the nett prime cost thereof, and that if he shall afterwards discover any other, or greater quantity than is contained in such entry, he will make due report and entry thereof; and the said oath or affirmation shall be administered by the collector, and the entry shall be subscribed by the person making the same. *Provided*, That in all cases where the party making entry shall reside ten miles or upwards from such port, the affidavit or affirmation of such party, taken before a justice of the peace, and by him endorsed on the original invoices, shall be as effectual as if administered and endorsed by the collector.

and take an oath to the truth thereof.

All entries to be examined and countersigned by the naval officer.

SEC. 14. *And be it further enacted*, That all such entries so authenticated by the collector, together with a copy of the same made out by the party, shall, before any permit is granted for the landing of any goods, wares or merchandise therein contained, be examined by the naval officer (where such officer is established), who shall countersign the same, and retaining one, shall return the other certified to the party, together with the bills of lading, and invoice or invoices; and on such certified entries being returned to the collector, and the duties thereon paid or secured to be paid, he shall grant a permit for the unloading and landing of the goods, wares and merchandise therein mentioned. And at such ports for which no naval officer is appointed, the collector shall grant like permits for the unloading and landing of all such goods as shall be so entered, and the duties thereof paid or secured.

Inspectors to be appointed.

SEC. 15. *And be it further enacted*, That it shall and may be lawful for the collector, naval officer and surveyor, of any port of entry or delivery, at which any ship or vessel may arrive, to put on board such ship or vessel one or more inspectors, who shall make known to the person having charge of such ship or vessel, the duties he is to perform by virtue of this act; and such inspector shall suffer no goods, wares or merchandise, to be delivered without a permit from the proper officer, authorizing the same; and shall enter in a book to be by him kept for that purpose, the contents of each permit, specifying the marks and numbers of each package, and a description thereof, with the name of the person to whom such permit was granted; and if at the expiration of fifteen working days after such ship or vessel shall begin to unload her cargo, there shall be found on board, any goods, wares or merchandise, the said inspector shall take possession thereof, and deliver them to the collector of the district, or to such person as he shall authorize or appoint on his behalf to receive the said goods, taking his receipt for the same, and giving a certificate to the person having command, describing the packages, with their marks and numbers so taken: and as soon as any ship or vessel is entirely unladen, he shall with the collector and naval officer, compare the account and entries he has made of the goods unladen from such ship or vessel, with the manifest delivered to the collector, and if it appears that there are more goods than are specified in the said manifest, the same shall be endorsed thereon, with a description of the packages, their marks and numbers, or of such goods as may be in bulk, and the same shall be subscribed by such inspector, who is hereby directed to remain on board the said ship or vessel until

Their duty.

she is discharged: *Provided always*, That the said limitation of fifteen days shall not extend to vessels laden with salt or coal, but if the master or owner of such vessels require longer time to discharge their cargoes, the wages of the inspector for every day's attendance, exceeding the said fifteen days, shall be paid by the master or owner. And if any goods, wares or merchandise, subject to duty, shall be removed from the wharf or place where the same may be landed, before they shall be weighed or gauged, (as the case may be,) or without the consent of the collector, or other proper officer, all such goods, wares and merchandise, so removed, shall be forfeited. All goods delivered to the collector in manner aforesaid, shall be kept at the charge and risk of the owner, for a term not exceeding nine months; and if within that time no claim be made for the same, an appraisement thereof shall be made by two or more reputable merchants, and lodged with the collector, who shall sell the same at public auction, and pay the proceeds, retaining the duties and charges thereon, into the treasury of the United States, there to remain for the use of the owner, who shall, upon due proof of his property, be entitled to receive the same; and the receipt or certificate of the collector, shall exonerate the master or commander from all claim of the owner. *Provided*, That where entry shall have been duly made of such goods, the same shall not be appraised; and that where such goods are of a perishable nature, they shall be sold forthwith.

Inspector's
duty.

SEC. 16. *And be it further enacted*, That if any goods, wares or merchandise, on which duties are payable, shall receive damage during the voyage, or shall not be accompanied with the original invoice of their cost, it shall be lawful for the collector to appoint one merchant, and the owner or consignee another, who being sworn or affirmed by the collector well and truly to appraise such goods, shall value them accordingly, and the duties upon such goods shall be estimated according to such valuation; and if any package, or any goods stowed in bulk, which shall have been entered as is herein before directed, shall not be duly delivered, or if any of the packages so entered shall not agree with the manifest, or if the manifest shall not agree with the delivery, in every such case the person having command shall forfeit and pay the sum of two hundred dollars, unless it shall appear that such disagreement was occasioned by unavoidable necessity or accident, and not with intention to defraud the revenue.

Goods damaged on a voyage, or not accompanied with invoices, to be appraised.

SEC. 17. *And be it further enacted*, That the ad valorem rates of duty upon all goods, wares and merchandise, at the place of importation, shall be estimated by adding twenty per cent. to the actual cost thereof, if imported from the Cape of Good Hope, or from any place beyond the same; and ten per cent. on the actual cost thereof, if imported from any other place or country, exclusive of all charges.

Rule for estimating the ad valorem rates of duty, at the place of importation.

SEC. 18. *And be it further enacted*, That all foreign coins and currencies shall be estimated according to the following rates: each pound sterling of Great Britain, at four dollars forty-four cents; each livre tournois of France, at eighteen cents and a half; each florin or guilder of the United Netherlands, at thirty-nine cents; each mark banco of Hamburgh, at thirty-three cents and one third; each rix dollar of Denmark, at one hundred cents; each rix dollar of Sweden, at one hundred cents; each ruble of Russia, at one hundred cents; each real plate of Spain, at ten cents; each milree of Portugal, at one dollar and twenty-four cents; each pound sterling of Ireland, at four dollars ten cents; each tale of China, at one dollar forty-eight cents; each pagoda of India, at one dollar ninety-four cents; each rupee of Bengal, at fifty-five cents and a half; and all other denominations of money in value as near as may be to the said rates; and the invoices of all importations shall be made out in the currency of the place or country from whence the importation shall be made, and not otherwise.

Rates of foreign coin and currency.

Invoices to be in currency of the place from whence the importation comes

Duties, how to be paid or secured.

SEC. 19. *And be it further enacted,* That all duties on goods, wares and merchandise, imported, shall be paid by the importer, before a permit shall be granted for landing the same, unless the amount of such duties shall exceed fifty dollars, in which case it shall be at the option of the party making entry, to secure the same by bond, with one or more sufficient sureties, to be approved of by the collector, and made payable as followeth, to wit: For the duties upon all articles of West India produce, within four months; for the duties upon all Maderia wines, within twelve months; and for the duties upon all other goods, within six months; but in any case the party making entry shall be at liberty to deposit with the collector any part of the goods, upon which such duties shall arise, of double the value in the judgment of the collector, to secure the payment of the duties with the charges, which deposit the collector shall accept in lieu of such bond and security, and shall safely keep the goods so deposited, at the expense and risk of the party, for the term for which such bond would have been given, at the expiration whereof, unless the said deposit shall have been redeemed by the payment of the duties, the said goods shall be sold at public sale, and as much as shall be necessary applied to the payment of the said duties, and the residue, after deducting the charges which have accrued, shall be paid to the owner or owners of such goods. *Provided always,* That where the amount of duties shall exceed fifty dollars, a discount shall be allowed for prompt payment, after the rate of ten per centum per annum on the amount of such excess: *And provided also,* That no person whose bond for the payment of duties is due and unsatisfied, shall be allowed a future credit with the collector, until such bond shall be fully paid or discharged.

Duties on tonnage to be paid within 10 days, and before clearance.

SEC. 20. *And be it further enacted,* That all the duties imposed by law on the tonnage of any ship or vessel, shall be paid to the collector, within ten days after entry made, and before such ship or vessel shall be permitted to clear out; the register of which ship or vessel at the time of entry, shall be lodged in the office of the collector, and there remain until such clearance.

Bond for duties, how to be prosecuted.

SEC. 21. *And be it further enacted,* That where any bond for the payment of the duties shall not be satisfied on the day it became due, the collector shall prosecute for the recovery of the money due thereon, by action or suit at law, in the proper court, having cognizance therein; and in all cases of insolvency, or where any estate in the hands of executors or administrators shall be insufficient to pay all the debts due from the deceased, the debt due to the United States on any such bonds shall be first satisfied. (a)

Goods entered and not truly invoiced, to be forfeited.

SEC. 22. *And be it further enacted,* That when it shall appear that any goods, wares or merchandise of which entry shall have been made, in the office of a collector, are not invoiced, according to the actual cost thereof at the place of exportation, and that the difference was made with design to defraud the revenue, all such goods, wares or merchandise, or the value thereof to be recovered of the person making entry, shall be forfeited; and in any such case, or where the collector is suspicious of fraud, and that any such goods, wares or merchandise, are not invoiced at a sum equal to that for which they have usually sold, in the place or country from whence they were imported, it shall be the duty of such collector to take the said goods, wares and merchandise into his possession, and retain the same at the risk and expense of the owner or consignee thereof, until their value, at the time and place of importation, according to the principles for estimating the same, established by this act, shall be ascertained by two reputable merchants, mutually chosen by the said collector, and owner or consignee, and the duties arising upon such valuation shall be first paid, or secured to be paid, as required by this act in other cases of importation.

How to be ascertained.

(a) See notes on page 263, post.

SEC. 23. *And be it further enacted*, That it shall be lawful for the collector, or other officer of the customs, after entry made of any goods, wares or merchandise, on suspicion of fraud, to open and examine, in the presence of two or more reputable merchants, any package or packages thereof, and if upon such examination they shall be found to agree with the entries, the officer making such seizure shall cause the same to be re-packed, and delivered to the owner or claimant forthwith, and the expense of such examination shall be paid by the collector, and allowed in the settlement of his accounts; but if any of the packages so examined be found to differ in their contents from the entry, and it shall appear that such difference hath been made with intention to defraud the revenue, then all the goods, wares or merchandise contained in such package or packages, shall be forfeited: *Provided always*, That if the owner or consignee of such goods as shall not be accompanied with the original invoice, should choose to wait the receipt of the invoice, in such case, the collector shall take into his possession all such goods, wares and merchandise, and store the same, at the expense and risk of the owner or consignee, until the invoice shall arrive, or until they agree to have the same valued.

Collector, or other officer, suspecting fraud, may open and examine packages.

SEC. 24. *And be it further enacted*, That every collector, naval officer and surveyor, or other person specially appointed by either of them for that purpose, shall have full power and authority, to enter any ship or vessel, in which they shall have reason to suspect any goods, wares or merchandise subject to duty shall be concealed; and therein to search for, seize, and secure any such goods, wares or merchandise; and if they shall have cause to suspect a concealment thereof, in any particular dwelling-house, store, building, or other place, they or either of them shall, upon application on oath or affirmation to any justice of the peace, be entitled to a warrant to enter such house, store, or other place (in the day time only) and there to search for such goods, and if any shall be found, to seize and secure the same for trial; and all such goods, wares and merchandise, on which the duties shall not have been paid or secured, shall be forfeited.

Goods subject to duty, and concealed, how to be searched for, seized, and secured.

SEC. 25. *And be it further enacted*, That all goods, wares and merchandise which shall be seized by virtue of this act, shall be put into and remain in the custody of the collector, until such proceedings shall be had, as by this act are required, to ascertain whether the same have been forfeited or not; and if it shall be adjudged that they are not forfeited, they shall be forthwith restored to the owner or owners, claimant or claimants thereof. And if any person or persons shall conceal or buy any goods, wares or merchandise, knowing them to be liable to seizure by this act, such person or persons shall on conviction thereof, forfeit and pay a sum double the value of the goods so concealed or purchased.

Collector to take custody of goods seized.

Penalty for concealing or buying goods subject to duty.

SEC. 26. *And be it further enacted*, That it shall be the duty of the several officers to be appointed or employed by virtue of this act, to make seizure of, and secure any ship or vessel, goods, wares or merchandise, which shall be liable to seizure by virtue of this act, as well without, as within their respective districts.

Officers may make seizure as well without as within their district.

SEC. 27. *And be it further enacted*, That if any officer or other person, executing, or aiding and assisting in the seizure of goods, shall be sued or molested for any thing done in virtue of the powers given by this act, or by virtue of a warrant granted by any judge or justice pursuant to law, such officer or other person may plead the general issue, and give this act in evidence; and if in such suit the plaintiff be nonsuited, or judgment pass against him, the defendant shall recover double cost; and in all actions, suits or informations to be brought, where any seizure shall be made pursuant to this act, if the property be claimed by any person, in every such case the onus probandi shall be upon such

Officers sued or molested may plead this act.

claimant; and if any person shall forcibly resist, prevent, or impede any officer of the customs, or their deputies, or any person assisting them in the execution of their duty, such persons so offending shall for every offence be fined in a sum not exceeding four hundred dollars.

Collectors, naval officers, and surveyors to enter into bond for performance of duties.

SEC. 28. *And be it further enacted*, That every collector, naval officer and surveyor, shall within three months after he enters upon the execution of his office, give bond with one or more sufficient sureties, to be approved of by the comptroller of the treasury of the United States, and payable to the said United States, conditioned for the true and faithful discharge of the duties of his office according to law; that is to say, the collector of Philadelphia in the sum of sixty thousand dollars; the collector of New York, fifty thousand dollars; the collector of Boston, forty thousand dollars; the collectors of Baltimore town and Charleston, thirty thousand dollars; the collector of Norfolk and Portsmouth, fifteen thousand dollars; the collectors of Portsmouth in New Hampshire, of Salem and Beverly, Wilmington, Annapolis, Georgetown in Maryland, Bermuda Hundred and City Point, and Alexandria, ten thousand dollars each; the collectors of Newburyport, Gloucester, Marblehead, Plymouth, Nantucket, Portland and Falmouth, New London, New Haven, Fairfield, Perth Amboy, Chester, Oxford, Yorktown, Dumfries, Georgetown in South Carolina, Beaufort, and Savannah, each five thousand dollars; and all the other collectors, in the sum of two thousand dollars each. The naval officers for the ports of Boston, New York, Philadelphia, Baltimore town and Charleston, ten thousand dollars each; and all the other naval officers, in the sum of two thousand dollars each. The surveyors of the ports of Boston, New York, Philadelphia, Baltimore town, and Charleston, five thousand dollars each; and all other surveyors, one thousand dollars each; which bonds shall be filed in the office of the said comptroller; and be by him severally put in suit for the benefit of the United States, upon any breach of the condition thereof.

Their fees of office and per centage.

SEC. 29. *And be it further enacted*, That there shall be allowed and paid to the collectors, naval officers and surveyors, to be appointed pursuant to this act, the fees and per centage following, that is to say: To each collector, for every entrance of any ship or vessel of one hundred tons burthen or upwards, two dollars and a half; for every clearance of any ship or vessel of one hundred tons burthen and upwards, two dollars and a half; for every entrance of any ship or vessel under the burthen of one hundred tons, one dollar and a half; for every clearance of a ship or vessel under one hundred tons burthen, one dollar and a half; for every permit to land goods, twenty cents; for every bond taken officially, forty cents; and for every permit to load goods for exportation, which are entitled to a drawback, thirty cents; for every official certificate, twenty cents; for every bill of health, twenty cents; for every other official document (registers excepted) required by the owner or master of every vessel, not before enumerated, twenty cents. And where a naval officer is appointed to the same port, the said fees shall be equally divided between the collector and the said naval officer, apportioning to each his moiety of the necessary expenses of stationery, and the rent of an office to be provided by the collector, in the place of his residence, most convenient for the trade of the district, in which the said collector and naval officer shall each have at least one separate room: and the said fees shall be received by the collector, who shall settle the accounts monthly, and pay to the naval officer the balance which may be due to him on such monthly settlement. To each surveyor there shall be allowed, for all the services required by law, to be performed by such surveyor, on board any ship or vessel of one hundred tons and upwards, and having on board goods, wares and merchandise, subject to duty, three dollars; for the like services on board any ship or vessel of less than one hundred

tons burthen, having on board goods, wares and merchandise, subject to duty, one and a half dollars; on all vessels not having on board goods, wares and merchandise, subject to duty, two thirds of a dollar: all which fees shall be paid to the collector, by the master or owner of the ship or vessel in which the services are performed, and the said collector shall pay weekly to the surveyor the fees so received. To each inspector there shall be allowed for every day he shall be actually employed in aid of the customs, a sum not exceeding one dollar and twenty-five cents, to be paid by the collector out of the revenue, and charged to the public; to the measurers, weighers and gaugers respectively for their services, shall be allowed, and paid by the collector out of the revenue, for the measurement of every one hundred bushels of salt or grain, eighteen cents; for the measurement of every one hundred bushels of coal, twenty-five cents; for the weighing of every one hundred and twelve pounds, one cent; for the gauging of every cask, six cents. (There shall moreover be allowed to the collectors at each of the following ports, to wit: Boston, Salem and Beverly, New York, Philadelphia, Baltimore, Norfolk or Portsmouth, and Charleston, one half a per centum on the amount of all monies by them respectively received and paid into the treasury of the United States;) and to the collector at each of the other ports by this act established, one per centum on the amount of all monies by them respectively received and paid into the treasury of the United States. Every collector, naval officer and surveyor, shall cause to be affixed, and constantly kept in some public and conspicuous place of his office, a fair table of the rates of fees, and duties demandable by law; and in case of failure herein, shall forfeit and pay one hundred dollars, to be recovered with costs, in any court having cognizance thereof, to the use of the informer; and if any officer of the customs shall demand, or receive any greater or other fee, compensation or reward, for executing any duty or service required of him by law, he shall forfeit and pay two hundred dollars for each offence, recoverable in manner aforesaid, for the use of the party grieved.

SEC. 30. *And be it further enacted*, That the duties and fees to be collected by virtue of this act, shall be received in gold and silver coin only, at the following rates, that is to say, the gold coins of France, England, Spain and Portugal, and all other gold coin of equal fineness, at eighty-nine cents for every pennyweight. The Mexican dollar at one hundred cents; the crown of France at one dollar and eleven cents; the crown of England at one dollar and eleven cents; and all silver coins of equal fineness at one dollar and eleven cents per ounce.

SEC. 31. *And be it further enacted*, That all the drawbacks allowed by law on the exportation of goods, wares and merchandise imported, shall be paid or allowed by the collector at whose office the said goods, wares and merchandise were originally entered, and not otherwise, retaining one per centum for the benefit of the United States.

SEC. 32. *Provided always, and be it further enacted*, That no goods, wares or merchandise, entitled to drawback, shall be reladen before an entry shall be made with the collector of the port from whence such goods are intended to be exported; which entry shall contain a particular account of the casks and packages, their marks, numbers and contents, the cost thereof, the vessel or vessels in which they were imported, and the place or places imported from; and the person or persons intending to export such goods, shall give bond, with one or more sufficient sureties, that the same or any part thereof, shall not be reladed in any port or place within the limits of the United States, as settled by the late treaty of peace; and shall moreover make oath or affirmation as to the truth of the entry, that the goods, wares and merchandise, are in quantity, quality and value, as therein expressed, according to the inward

Fees of collectors, naval officers and surveyors.

To set up a table of fees.

Penalty for demanding greater or other fees.

Rates of coins for receiving duties and fees.

Drawbacks, where payable.

How to be allowed.

Drawbacks.

entry thereof, which entry was duly made at the time of importation pursuant to the directions of this act; and that the quality is the same as at the time of importation; and the exporter of such goods shall not be entitled to draw back the duties, until at least six months after the exportation thereof, and until he shall produce to the collector with whom such outward entry is made, a certificate in writing of two reputable merchants, at the foreign port or place in which the same were landed, together with the oath or affirmation of the master and mate of the vessel in which they were exported, certifying the delivery thereof; but in case any vessel shall be cast away, or meet with such unavoidable accidents as to prevent the landing such goods, a protest in due form of law, made by the master and mate, or some of the seamen, or in case no such protest can be had, then the oath or affirmation of the exporter shall be received in lieu of the other proofs herein directed, unless there shall be good reason to suspect the truth of such oath or affirmation, in which case it shall and may be lawful for the collector to require such further proof as the nature of the case may demand. *Provided also*, That no goods, wares or merchandise imported, shall be entitled to a drawback of the duties paid, or secured to be paid thereon, unless such duties shall amount to twenty dollars at the least; nor unless they shall be exported in the same cask, package or packages, and from the port or district into which they were originally imported, and moreover shall be reladen under the inspection of the collector, naval officer or surveyor of the port.

Allowance on the exportation of dried or pickled fish and salted provisions, how to be made.

SEC. 33. *And be it further enacted*, That the sums allowed to be paid by law on the exportation of dried or pickled fish, and of salted provisions, shall be paid by the collector of the port or district from whence the same shall be exported: *Provided*, That due entry thereof shall be first made, and bonds given, as in case of drawbacks, and that no such allowance shall be made, unless it shall amount to three dollars at the least upon any one entry.

Goods entitled to drawback, or allowance, to be forfeited, if landed after entry made.

SEC. 34. *And be it further enacted*, That if any goods, wares or merchandise, entered for exportation with a view to draw back the duties, or to obtain any allowance given by law on the exportation thereof, shall be landed in any port or place within the limits of the United States as aforesaid, all such goods, wares and merchandise shall be subject to seizure and forfeiture, together with the vessel from which such goods shall be landed, and the vessels or boats used in landing the same; and all persons concerned therein, shall, on indictment and conviction thereof, suffer imprisonment for a term not exceeding six months; and for discovery of frauds, and seizure of goods, wares and merchandise, reladen contrary to law, the several officers established by this act shall have the same powers, and in case of seizure the same proceedings shall be had, as in the case of goods, wares and merchandise imported contrary to law; and for measuring, weighing or gauging goods for exportation, the same fees shall be allowed as in like cases upon the importation thereof.

Penalty on officer receiving a bribe, or conniving at a false entry.

SEC. 35. *And be it further enacted*, That if any officer of the customs shall, directly or indirectly, take or receive any bribe, reward or recompense for conniving, or shall connive at a false entry of any ship or vessel, or of any goods, wares or merchandise, and shall be thereof convicted, every such officer shall forfeit and pay a sum not less than two hundred, nor more than two thousand dollars for each offence, and be forever disabled from holding any office of trust or profit under the United States; and any person giving or offering any bribe, recompense or reward, for any such deception, collusion or fraud, shall forfeit and pay a sum not less than two hundred, nor more than two thousand dollars for each offence; and in all cases where an oath or affirmation is by this act required from a master or other person, having command of

a ship or vessel, or from an owner or consignee of goods, wares and merchandise, if the person so swearing or affirming, shall swear or affirm falsely, such person shall, on indictment and conviction thereof, be punished by fine or imprisonment, or both, in the discretion of the court before whom the conviction shall be had, so as the fine shall not exceed one thousand dollars, and the term of imprisonment shall not exceed twelve months.

On masters of vessels or others who shall take a false oath.

SEC. 36. *And be it further enacted,* That all penalties accruing by any breach of this act, shall be sued for and recovered with costs of suit, in the name of the United States, in any court proper to try the same, by the collector of the district where the same accrued, and not otherwise, unless in cases of penalty relating to an officer of the customs; and such collector shall be, and hereby is authorized and directed to sue for and prosecute the same to effect, and to distribute and pay the sum recovered, after first deducting all necessary costs and charges, according to law. And all ships or vessels, goods, wares and merchandise, which shall become forfeit by virtue of this act, shall be seized, libelled and prosecuted as aforesaid, in the proper court having cognizance thereof; and the court shall cause fourteen days, notice to be given of such seizure and libel, by causing the substance of such libel, with the order of the court thereon, setting forth the time and place appointed for trial, to be inserted in some public newspaper, nearest the place of seizure, and also by posting up the same in the most public manner for the space of fourteen days, at or near the place of trial; and proclamation shall be made in such manner as the court shall direct; and if no person shall appear to claim such ship or vessel, goods, wares or merchandise, the same shall be adjudged to be forfeited; but if any person shall appear before such judgment of forfeiture, and claim any such ship or vessel, goods, wares or merchandise, and shall give bond to defend the prosecution thereof, and to respond the cost in case he shall not support his claim, the court shall proceed to hear and determine the cause according to law; and upon the prayer of any claimant to the court, that any ship or vessel, goods, wares or merchandises so seized and prosecuted, or any part thereof should be delivered to such claimant, it shall be lawful for the court to appoint three proper persons to appraise such ship or vessel, goods, wares or merchandise, who shall be sworn in open court for the faithful discharge of their duty; and such appraisement shall be made at the expense of the party on whose prayer it is granted; and on the return of such appraisement, if the claimant shall, with one or more sureties, to be approved of by the court, execute a bond in the usual form, to the United States, for the payment of a sum equal to the sum at which the ship or vessel, goods, wares or merchandise so prayed to be delivered, be appraised, the court shall by rule order such ship or vessel, goods, wares or merchandise, to be delivered to the said claimant, and the said bond shall be lodged with the proper officer of the court; and if judgment shall pass in favour of the claimant, the court shall cause the said bond to be cancelled; but if judgment shall pass against the claimant, as to the whole or any part of such ship or vessel, goods, wares or merchandise, and the claimant shall not within twenty days thereafter pay into the court the amount of the appraised value of such ship or vessel, goods, wares or merchandise so condemned, with the costs, the bond shall be put in suit. And when any prosecution shall be commenced on account of the seizure of any ship or vessel, goods, wares or merchandise, and judgment shall be given for the claimant or claimants; if it shall appear to the court before whom such prosecution shall be tried, that there was a reasonable cause of seizure, the same court shall cause a proper certificate or entry to be made thereof, and in such case the claimant shall not be entitled to costs, nor shall the person who made the seizure, or the prosecutor be

Mode of prosecuting and recovering penalties and forfeitures.

Limitation.

liable to action, judgment or suit, on account of such seizure or prosecution. *Provided*, That the ship or vessel, goods, wares or merchandise be after judgment forthwith returned to such claimant or claimants, his or their agents. *And provided*, That no action or prosecution shall be maintained in any case under this act, unless the same shall have been commenced within three years next after the penalty or forfeiture was incurred.

Vessels or goods condemned by virtue of this act, how to be sold, and by whom.

SEC. 37. *And be it further enacted*, That all ships, vessels, goods, wares or merchandise, which shall be condemned by virtue of this act, shall be sold by the proper officer of the court in which such condemnation shall be had, to the highest bidder at public auction, by order of such court, and at such place as the court may appoint, giving at least fifteen days notice (except in case of perishable goods) in one or more of the public newspapers of the place where such sale shall be, or if no paper is published in such place, in one or more of the papers published in the nearest place thereto.

Appropriation of fines, penalties, and forfeitures.

SEC. 38. *And be it further enacted*, That all penalties, fines and forfeitures, recovered by virtue of this act (and not otherwise appropriated), shall, after deducting all proper costs and charges, be disposed of as follows: One moiety shall be for the use of the United States, and paid into the treasury thereof; the other moiety shall be divided into three equal parts, and paid to the collector, naval officer and surveyor of the district wherein the same shall have been incurred; and in such districts where only two of the aforesaid officers shall have been established, the said moiety shall be equally divided between them; and in such districts where only one of the aforesaid officers shall have been established, the said moiety shall be given to such officer: *Provided nevertheless*, That in all cases where such penalties, fines and forfeitures shall be recovered in pursuance of information given to such collector, by any person, other than the said naval officer and surveyor, the one half of such moiety shall be given to the informer, and the remainder thereof shall be disposed of between the collector, naval officer and surveyor, in manner and form as above limited and expressed.

Rhode Island and N. Carolina. Act of Sept. 16, 1789, ch. 15, sec. 2. Act of Feb. 8, 1790, ch. 1.

And whereas, The States of Rhode Island and Providence Plantations, and North Carolina, have not as yet ratified the present Constitution of the United States, by reason whereof this act doth not extend to the collecting of duties within either of the said two States, and it is thereby become necessary that the following provision with respect to goods, wares or merchandise imported from either of the said two States should for the present take place: (a)

Goods imported from, subject to same duties as from foreign countries.

SEC. 39. *Be it therefore further enacted*, That all goods, wares and merchandise not of their own growth or manufacture, which shall be imported from either of the said two States of Rhode Island and Providence Plantations, or North Carolina, into any other port or place within the limits of the United States, as settled by the late treaty of peace, shall be subject to the like duties, seizures and forfeitures, as goods, wares or merchandise imported from any State or country without the said limits.

Dutiable goods of foreign growth, brought to the U. States, except by sea, and in certain vessels, subject to forfeiture.

SEC. 40. *And be it further enacted*, That no goods, wares or merchandise of foreign growth or manufacture, subject to the payment of duties, shall be brought into the United States, in any other manner than by sea, nor in any ship or vessel less than thirty tons burthen, except within the district of Louisville, and except also in such vessels as are now actually on their voyages; nor shall be landed, or unladen, at any other place than is by this act directed, under the penalty of seizure

(a) North Carolina adopted the Constitution by a convention called in November 1789. Rhode Island, by a convention held in May 1790, assented to the Constitution.

and forfeiture, of all such vessels, goods, wares or merchandise, brought in, landed, or unladen in any other manner. And all goods, wares and merchandise brought into the United States by land, contrary to this act, shall be forfeited, together with the carriages, horses, and oxen, that shall be employed in conveying the same.

APPROVED, July 31, 1789.

STATUTE I.

CHAP. VI.—*An Act for settling the Accounts between the United States and individual States.*(a)

Aug. 5, 1789.

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 empowered to nominate, and by and with the advice and consent of the Senate, to appoint such person or persons as he may think proper for supplying any vacancy that now is, or may hereafter take place in the Board of Commissioners, established by an ordinance of the late Congress, of the seventh of May, one thousand seven hundred and eighty-seven, to carry into effect the said ordinance and resolutions of Congress, for the settlement of accounts between the United States and individual States.

Vacancies in the board of commissioners, how to be supplied.

SEC. 2. *And be it further enacted,* That the said Board of Commissioners be, and they hereby are empowered to appoint a chief clerk, and such other clerks as the duties of their office may require; and that the pay of the said chief clerk be six hundred dollars per annum, and of each other clerk four hundred dollars per annum.

Clerks to be appointed,

their salaries.

APPROVED, August 5, 1789.

STATUTE I.

CHAP. VII.—*An Act to establish an Executive Department, to be denominated the Department of War.*(b)

Aug. 7, 1789.

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

1798, ch. 35.

(a) See act of August 5, 1790, chap. 38.

(b) *An Ordinance for ascertaining the Powers and Duties of the Secretary at War.*

Be it ordained by the United States in Congress assembled, That the powers and duty of the Secretary at War shall be as follows, to wit: To examine into the present state of the war department, the returns and present state of the troops, ordnance, arms, ammunition, clothing and supplies of the troops of these States, and report the same to Congress; to keep exact and regular returns of all the forces of these States, and of all the military stores, equipments and supplies in the magazines of the United States, or in other places for their use; and to receive into his care, from the officers in whose possession they may be, all such as are not in actual service; to form estimates of all such stores, equipments and supplies as may be requisite for the military service, and for keeping up competent magazines, and to report the same to the commissioners of the treasury of the United States, that measures may be taken in due time for procuring the same; to prepare estimates for paying and recruiting the troops of these United States; to carry into effect all ordinances and resolves of Congress for raising and equipping troops for the service of the United States, and for inspecting the said troops; and to direct the arrangement, destination and operation of such troops as are or may be in service, subject to the orders of Congress or of the committee of the States in the recess of Congress; to make out, seal and countersign the commissions of all such military officers as shall be employed in the service of the United States; to take order for the transportation, safe keeping and distributing the necessary supplies for such troops and garrisons as may be kept up by the United States. He shall appoint and remove at pleasure all persons employed under him, and shall be responsible for their conduct in office; all which appointments shall be immediately certified to Congress, and such certificate, or the substance thereof, registered in a book to be kept for that purpose in the office of the secretary of Congress. He shall keep a public and convenient office in the place where Congress shall reside. He shall, at least once a year, visit all the magazines and deposits of public stores, and report the state of them with proper arrangements to Congress; and shall twice a year, or oftener if thereto required, settle the accounts of his department. That as well the Secretary at War as his assistants or clerks, before they shall enter on the duties of their office, shall respectively take and subscribe an oath or affirmation of fidelity to the United States, and for the faithful execution of the trust reposed in them; and which oaths or affirmations shall be administered by the secretary of Congress, and a certificate thereof filed in his office. The oath of fidelity shall be in the words following: "I, A. B. appointed to the office of

do acknowledge that

Secretary for
the department
of war, his duty.

shall be an executive department to be denominated the Department of War, (a) and that there shall be a principal officer therein, to be called the Secretary for the Department of War, who shall perform and execute such duties as shall from time to time be enjoined on, or entrusted to him by the President of the United States, agreeably to the Constitution, relative to military commissions, or to the land or naval forces, ships, or warlike stores of the United States, or to such other matters respecting military or naval affairs, as the President of the United States shall assign to the said department, or relative to the granting of lands to persons entitled thereto, for military services rendered to the United States, or relative to Indian affairs; and furthermore, that the said principal officer shall conduct the business of the said department in such manner, as the President of the United States shall from time to time order or instruct.

1798, ch. 35,
sec. 5.

Principal
clerk, his duty.

SEC. 2. *And be it further enacted*, That there shall be in the said department an inferior officer, to be appointed by the said principal officer, to be employed therein as he shall deem proper, and to be called the chief clerk in the department of war, and who, whenever the said principal officer shall be removed from office by the President of the United States, or in any other case of vacancy, shall, during such vacancy, have the charge and custody of all records, books and papers, appertaining to the said department.

Oath of office.

SEC. 3. *And be it further enacted*, That the said principal officer, and every other person to be appointed or employed in the said department, shall, before he enters on the execution of his office or employment, take an oath or affirmation well and faithfully to execute the trust committed to him.

Secretary to
take charge of
papers, &c. of
war department.

SEC. 4. *And be it further enacted*, That the Secretary for the department of war, to be appointed in consequence of this act, shall forthwith after his appointment, be entitled to have the custody and charge of all records, books and papers in the office of Secretary for the department of war, heretofore established by the United States in Congress assembled. (b)

APPROVED, August 7, 1789.

STATUTE I.

Aug. 7, 1789.

CHAP. VIII.—*An Act to provide for the Government of the Territory North-west of the river Ohio.*

1800, ch. 41.
1802, ch. 40.

Whereas in order that the ordinance of the United States in Congress assembled, for the government of the territory north-west of the river

I do owe faith and true allegiance to the United States of America; and I do swear (or affirm) that I will, to the utmost of my power, support, maintain and defend the said United States in their freedom, sovereignty and independence, against all opposition whatsoever." And the oath of office shall be in the words following: "I, A. B. appointed to the office of _____ do swear (or affirm) that I will faithfully, truly and impartially execute the office of _____ to which I am so appointed, according to the best of my skill and judgment; and that I will not disclose or reveal any thing that shall come to my knowledge in the execution of the said office, or from the confidence I may thereby acquire, which in my own judgment or by the injunction of my superiors ought to be kept secret." That the form of the oath of fidelity heretofore prescribed by Congress, and all former resolutions of Congress relative to the department of war, be, and they are hereby repealed.

Done by the United States in Congress assembled, the twenty-seventh day of January, in the year of our Lord one thousand seven hundred and eighty-five, and of our sovereignty and independence the ninth.

CHARLES THOMSON, Secretary.

RICHARD HENRY LEE, President.

(a) The Secretary at War, as the legitimate organ of the President, under a general authority from him, may exercise the power, and make the allowance to officers having a separate command. Parker v. The United States, 1 Peters, 296.

(b) By "an act to establish an executive department to be denominated the Department of the Navy, passed April 30, 1798, chap. 35, the navy department was established, and by the 5th section of that act so much of the act of August 7, 1789, as vested any of the powers given to the department over the navy, by the act of April 30, 1798, were repealed.

Ohio may continue to have full effect, it is requisite that certain provisions should be made, so as to adapt the same to the present Constitution of the United States. (a) Act of April 30, 1802, ch. 40.

(a) *An Ordinance for the Government of the Territory of the United States north-west of the river Ohio.*

Be it ordained by the United States in Congress assembled, That the said territory, for the purposes of temporary government, be one district; subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

Be it ordained by the authority aforesaid, That the estates both of resident and non-resident proprietors in the said territory, dying intestate, shall descend to, and be distributed among their children, and the descendants of a deceased child in equal parts; the descendants of a deceased child or grandchild, to take the share of their deceased parent in equal parts among them; And where there shall be no children or descendants, then in equal parts to the next of kin, in equal degree; and among collaterals, the children of a deceased brother or sister of the intestate, shall have in equal parts among them their deceased parents' share; and there shall in no case be a distinction between kindred of the whole and half blood; saving in all cases to the widow of the intestate, her third part of the real estate for life, and one third part of the personal estate; and this law relative to descents and dower, shall remain in full force until altered by the legislature of the district.—And until the governor and judges shall adopt laws as hereinafter mentioned, estates in the said territory may be devised or bequeathed by wills in writing, signed and sealed by him or her, in whom the estate may be (being of full age) and attested by three witnesses;—and real estates may be conveyed by lease and release, or bargain and sale, signed, sealed and delivered by the person, being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrates, courts and registers shall be appointed for that purpose; and personal property may be transferred by delivery; saving, however, to the French and Canadian inhabitants, and other settlers of the Kaskaskies, St. Vincent's, and the neighbouring villages, who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance of property.

Be it ordained by the authority aforesaid, That there shall be appointed from time to time, by Congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress: he shall reside in the district, and have a freehold estate therein, in one thousand acres of land, while in the exercise of his office.

There shall be appointed from time to time by Congress, a secretary, whose commission shall continue in force for four years, unless sooner revoked; he shall reside in the district, and have a freehold estate therein, in five hundred acres of land, while in the exercise of his office: it shall be his duty to keep and preserve the acts and laws passed by the legislature, and the public records of the district, and the proceedings of the governor in his executive department; and transmit authentic copies of such acts and proceedings, every six months, to the secretary of Congress: There shall also be appointed a court to consist of three judges, any two of whom to form a court, who shall have a common law jurisdiction, and reside in the district, and have each therein a freehold estate in five hundred acres of land, while in the exercise of their offices; and their commissions shall continue in force during good behaviour.

The governor and judges, or a majority of them, shall adopt and publish in the district, such laws of the original States, criminal and civil, as may be necessary, and best suited to the circumstances of the district, and report them to Congress, from time to time; which laws shall be in force in the district until the organization of the general assembly therein, unless disapproved of by Congress; but afterwards the legislature shall have authority to alter them as they shall think fit.

The governor for the time being, shall be commander-in-chief of the militia, appoint and commission all officers in the same, below the rank of general officers; all general officers shall be appointed and commissioned by Congress.

Previous to the organization of the general assembly, the governor shall appoint such magistrates and other civil officers, in each county or township, as he shall find necessary for the preservation of the peace and good order in the same: After the general assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil officers, not herein otherwise directed, shall during the continuance of this temporary government, be appointed by the governor.

For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions thereof—and he shall proceed from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject, however, to such alterations as may thereafter be made by the legislature.

So soon as there shall be five thousand free male inhabitants, of full age, in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships, to represent them in the general assembly; provided that for every five hundred free male inhabitants, there shall be one representative, and so on progressively with the number of free male inhabitants shall the right of representation increase, until the number of representatives shall amount to twenty-five; after which the number and proportion of representatives shall be regulated by the legislature: provided that no person be eligible or qualified to act as a representative, unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall have resided in the district three years; and in either case, shall likewise hold in his own right, in fee simple, two hundred acres of land within the same: provided also, that a freehold in fifty acres of land in the district, having been a citizen of one of the States, and being resident in the district, or the like freehold and two years residence in the district shall be necessary to qualify a man as an elector of a representative.

The representatives thus elected, shall serve for the term of two years; and in case of the death of a representative, or removal from office, the governor shall issue a writ to the county or township, for which he was a member, to elect another in his stead, to serve for the residue of the term.

The general assembly, or legislature, shall consist of the governor, legislative council, and a house of

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in all cases in which by the said ordinance, any information is to be given, or communication made by the governor of the said territory to the United States in Congress assembled, or to any of their officers, it shall

Governor to make communication to the President of the U. States.

representatives. The legislative council shall consist of five members, to continue in office five years, unless sooner removed by Congress; any three of whom to be a quorum; and the members of the council shall be nominated and appointed in the following manner, to wit: As soon as representatives shall be elected, the governor shall appoint a time and place for them to meet together, and, when met, they shall nominate ten persons, residents in the district, and each possessed of a freehold in five hundred acres of land, and return their names to Congress; five of whom Congress shall appoint and commission to serve as aforesaid; and whenever a vacancy shall happen in the council, by death or removal from office, the house of representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to Congress; one of whom Congress shall appoint and commission for the residue of the term. And every five years, four months at least before the expiration of the time of service of the members of council, the said house shall nominate ten persons, qualified as aforesaid, and return their names to Congress; five of whom Congress shall appoint and commission to serve as members of the council five years, unless sooner removed. And the governor, legislative council, and house of representatives, shall have authority to make laws, in all cases, for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills having passed by a majority in the house, and by a majority in the council, shall be referred to the governor for his assent; but no bill or legislative act whatever, shall be of any force without his assent. The governor shall have power to convene, prorogue and dissolve the general assembly, when in his opinion it shall be expedient.

The governor, judges, legislative council, secretary, and such other officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity, and of office; the governor before the president of Congress, and all other officers before the governor. As soon as a legislature shall be formed in the district, the council and house assembled, in one room, shall have authority, by joint ballot, to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting during this temporary government.

And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in the said territory: to provide also for the establishment of States, and permanent government therein, and for their admission to a share in the federal councils on an equal footing with the original States, at as early periods as may be consistent with the general interest:

It is hereby ordained and declared, by the authority aforesaid, That the following articles shall be considered as articles of compact between the original States, and the people and States in the said territory, and forever remain unalterable, unless by common consent, to wit:

ART. I. No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments, in the said territory.

ART. II. The inhabitants of the said territory, shall always be entitled to the benefits of the writ of *habeas corpus*, and of the trial by jury; of a proportionate representation of the people in the legislature, and of judicial proceedings according to the course of the common law. All persons shall be bailable, unless for capital offences, where the proof shall be evident, or the presumption great. All fines shall be moderate; and no cruel or unusual punishments shall be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers, or the law of the land, and should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. And in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made, or have force in the said territory, that shall in any manner whatever interfere with, or affect private contracts or engagements, *bona fide*, and without fraud previously formed.

ART. III. Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their land and property shall never be taken from them without their consent; and in their property, rights and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall from time to time be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

ART. IV. The said territory, and the States which may be formed therein, shall forever remain a part of this confederacy of the United States of America, subject to the articles of confederation, and to such alterations therein, as shall be constitutionally made; and to all the acts and ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers in the said territory, shall be subject to pay a part of the federal debts, contracted or to be contracted, and a proportional part of the expenses of government, to be apportioned on them by Congress, according to the same common rule and measure, by which apportionments thereof shall be made on the other States; and the taxes for paying their proportion, shall be laid and levied by the authority and direction of the legislatures of the district or districts or new States, as in the original States, within the time agreed upon by the United States in Congress assembled. The legislatures of those districts or new States, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the *bona fide* purchasers. No tax shall be imposed on land the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the said territory, as to the citizens of the United States, and those of any other States that may be admitted into the confederacy, without any tax, impost, or duty therefor.

be the duty of the said governor to give such information and to make such communication to the President of the United States, and the President shall nominate, and by and with the advice and consent of the Senate, shall appoint all officers which by the said ordinance were to have been appointed by the United States in Congress assembled, and all officers so appointed shall be commissioned by him; and in all cases where the United States in Congress assembled, might, by the said ordinance, revoke any commission or remove from any office, the President is hereby declared to have the same powers of revocation and removal.

SEC. 2. *And be it further enacted*, That in case of the death, removal, resignation, or necessary absence of the governor of the said territory, the secretary thereof shall be, and he is hereby authorized and required to execute all the powers, and perform all the duties of the governor, during the vacancy occasioned by the removal, resignation or necessary absence of the said governor. (a)

APPROVED, August 7, 1789.

Officers to be appointed by the President and Senate.

To be commissioned and removed by the President.

In cases of death, removal, &c., secretary to execute the power of governor during such vacancy.

CHAP. IX.—*An Act for the establishment and support of Lighthouses, Beacons, Buoys, and Public Piers.* (b)

Aug. 7, 1789.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all expenses which shall accrue from and after the fifteenth day of August,

Act of July 22, 1790, ch. 32.

ART. V. There shall be formed in the said territory, not less than three, nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her act of cession, and consent to the same, shall become fixed and established as follows, to wit: The western State in the said territory, shall be bounded by the Mississippi, the Ohio and Wabash rivers; a direct line drawn from the Wabash and Post Vincents due north to the territorial line between the United States and Canada; and by the said territorial line to the Lake of the Woods and Mississippi. The middle State shall be bounded by the said direct line, the Wabash from Post Vincents to the Ohio; by the Ohio, by a direct line drawn due north from the mouth of the Great Miami, to the said territorial line, and by the said territorial line. The eastern State shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania, and the said territorial line: Provided however, and it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered, that if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of lake Michigan. And whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original States, in all respects whatever; and shall be at liberty to form a permanent constitution and State government: Provided the constitution and government so to be formed, shall be republican, and in conformity to the principles contained in these articles; and so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand.

ART. VI. There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in punishment of crimes, whereof the party shall have been duly convicted: Provided always, that any person escaping into the same, from whom labour or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labour or service as aforesaid.

Done by the United States in Congress assembled, the thirteenth day of July, in the year of our Lord one thousand seven hundred and eighty-seven, and of their sovereignty and independence the twelfth.

WILLIAM GRAYSON, *Chairman.*

CHARLES THOMSON, *Secretary.*

(a) The States of Ohio, Indiana, Illinois, and Michigan, were, after the enactment of this law, formed out of part of "The Territory of the United States, northwest of the river Ohio," and became members of the Federal Union.

OHIO was established as a State April 30, 1802. INDIANA was admitted into the Union December 11, 1816. ILLINOIS was admitted into the Union December 3, 1818. MICHIGAN was admitted into the Union January 26, 1837.

(b) See acts of July 22, 1790; act of March 3, 1791; act of March 2, 1793; act of March 2, 1795; act of May 30, 1796. Few acts have been specially passed since 1796 for the support &c. of lighthouses, &c. Provision for the same has been made in the general appropriation laws. By the 7th section of the act of May 15, 1820, "No lighthouse, beacon nor landmark shall be built or erected on any site previous to the cession of jurisdiction over the same being made to the United States."

Suits for pilotage on the high seas, and on waters navigable from the sea, as far as the tide ebbs and flows, are within the admiralty and maritime jurisdiction of the United States. The Thomas Jefferson, 10 Wheat. 428. Peyroux v. Howard, 7 Peters, 324. Hobart v. Drogan, 10 Peters, 108.

Expenses of support and repairs, after 16th Aug. 1789, to be defrayed out of the treasury of the U. States.

Provided a cession be made within one year.

[Expired.] Lighthouse to be erected near entrance of Chesapeake Bay.

Secretary of the Treasury to contract for building, repairing, &c. when necessary.

Pilots to be regulated by the existing laws of the respective States.

one thousand seven hundred and eighty-nine, in the necessary support, maintenance and repairs of all lighthouses, beacons, buoys and public piers erected, placed, or sunk before the passing of this act, at the entrance of, or within any bay, inlet, harbor, or port of the United States, for rendering the navigation thereof easy and safe, shall be defrayed out of the treasury of the United States: *Provided nevertheless*, That none of the said expenses shall continue to be so defrayed by the United States, after the expiration of one year from the day aforesaid, unless such lighthouses, beacons, buoys and public piers, shall in the mean time be ceded to and vested in the United States, by the state or states respectively in which the same may be, together with the lands and tenements thereunto belonging, and together with the jurisdiction of the same.

SEC. 2. *And be it further enacted*, That a lighthouse shall be erected near the entrance of the Chesapeake Bay, at such place, when ceded to the United States in manner aforesaid, as the President of the United States shall direct.

SEC. 3. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to provide by contracts, which shall be approved by the President of the United States, for building a lighthouse near the entrance of Chesapeake Bay, and for rebuilding when necessary, and keeping in good repair, the lighthouses, beacons, buoys, and public piers in the several States, and for furnishing the same with all necessary supplies; and also to agree for the salaries, wages, or hire of the person or persons appointed by the President, for the superintendance and care of the same.

SEC. 4. *And be it further enacted*, That all pilots in the bays, inlets, rivers, harbors and ports of the United States, shall continue to be regulated in conformity with the existing laws of the States respectively wherein such pilots may be, or with such laws as the States may respectively hereafter enact for the purpose, until further legislative provision shall be made by Congress. (a)

APPROVED, August 7, 1789.

STATUTE I.

Aug. 20, 1789.

[Obsolete.]

Sum appropriated.

Allowance to commissioners.

CHAP. X.—*An Act providing for the Expenses which may attend Negotiations or Treaties with the Indian Tribes, and the appointment of Commissioners for managing the same.*

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 thousand dollars, arising from the duties on imports and tonnage, shall be, and the same is hereby appropriated to defraying the expense of negotiating and treating with the Indian tribes.

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

APPROVED, August 20, 1789.

(a) By the 2d section of the act of May 8, 1792, pilots are exempted from militia duty. By "an act concerning pilots," passed March 2, 1837, pilots on the waters which are the boundary of two States, may be licensed by either State, and may be employed by any vessel going into or out of any port situated on such waters.

CHAP. XI.—*An Act for Registering and Clearing Vessels, Regulating the Coasting Trade, and for other purposes.*(a)

STATUTE I.

Sept. 1, 1789.

What ships or vessels may be registered.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any ship or vessel built within the United States, and belonging wholly to a citizen or citizens thereof, or not built within the said States, but on the sixteenth day of May, one thousand seven hundred and eighty-nine, belonging, and thereafter continuing to belong wholly to a citizen or citizens thereof, and of which the master is a citizen of the United States, and no other, may be registered in manner hereinafter provided, and being so registered, shall be deemed and taken to be, and denominated, a ship or vessel of the United States, and entitled to the benefits granted by any law of the United States, to ships or vessels of the descriptions aforesaid.

Persons registering to obtain a certificate.

SEC. 2. *And be it further enacted,* That the person or persons claiming property in any such ship or vessel, in order to entitle her to the benefits aforesaid, shall cause the same to be registered, and shall obtain a certificate of such registry from the collector of the district to which such ship or vessel belongs, in manner hereinafter directed, which certificate, attested by the Secretary of the Treasury, under his hand and seal, and countersigned by the collector, shall be in the form following, viz :

Form of the certificate.

“In pursuance of an act of the Congress of the United States of America, intituled An act for registering and clearing vessels, regulating the coasting trade, and for other purposes, [here insert the name, occupation and residence of the subscribing owner] having taken and subscribed the oath or affirmation required by the said act, and having sworn or affirmed, that he, together with [names, occupation and residence of non-subscribing owners] is (or are) sole owner (or owners) of the ship (or vessel) called the [ship’s name] of [place to which the ship or vessel belongs] whereof [master’s name] is at present master, and is a citizen of the United States, and that the said ship (or vessel) was [when and where built] and [name of surveying officer] having certified to us, that the said ship, or vessel, has [number of decks] and masts, that her length is _____, her breadth _____, her depth _____, and that she measures _____ tons, that she is [here describe the vessel and how built], has gallery and _____ head; and the said subscribing owners having consented and agreed to the above description and measurement, and having caused sufficient security to be given as is required by the said act, the said [kind of vessel and name] has been duly registered at the port of _____ Given under our hands and seals of office, at [port] this _____ day of _____, in the year [words at full length.] And the collector shall transmit to the Secretary of the Treasury a duplicate of every such certificate so granted. And it shall be the duty of the Secretary of the Treasury to transmit to the collectors of the several ports of the United States, a sufficient number of certificates attested under his hand and seal, leaving the blanks to be filled up by the collectors respectively.

Rule for ascertaining the tonnage of ships or vessels.

SEC. 3. *And be it further enacted,* That to ascertain the tonnage of all ships or vessels, the surveyor or other person appointed by the collector to measure the same, shall take the length of every vessel, if double decked, from the fore part of the main stem to the after part of the stern post above the upper deck, the breadth at the broadest part above the main wales, and half such breadth shall be accounted the depth of every double decked vessel; he shall then deduct from the

(a) This act was “explained and amended” by an act passed September 29, 1789; and was, by the 30th section of the act of December 31, 1792, repealed.

length three fifths of the breadth, multiply the remainder by the breadth, and the product by the depth, dividing the product of the whole by ninety-five, the quotient shall be deemed the true contents or tonnage of such ship or vessel. To ascertain the tonnage of every single decked vessel, he shall take the length and breadth, as is directed to be taken for double decked vessels, and deduct three fifths in like manner, and the depth from the under side of the deck plank to the ceiling in the hold, and shall multiply and divide as aforesaid, and the quotient shall be deemed the true contents or tonnage of such single decked vessel.

The port to which registered ships or vessels belong ascertained, and the name painted on stern.

Vessels of citizens residing in foreign countries not entitled to register but in certain cases.

No registry to be made or certificate granted until an oath be taken.

Form of the oath.

Certificates of registry may be granted in one district, the owners residing in another.

SEC. 4. *And be it further enacted,* That the port to which any such ship or vessel shall be deemed to belong, agreeably to the intent and meaning of this act, shall be the port at or near which the husband or acting and managing owner or owners of such ship or vessel usually resides or reside; and the name of such ship or vessel, and of the place to which she belongs shall be painted on her stern, on a black ground with white letters of not less than three inches in length.

SEC. 5. *And be it further enacted,* That no ship or vessel owned in whole or in part by any citizen of the United States, usually residing in any foreign country, shall, during the time he shall continue so to reside, be deemed a vessel of the United States, entitled to be registered by virtue of this act, unless he be an agent for, and partner in, some house or co-partnership, consisting of citizens of the United States, actually carrying on trade in the said States.

SEC. 6. *And be it further enacted,* That no registry shall be made or certificate granted, until the following oath or affirmation be taken and subscribed, before the officer herein before authorized to make such registry and grant such certificate, (which oath or affirmation such officer is hereby empowered to administer) by the owner of such ship or vessel, if owned by one person only, or in case there shall be two or more owners, then by any one of such owners; namely,

"I, _____, of [place of residence and occupation] do swear or affirm, that the ship or vessel _____ of _____ [take the description from the certificate of the surveyor or other person authorized by this act] was built at _____ in the year _____ or was the entire property of _____ on the sixteenth day of May, one thousand seven hundred and eighty-nine, and hath continued to be the property of a citizen or citizens of the United States, that _____, the present master, is a citizen of the United States, and that I,

and [the other owners' names, occupation, and where they respectively reside, viz : town, place, county and state, or, if resident in a foreign country, being an agent for, and partner in, any house or co-partnership] am or are sole owner or owners of the said ship or vessel, and that no other person whatever hath any property therein, and that I, the said _____, [and the said owners, if any] am or are truly a citizen or citizens of the United States, and that no foreigner, directly or indirectly, hath any part or interest in the said ship or vessel."

SEC. 7. *Provided always, and be it further enacted,* That whenever the owner or owners of such ship or vessel, usually resides or reside out of the district within which such ship or vessel may be at the time of granting the certificate of registry, that such owner, or where there are two or more owners, any one of them may take and subscribe the said oath or affirmation, before the collector of the district within which he usually resides, omitting in the said oath or affirmation the description of such ship or vessel, as expressed in the certificate of the surveyor, and inserting in lieu thereof, the name of the port and district within which such ship or vessel may then be; and the collector before whom such oath or affirmation may be taken and subscribed, shall transmit the same to the collector of the district where such ship or vessel may be,

upon the receipt whereof the said collector shall proceed to register such ship or vessel, in like manner as though the usual and regular oath or affirmation had been taken and subscribed before him.

SEC. 8. *And be it further enacted*, That the surveyor or other person, to be appointed in pursuance of this act, shall, previous to the registering or granting of any certificate of registry, as aforesaid, examine and measure such ship or vessel, as to all and every particular contained in the form of the certificate aforesaid, in the presence of the master, or of any other person to be appointed for that purpose on the part of the owner or owners, and shall deliver a just and true account in writing of the built, description, and measurement of every such ship or vessel as are specified in the form of the certificate above recited, to the person authorized as aforesaid, to make such registry and grant such certificate thereof; and the said master or other person attending on the part of the owner or owners, is hereby required to sign his name also to the certificate of the surveying or examining officer, or other person duly appointed, in testimony of the truth thereof, provided such master or other person, shall agree to the several particulars therein set forth and described.

SEC. 9. *And be it further enacted*, That when the certificate of registry aforesaid shall be granted, sufficient security by bond, shall be given to the collector in behalf of the United States, by the master and owner or owners, or by some other person or persons on his, her, or their behalf, such security to be approved of by the collector, in the penalties following, that is to say: if such ship or vessel shall be above the burthen of fifteen, and not exceeding fifty tons, in the penalty of four hundred dollars, if exceeding the burthen of fifty tons, and not exceeding one hundred tons, in the penalty of eight hundred dollars, if exceeding the burthen of one hundred tons, and not exceeding two hundred tons, in the penalty of twelve hundred dollars, if exceeding the burthen of two hundred tons, and not exceeding three hundred tons, in the penalty of sixteen hundred dollars, and if exceeding the burthen of three hundred tons, in the penalty of two thousand dollars. And the condition of every such bond shall be, that such certificate shall not be sold, lent or otherwise disposed of to any person or persons whomsoever, and that the same shall be solely used for the ship or vessel to which it is granted, and that in case such ship or vessel shall be lost or taken by an enemy, burnt or broken up, or otherwise prevented from returning to the port to which she belongs, the certificate, if preserved, shall be delivered up within three months after the arrival of the master in any port or place in the United States, to the collector of the district where he shall arrive; and that if any foreigner, or any person or persons for his use and benefit, shall purchase or otherwise become entitled to the whole or any part or share of, or interest in such ship or vessel, and the same shall be within any district of the United States, in such case the certificate of registry shall, within seven days after such purchase or transfer of property in such ship or vessel, be delivered up to the collector of the said district; and in case such ship or vessel shall be in any foreign port or place, or at sea, when such transfer of interest or property shall take place, the said master shall, within eight days after his arrival in any port or place within the United States, deliver up the said certificate to the collector of the district where he shall arrive; and all the certificates so delivered up, shall be forthwith transmitted by the collector to the Secretary of the Treasury to be cancelled.

SEC. 10. *And be it further enacted*, That whenever any ship or vessel registered in conformity with this act, shall in whole or in part be sold or transferred to a citizen or citizens of the United States, the former certificate of registry shall be delivered up to the collector, and by him without delay transmitted to the Secretary of the Treasury to be can-

Surveyor to measure vessels in presence of master, or other person, on the part of the owners.

Master, &c. to give bond not to dispose of certificate of registry.

In cases of transfer to foreigners, certificate of registry to be delivered up.

Vessel to be registered anew when vessel sold.

celled, and such ship or vessel shall be registered anew by her former name, and a certificate thereof shall be granted by the collector, in like manner as is herein before directed.

A recital of certificate to be made in instruments of transfer.

SEC. 11. *And be it further enacted*, That whenever any such ship or vessel shall in whole or in part be sold or transferred to any person or persons, the certificate of the registry of every such ship or vessel, shall be recited at length in the instrument of transfer or sale thereof, and in default thereof, such instrument of sale or transfer shall be void; and such ship or vessel shall not be deemed or denominated a ship or vessel entitled to any of the benefits or advantages of a ship or vessel of the United States.

Master of a vessel being changed, collector shall endorse it on certificate.

SEC. 12. *And be it further enacted*, That whenever the master or other person having the charge or command of any ship or vessel registered in manner herein before directed, shall be changed, the master or owner of such ship or vessel shall deliver to the collector of the district where such change shall take place, the certificate of registry of such ship or vessel, who shall thereon endorse and subscribe a memorandum of such change, and forthwith give notice of the same to the collector of the district where such ship or vessel was last registered pursuant to this act, who shall likewise make a memorandum of the same in the book of registers, and transmit a copy thereof to the Secretary of the Treasury.

In cases of loss of certificate, the master to make oath.

SEC. 13. *And be it further enacted*, That if the certificate of registry of any ship or vessel shall be lost or destroyed, the master or other person having charge of the said ship or vessel, may make oath or affirmation before the collector of the district where such ship or vessel may arrive, who is hereby authorized to administer the same in the words and form following:

Form of the oath.

"I, _____ being master, or having charge of the ship or vessel called the _____ do swear or affirm, that the said ship or vessel hath been, as I verily believe, registered according to law by the name of _____ and that a certificate thereof was granted at the port of _____ but that the same is lost or destroyed (as the case may be) and that the same, if found again, and comes again within my power, shall be delivered up to the collector of the port where it was granted; and that the master of said ship or vessel is a citizen of the United States; and that the said ship or vessel is, as I believe, the entire property of a citizen or citizens of the United States; and that no foreigner has, to my knowledge and belief, any property or interest therein:" and the said oath or affirmation shall be filed in the office of the said collector before whom it was made, who is hereby required to register the said vessel anew by her former name, and take the security in manner herein before directed, and deliver the certificate of such registry to the owner or owners, if residing within his district, or if not resident there, to the master or other person having charge of said ship or vessel, that such certificate of registry is granted in pursuance of this act, instead of a former certificate of registry, which appears by such proof as this act requires, to be lost; and such certificate of registry shall have the same effect with the original, and the said collector shall, within three months, transmit a duplicate of the said certificate to the Secretary of the Treasury, to be registered in his office, who shall notify the collector who granted the certificate which was lost or destroyed, of the same, who is hereby required to cause a memorandum thereof to be made in his book of registers.

Collector to register the vessel anew by her former name.

Registered ships or vessels being altered, to be registered anew.

SEC. 14. *And be it further enacted*, That if any ship or vessel, after having been registered in pursuance of this act, shall in any manner whatever, be altered in form or burthen, by being lengthened or built upon, or from one denomination to another, by the mode or method of rigging or fitting, in such case, such vessel shall be registered anew by her former name in manner herein before directed, as soon as she re-

turns to the port to which she belongs, or to any other port in which she may be lawfully registered by virtue of this act, otherwise such ship or vessel shall not be deemed and considered as a ship or vessel of the United States.

SEC. 15. *And be it further enacted*, That the collector of every district where registers shall be made and certificates granted in pursuance of this act, shall progressively number the same as they shall be severally granted, beginning at the time when this act shall be in force, and continuing to the end of the present year, and thenceforth beginning at the commencement of every year, and shall enter an exact copy of every such certificate with the number thereof, in a book to be kept for that purpose, and shall within three months transmit to the Secretary of the Treasury, a true copy, together with the number of every certificate which shall be by him so granted.

Manner of numbering registers.

SEC. 16. *And be it further enacted*, That every ship or vessel built in the United States after the fifteenth day of August, one thousand seven hundred and eighty-nine, and belonging wholly or in part to the subjects of foreign powers, shall be recorded in the office of the collector of the district in which such ship or vessel was built, in manner following, that is to say: The builder of every such ship or vessel shall make oath or affirmation before the collector of such district, who is hereby authorized to administer such oath in manner following: I,

Vessels built in U. S. after Aug. 15, 1789, and owned by foreigners, to be recorded: builder to make oath.

Form of the oath.

of [here insert the place of residence, county and state] shipwright, do swear, or affirm, that [here designate the kind of vessel] named _____ having [number of decks] and being in length _____ in breadth _____ and measuring _____ tons, having _____ gallery and _____ head, was built by me, or under my direction, at [place, county and state] in the United States, in the year _____ which oath or affirmation shall be recorded in manner herein before directed, in a book to be kept for that purpose.

The oath to be recorded.

Collector to grant certificate of record.

SEC. 17. *And be it further enacted*, That a certificate of the said record, attested under the hand and seal of the collector of the district as aforesaid, shall be granted to the master of every such ship or vessel, in manner following: In pursuance of an act entitled, "An act

Form of the certificate.

I, _____ collector of the district of _____ in the United States, do certify, that the builder [name] of [place of residence, county and state] having sworn or affirmed, that the ship or vessel [here designate the kind of vessel] named _____ whereof _____ is at present master was built at [place, county and state where built] by him or under his direction, in the year _____ and [here insert the name of the surveyor, or other person appointed by the collector, where there is no surveyor] having certified that the said ship or vessel has [numbers of decks,] is in length _____ in breadth _____ in depth _____ and measures _____ tons; and the said builder and master having agreed to the said description and measurement, the said ship or vessel has been recorded in the district of _____ in the United States. Witness my hand and seal this _____ day of _____ in the year _____," which certificate shall be recorded in the office of the collector, and a duplicate thereof transmitted to the Secretary of the Treasury of the United States, to be recorded in his office.

SEC. 18. *And be it further enacted*, That the surveyor or other person to be appointed by the collector as aforesaid, is hereby required to deliver a true account in writing, signed with his name, of the built, description, and measurement of every such ship or vessel, as specified

Surveyor and master to give a description of vessel to the collector.

in the form of the said certificate of record, of such ships or vessels, which account shall also be signed by the master, to the collector of the district where such certificate of the record shall be granted.

Vessel's name or master being changed, certificate to be endorsed, otherwise not deemed as recorded.

SEC. 19. *And be it further enacted*, That if the master or the name of any ship or vessel so recorded shall be changed, the owner, part owner or consignee of such ship or vessel shall cause a memorandum thereof to be endorsed on the certificate of the record, by the collector of the district where such ship or vessel may be, or at which she shall arrive, if such change took place in a foreign country, and a copy thereof shall be entered in the book of records, a transcript whereof shall be transmitted by the collector to the collector of the district where such certificate was granted, who shall enter the same in his book of records, and forward a duplicate of such entry to the Secretary of the Treasury of the United States; and in such case, until the said owner, part owner or consignee shall cause the said memorandum to be made by the collector in manner aforesaid, such ship or vessel shall not be deemed or considered as a vessel recorded in pursuance of this act.

Master to produce certificate of record to collector.

SEC. 20. *And be it further enacted*, That the master or other person having command of any ship or vessel recorded in pursuance of this act, shall on entry of such ship or vessel produce the certificate of such record, to the collector of the district, in failure of which the said ship or vessel shall not be entitled to the privileges of a vessel recorded as aforesaid.

Penalties and forfeitures, how sued for.

SEC. 21. *And be it further enacted*, That all the penalties and forfeitures inflicted and incurred by this act, shall, and may be sued for, prosecuted and recovered in such courts, and be disposed of in such manner as any penalties or forfeitures inflicted, or which may be incurred for any offence committed against the United States, in and by an act, entitled, "An act to regulate the collection of the duties imposed by law, on the tonnage of ships or vessels, and on goods, wares and merchandises, imported into the United States," may legally be sued for, prosecuted, recovered and disposed of.

Act of July 31, 1789, ch. 5.

Vessels of 20 tons or upwards employed between district and district, or in the bank or whale fisheries, their privileges.

SEC. 22. *And be it further enacted*, That from and after the tenth day of September next, every ship or vessel of the burthen of twenty tons or upwards, built within the United States, and wholly owned by a citizen or citizens thereof; or not built within the United States, and on the sixteenth day of May, one thousand seven hundred and eighty-nine, wholly owned and thereafter continuing to be owned by a citizen or citizens of the United States, but not registered, if destined from district to district, or to the bank or whale fisheries, shall, in order to be entitled to all the privileges of a ship or vessel belonging to the United States, employed in the coasting trade or in the fisheries, be enrolled by the collector of the district where the owner, or one of the owners of such vessel may reside, and every vessel so enrolled, shall have her name and the name of the place to which she belongs painted on her stern, in manner directed by this act, for registered vessels, and such collector on due proof by oath or affirmation to him made by the owner or one of the owners of such ship or vessel of her name, burthen and denomination, and that she is of the description aforesaid, and of the names of the owner or owners, and of the master thereof, and that they are citizens of the United States, and of the place or places of residence of such owner or owners, shall enroll in a book to be kept for that purpose, the name of every such vessel, her burthen, where built, and denomination, the name or names, and place or places of residence of the owner or owners thereof, and that he or they, together with the master, are citizens of the United States, a description of the built of such vessel as aforesaid, and the date of the enrolment, and shall also grant to the owner or owners, a certificate, containing a copy of such enrolment, and transmit to the secretary of the treasury a copy of every such

Name to be painted on the stern.

Collector, upon owner's making oath of the name, &c., to enrol the same and grant a certificate.

certificate of enrolment, to be by him recorded: and whenever the property of such ship or vessel shall be changed in whole or in part, the person or persons who shall then be owner or owners, or one of them, shall make known such change to the collector of the district where he or they may reside, and such collector is hereby authorized and directed to grant a new certificate of the enrolment of such ship or vessel by her former name, to such owner or owners, upon his or their delivering up the former certificate, which shall be sent to the office of the collector from whence it was issued, to be cancelled: *Provided*, That the master or owner of every vessel of less than twenty tons burthen, and not less than five tons, which shall be employed between any of the districts in the United States, shall cause the name of such vessel and of the place to which she belongs, to be painted on her stern in manner directed by this act for registered vessels, and shall annually procure a license from the collector of the district to which such vessel belongs, who is hereby authorized to give the same, purporting that such vessel is exempt from clearing and entering for the term of one year from the date thereof; and the master or owner of every such vessel shall give bond with sufficient security for the payment of two hundred dollars to the United States, with condition that such vessel shall not be employed in any illicit trade or commerce; and before any new license shall be given for a succeeding year to the master of such vessel, he shall on oath or affirmation, declare that no illicit trade has been carried on in such vessel to his knowledge or belief during the time for which she was licensed.

SEC. 23. *And be it further enacted*, That the master, commander or owner of every ship or vessel of the burthen of twenty tons or upwards, to be employed in trade between different districts in the United States, and of every vessel to be employed in the bank or whale fisheries, having a certificate of registry or enrolment, as is herein directed, shall, upon application to the collector of the district where such vessel may lie, be entitled to receive a license to trade between the different districts in the United States, or to carry on the bank or whale fishery for one year, and it shall be the duty of the collector to grant the same; but no license shall be granted for any vessel until the owner or owners applying therefor, shall have paid the tonnage duty thereon, and shall enter into bond, with sufficient security, for the payment of one thousand dollars to the United States, with condition, that such vessel shall not within the time for which such license was granted, be employed in any illicit trade or commerce: and if any vessel of the burthen of twenty tons or upwards, not having a certificate of registry or enrolment, and a license, shall be found trading between different districts, or be employed in the bank or whale fisheries, every such ship or vessel shall be subject to the same tonnage, and fees, as foreign ships or vessels.

SEC. 24. *And be it further enacted*, That the master or commander of every ship or vessel bound to any foreign port, shall deliver to the collector of the district where such ship or vessel may be, a manifest of the cargo on board such ship or vessel, and on making oath or affirmation to the truth thereof, it shall be the duty of the said collector, to grant a clearance for such ship or vessel, and her loading; and if any ship or vessel bound to any foreign port, shall depart from the place of her loading without such clearance, the master, commander, consignee, or owner thereof, shall forfeit and pay the sum of two hundred dollars for every such offence.

SEC. 25. *And be it further enacted*, That the master of every ship or vessel of the burthen of twenty tons or upwards, licensed to trade between the different districts of the United States, having on board goods, wares or merchandise of foreign growth or manufacture, of the value of two hundred dollars, or rum or other ardent spirits exceeding four hundred

Vessels between twenty and five tons, name to be painted on the stern, and license granted by collector for one year to exempt them from clearing and entering.

Vessels of twenty tons or upwards, registered or enrolled, entitled to a license for one year.

Masters of vessels outward bound to deliver a manifest and obtain a clearance.

Penalty for sailing without.

Masters of vessels of twenty tons or upwards trading from district to district, and having certain goods, to deliver two manifests.

gallons, and being bound from one district to another, shall deliver to the collector, and where the collector and surveyor reside at different places within the same district, to the collector or surveyor, as the one or the other may reside at or nearest to the port where such ship or vessel may be, duplicate manifests of the whole cargo on board such ship or vessel, whether such cargo shall consist wholly of goods, wares or merchandise of foreign growth or manufacture, or partly of such goods, wares or merchandise, and partly of goods, wares, or merchandise, the growth or manufacture of the United States, specifying therein the name and place of residence of every shipper and consignee, together with the quantity of goods, wares or merchandise shipped by and to each; and upon the oath or affirmation of the said master before the said collector or surveyor to the truth of such manifest, and that he doth not know, and hath no reason to believe that the revenue of the United States has been defrauded of any part of the duties imposed by law upon the importations of any of the goods, wares or merchandise contained in the said manifest, it shall be the duty of such collector or surveyor to return to the said master one of the said manifests, first certifying thereon that the same had been sworn or affirmed to, and delivered to him according to law, and also to grant to the said master a permit authorizing such ship or vessel to proceed to the place of her destination.

And make oath thereto.

Collector to return one manifest and grant a permit.

Goods transported from and to Philadelphia and Baltimore, across the state of Delaware, to be accompanied with a manifest.

So always and provided, That where goods, wares, or merchandises of foreign growth or manufacture, are to be transported to and from the respective ports of Philadelphia and Baltimore unto each other, through and across the state of Delaware, a manifest certified as aforesaid by the officers of that one of the said ports from whence the same goods, wares or merchandises are to be so transported, shall be sufficient to warrant the transportation thereof to the other of the said ports, without an intermediate entry in the district of Delaware.

Vessels licensed may proceed from district to district without manifest or permit.

Provided always, That no master of any ship or vessel, licensed to trade as aforesaid, having on board goods, wares or merchandise of the growth, or manufacture of the United States only, rum and other ardent spirits exceeding four hundred gallons excepted, and being bound from one district to another in the same state, or from a district in one state to a district in the next adjoining state, shall be obliged to deliver duplicate manifests, or to apply for a permit as aforesaid; but any such master may in such case lawfully proceed to any other district in the same state, or in the next adjoining state, freely and without interruption.

Or having on board goods &c. of the growth or manufacture of the U. States and bound to a district in any other than an adjoining State, the master must deliver duplicate manifests, &c.

SEC. 26. *And be it further enacted,* That the master of every ship or vessel of the burthen of twenty tons or upwards, licensed to trade as aforesaid, having on board goods, wares or merchandise of the growth or manufacture of the United States only, and being bound from a district in one state to a district in any other than an adjoining state, shall deliver to the collector, or where the collector and surveyor reside at different places within the same district, to the collector or surveyor as the one or the other may reside at or nearest to the port where such ship or vessel may be, duplicate manifests of the whole cargo on board such ship or vessel, specifying therein the name and place of residence of every shipper and consignee, together with the quantity of goods, wares or merchandise shipped by and to each: and upon the oath or affirmation of the said master, before the said collector or surveyor, to the truth of such manifest, it shall be the duty of such collector or surveyor to return to the said master one of the said manifests, first certifying thereon, that the same had been sworn or affirmed to and delivered to him according to law; and also to grant to the said master a permit, authorizing such ship or vessel to proceed to the place of her destination.

On oath, and obtain a permit.

SEC. 27. *And be it further enacted*, That the master of every ship or vessel of the burthen of twenty tons or upwards, licensed to trade as aforesaid, not having on board rum or other ardent spirits, exceeding four hundred gallons, and arriving from one district to another in the same state, or from a district in one state to a district in the next adjoining state, with goods, wares or merchandise, of the growth or manufacture of the United States only, shall, within twenty-four hours, Sundays excepted, next after his arrival at any place or port where a collector or surveyor resides, and before any part of the cargo on board such ship or vessel be landed or unloaded, deliver to such collector or surveyor a manifest thereof, and shall make oath or affirmation before such collector or surveyor, that such manifest contains a true account of all the goods, wares and merchandise on board such ship or vessel, and thereupon shall receive from such collector or surveyor a permit to land or unload the same.

Arriving at the district to which bound, must deliver a manifest, make oath, and receive a permit.

SEC. 28. *And be it further enacted*, That in all other cases the master of every vessel of the burthen of twenty tons or upwards, licensed to trade as aforesaid, shall within twenty-four hours, Sundays excepted, next after his arrival at any port or place within the United States, where a collector or surveyor resides, and before any part of the cargo on board any such ship or vessel be landed or unloaded, deliver to such collector or surveyor the manifest thereof, authenticated before and received from the collector or surveyor of the port or place where the said cargo was taken on board, together with his permit to depart from the place of lading, whereupon it shall be the duty of such collector or surveyor to grant a permit to land or unload such cargo.

In all other cases master of licensed vessel to deliver a manifest and permit from the collector or surveyor where the cargo was taken on board.

SEC. 29. *And be it further enacted*, That if the master of any ship or vessel, of the burthen of twenty tons or upwards, licensed to trade as aforesaid, and having on board goods, wares or merchandise, of the value of two hundred dollars or upwards, shall depart with the said ship or vessel from any port, with intent to go to another district, without such manifest and permit, except as is herein after provided, the master or owner of such ship or vessel shall forfeit and pay the sum of four hundred dollars for every such offence; and all goods, wares and merchandise, of the value of two hundred dollars or upwards, which shall be found on board any such ship or vessel after her departure from the port where the same were taken on board, without being contained in, and accompanied with such manifest as is herein before directed, except as is herein after excepted, shall be subject to seizure and forfeiture.

Penalty on departing without manifest and permit.

Provided always, That nothing herein contained shall be construed to subject the master or owner of any ship or vessel licensed to trade as aforesaid, having on board goods, wares and merchandise of the growth and manufacture of the United States only, rum and other ardent spirits exceeding four hundred gallons, excepted, and bound from district to district in the same state, or from a district in one state to a district in the next adjoining state, to any penalty for having departed from the port of loading without such permit and manifest, or to subject the said goods on board such ship or vessel to seizure or forfeiture, in case they are not accompanied with a manifest as aforesaid.

Proviso.

SEC. 30. *And be it further enacted*, That if any ship or vessel having a license to trade or fish, for one year, shall within that time be destined to any foreign port, the master or commander of every such ship or vessel shall, before he departs from the United States, deliver such license to the collector of the port from whence he intends to depart; and it shall be the duty of such collector forthwith to transmit the license to him so delivered, to the collector of the district where the same was granted, who shall thereupon cancel every license; and if any master or commander shall neglect or refuse to deliver up such license

Master of a licensed vessel bound to a foreign port must deliver up his license.

before he depart from the United States, he shall forfeit and pay the sum of one hundred dollars for every such neglect or refusal.

Fees and allowances for the duties prescribed by this act.

SEC. 31. *And be it further enacted*, That the fees and allowances for the several duties to be performed in virtue of this act, and the distribution of the same, shall be as follows, to wit:—

For the first register or certificate of record granted for every ship or vessel, there shall be paid to the collector granting the same, the sum of two dollars.

For every subsequent one, one dollar and fifty cents.

For every certificate of enrolment, fifty cents.

For every license to trade between the different districts of the United States, or to carry on the bank or whale fishery for one year, fifty cents.

For every entry of inward cargo directed to be made in conformity with this act, and for receiving of, and qualifying to every manifest of vessels licensed to trade as aforesaid, sixty cents.

For a permit to land goods of foreign growth or manufacture, twenty cents.

For every permit to proceed to the place of destination, twenty-five cents.

And for taking every bond required by this act, twenty cents.

How to be distributed.

The whole amount of which fees shall be accounted for by the collector, and where there is a collector, naval officer and surveyor, shall be equally divided between the said officers, and where there is no naval officer, between the collector and surveyor, and where there is only a collector, he shall receive the whole amount thereof, and where there is more than one surveyor in any district, each of them shall receive his proportionable part of such fees as shall arise in the port for which he is appointed. *Provided always*, That in all cases where the tonnage of any ship or vessel shall be ascertained by any person specially appointed for that purpose, as is herein before directed, that such person shall be allowed and paid by the collector a reasonable compensation for the same, out of the fees aforesaid, before any distribution thereof as aforesaid.

Naval officers to sign all official documents.

SEC. 32. *And be it further enacted*, That in every case where the collector is by this act directed to grant any license, certificate, permit or other document, the naval officer, if there be one residing at the port, shall sign the same.

In cases of forfeiture of goods or vessel, name of owner or consignee to be advertised.

SEC. 33. *And be it further enacted*, That in every case where a forfeiture of any ship or vessel, or of any goods, wares or merchandise shall accrue, it shall be the duty of the collector or other proper officer, who shall give notice of the sale of such ship or vessel, or of such goods, wares or merchandise, to insert in the same advertisement, the name or names, and the place or places of residence of the person or persons, to whom any such ship or vessel, goods, wares or merchandise, belonged or were consigned at the time of such seizure.

Penalties for offences against this act.

SEC. 34. *And be it further enacted*, That every collector who shall knowingly make any false registry, record, or enrolment of any ship or vessel; and every officer or person appointed as is herein provided, who shall make any false record, or grant any false certificate, or any document whatever, in any manner that shall not be herein prescribed, or that shall be contrary to the true intent and meaning of this act, or shall take any other or greater fees than are by this act allowed, or receive any other reward or gratuity, contrary to the provisions of this act; and every surveyor, or other person appointed to measure ships or vessels, who shall wilfully deliver to any collector or naval officer, a false description of any ship or vessel to be registered, recorded or enrolled, in pursuance of this act, shall, upon conviction of any such neglect or offence,

forfeit the sum of one thousand dollars, and be rendered incapable of serving in any office of trust or profit under the United States; and if any person or persons, authorized and required by this act, in respect of his or their office, or offices, to perform any act or thing required to be done or performed, pursuant to any of the provisions of this act, and wilfully neglecting or refusing to do or perform the same, according to the true intent and meaning of this act, shall, on being duly convicted thereof, if not subject to the penalty and disqualification aforesaid, forfeit the sum of five hundred dollars for the first offence, and a like sum for the second offence, and shall from thence forward be rendered incapable of holding any office of trust or profit under the United States.

SEC. 35. *And be it further enacted*, That if any certificate of registry, record, or enrolment, shall be fraudulently used for any ship or vessel, not entitled to the same by this act, such ship or vessel shall be forfeited to the United States, with her tackle, apparel and furniture.

SEC. 36. *And be it further enacted*, That if any person or persons shall falsely make oath or affirmation to any of the matters herein required to be verified, such person or persons shall suffer the like pains and penalties, as shall be incurred by persons committing wilful and corrupt perjury; and that if any person or persons shall forge, counterfeit, erase, alter or falsify, any certificate, register, license, permit or other document, mentioned in this act, or to be granted by any officer of the customs, such person or persons shall, for every such offence, forfeit the sum of five hundred dollars.

SEC. 37. *And whereas*, By an act intituled, "An act for laying a duty on goods, wares and merchandises imported into the United States," it is provided, That there shall be allowed or paid five cents on every quintal of dried fish, and on every barrel of pickled fish, and of salted provisions exported from the United States to any country without the limits thereof, in lieu of the drawback of the duties imposed on the importation of the salt employed and expended therein, and there are now large quantities of salt within the United States, imported before any duties were laid for the use of the said States:

Be it enacted, That no allowance shall be made by any collector, for any dried or pickled fish, or for any salted provisions, which shall be exported from the United States prior to the last day of May, one thousand seven hundred and ninety.

APPROVED, September 1, 1789.

Certificate of registry, &c. fraudulently used, ship or vessel forfeited. Farther penalties for offences against this act.

No allowance on exportation of dried or pickled fish, or salted provision prior to the last day of May, 1790.

Act of July 4, 1789, ch. 2, sec. 4.

CHAP. XII.—*An Act to establish the Treasury Department.*(a)

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 a Department of Treasury, in which shall be the following officers, namely: a Secretary of the Treasury, to be deemed head of the department; a Comptroller, an Auditor, a Treasurer, a Register, and an Assistant to the Secretary of the Treasury, which assistant shall be appointed by the said Secretary.

SEC. 2. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to digest and prepare plans for the improvement and management of the revenue, and for the support of public credit; to prepare and report estimates of the public revenue, and the public expenditures; to superintend the collection of the revenue; to decide on the forms of keeping and stating accounts and making re-

STATUTE I.

Sept. 2, 1789.

Department designated. Officers: Secretary, Comptroller, Auditor, Treasurer, Register, Assistant to Secretary. Duties of the Secretary.

(a) The acts, in addition to this act which have been passed relating to the Treasury Department, have been: act of March 3, 1791; act of May 8, 1792; act of March 3, 1809, chap. 23; act of November 22, 1814; act of March 3, 1817, chap. 45; act of February 24, 1819, chap. 43; act of May 1, 1820, chap. 50; act of May 15, 1820, chap. 107.

turns, and to grant under the limitations herein established, or to be hereafter provided, all warrants for monies to be issued from the Treasury, in pursuance of appropriations by law; to execute such services relative to the sale of the lands belonging to the United States, as may be by law required of him; (a) to make report, and give information to either branch of the legislature, in person or in writing (as he may be required), respecting all matters referred to him by the Senate or House of Representatives, or which shall appertain to his office; and generally to perform all such services relative to the finances, as he shall be directed to perform.

Duties of the
Comptroller.

SEC. 3. *And be it further enacted*, That it shall be the duty of the Comptroller to superintend the adjustment and preservation of the public accounts; to examine all accounts settled by the Auditor, and certify the balances arising thereon to the Register; to countersign all warrants drawn by the Secretary of the Treasury, which shall be warranted by law; to report to the Secretary the official forms of all papers to be issued in the different offices for collecting the public revenue, and the manner and form of keeping and stating the accounts of the several persons employed therein. He shall moreover provide for the regular and punctual payment of all monies which may be collected, and shall direct prosecutions for all delinquencies of officers of the revenue, and for debts that are, or shall be due to the United States. (b)

Act of March
3, 1809, ch. 28,
sec. 2.

Duties of the
Treasurer.

SEC. 4. *And be it further enacted*, That it shall be the duty of the Treasurer to receive and keep the monies of the United States, and to disburse the same upon warrants drawn by the Secretary of the Treasury, countersigned by the Comptroller, recorded by the Register, and not otherwise; he shall take receipts for all monies paid by him, and all receipts for monies received by him shall be endorsed upon warrants signed by the Secretary of the Treasury, without which warrant, so signed, no acknowledgment for money received into the public Treasury shall be valid. And the said Treasurer shall render his accounts to the Comptroller quarterly, (or oftener if required,) and shall transmit a copy thereof, when settled, to the Secretary of the Treasury. He shall moreover, on the third day of every session of Congress, lay before the Senate and House of Representatives, fair and accurate copies of all accounts by him from time [to time] rendered to, and settled with the Comptroller as aforesaid, as also, a true and perfect account of the state of the Treasury. He shall, at all times, submit to the Secretary of the Treasury, and the Comptroller, or either of them, the inspection of the monies in his hands; and shall, prior to the entering upon the duties of his office, give bond, with sufficient sureties, to be approved by the Secretary of the Treasury and Comptroller, in the sum of one hundred and fifty thousand dollars, payable to the United States, with condition for the faithful performance of the duties of his office, and for the fidelity of the persons to be by him employed, which bond shall be lodged in the office of the Comptroller of the Treasury of the United States.

Act of March
3, 1809, ch. 28,
sec. 1.

Duties of the
Auditor.

SEC. 5. *And be it further enacted*, That it shall be the duty of the Auditor to receive all public accounts, and after examination to certify the balance, and transmit the accounts with the vouchers and certificate to the Comptroller for his decision thereon: *Provided*, That if any person whose account shall be so audited, be dissatisfied therewith, he

Act of May
8, 1792, ch. 37,
sec. 7.

(a) By "an act for the establishment of a general land office in the Department of the Treasury," passed April 25, 1812, the direction of the sales of public lands was assigned to the Secretary of the Treasury.

By "an act to provide for the collection, safe keeping, transfer and disbursement of the public revenue," passed July 4, 1840, chap. 18, sec. 1, the fire-proof vaults and safes provided by the Treasurer in the new building erected at the seat of government, were "constituted and declared to be the Treasury of the United States." This act was repealed by the act of August 13, 1841, chap. 7.

(b) See act of March 3, 1809, chap. 28, sec. 2. The comptroller of the Treasury has a right to direct the marshal to whom he shall pay money received on executions, and payment according to such directions is good. *United States v. Giles*, 9 Cranch, 212; 3 Cond. Rep. 377.

may within six months appeal to the Comptroller against such settlement. (a)

Sec. 6. *And be it further enacted*, That it shall be the duty of the Register to keep all accounts of the receipts and expenditures of the public money, and of all debts due to or from the United States; to receive from the Comptroller the accounts which shall have been finally adjusted, and to preserve such accounts with their vouchers and certificates; to record all warrants for the receipt or payment of monies at the Treasury, certify the same thereon, and to transmit to the Secretary of the Treasury, copies of the certificates of balances of accounts adjusted as is herein directed.

Sec. 7. *And be it further enacted*, That whenever the Secretary shall be removed from office by the President of the United States, or in any other case of vacancy in the office of Secretary, the Assistant shall, during the vacancy, have the charge and custody of the records, books, and papers appertaining to the said office.

Sec. 8. *And be it further enacted*, That no person appointed to any office instituted by this act, shall directly or indirectly be concerned or interested in carrying on the business of trade or commerce, or be owner in whole or in part of any sea-vessel, or purchase by himself, or another in trust for him, any public lands or other public property, or be concerned in the purchase or disposal of any public securities of any State, or of the United States, or take or apply to his own use, any emolument or gain for negotiating or transacting any business in the said department, other than what shall be allowed by law; and if any person shall offend against any of the prohibitions of this act, he shall be deemed guilty of a high misdemeanor, and forfeit to the United States the penalty of three thousand dollars, and shall upon conviction be removed from office, and forever thereafter incapable of holding any office under the United States: *Provided*, That if any other person than a public prosecutor shall give information of any such offence, upon which a prosecution and conviction shall be had, one half the aforesaid penalty of three thousand dollars, when recovered, shall be for the use of the person giving such information.

APPROVED, September 2, 1789.

Act of March 3, 1809, ch. 28, sec. 2.

Duties of the Register.

Secretary removed, or his office vacant, assistant secretary to have custody of records, &c.

Persons appointed to office under this act,

Prohibition upon.

Penalty for breach of the prohibitions of the law.

1791, ch. 18, sec. 3.

STATUTE I.

Sept. 11, 1789.

CHAP. XIII.—*An Act for establishing the Salaries of the Executive Officers of Government, with their Assistants and Clerks.*

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 allowed to the officers hereafter mentioned, the following annual salaries, payable quarterly at the Treasury of the United States: to the Secretary of the Treasury, three thousand five hundred dollars; to the Secretary in the Department of State, three thousand five hundred dollars; to the Secretary in the Department of War, three thousand dollars; (b) to the Comptroller of the Treasury, two thousand dollars; to the Auditor, fifteen hundred dollars; to the Treasurer, two thousand dollars; (c) to the Register, twelve hundred and fifty dollars;

Annual salaries established, payable quarterly.

Rate of compensation.

(a) See act of May 8, 1792; act of March 3, 1809, chap. 28.

(b) By the act of March 2, 1799, chap. 38, the salary of the Secretary of State was fixed at five thousand dollars; the Secretary of the Treasury at five thousand dollars; the Secretary of War at four thousand five hundred dollars; the Secretary of the Navy at four thousand five hundred dollars per annum. By the act of February 20, 1819, chap. 27, the salaries of the Secretary of State, of the Secretary of the Treasury, of the Secretary of War, and the Secretary of the Navy, were fixed at six thousand dollars per annum. By the act of March 2, 1827, chap. 62, the salary of the Postmaster General was raised to \$6000.

(c) By the act of March 2, 1793, the sum of five hundred dollars was added to the salary of the Auditor, and two hundred and fifty dollars to the salaries of the Comptroller and Register of the Treasury. By the act of March 2, 1799, chap. 38, the salaries of the Comptroller, the Treasurer, and the Auditor of the Treasury were fixed at three thousand dollars, and the Register of the Treasury at two thousand four hundred dollars. By the act of March 3, 1817, chap. 45, the officers in the Treasury Department

to the Governor of the western territory, for his salary as such, and for discharging the duties of superintendent of Indian affairs in the northern department, two thousand dollars; to the three judges of the western territory each, eight hundred dollars; to the Assistant of the Secretary of the Treasury, fifteen hundred dollars; to the Chief Clerk in the Department of State, eight hundred dollars; to the Chief Clerk in the Department of War, six hundred dollars; to the Secretary of the western territory, seven hundred and fifty dollars; to the principal Clerk of the Comptroller, eight hundred dollars; to the principal Clerk of the Auditor, six hundred dollars; to the principal Clerk of the Treasurer, six hundred dollars.

Heads of departments to appoint clerks. Their salaries.

SEC. 2. *And be it further enacted*, That the heads of the three departments first above mentioned, shall appoint such clerks therein respectively as they shall find necessary; and the salary of the said clerks respectively shall not exceed the rate of five hundred dollars per annum.

APPROVED, September 11, 1789.

STATUTE I.

Sept. 15, 1789.

[Obsolete.]

[Act of July 27, 1789, ch. 4.]

Department of foreign affairs changed to the department of state.

Additional duties assigned the secretary of the said department.

CHAP. XIV.—*An Act to provide for the safe-keeping of the Acts, Records and Seal 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 Executive department, denominated the Department of Foreign Affairs, shall hereafter be denominated the Department of State, and the principal officer therein shall hereafter be called the Secretary of State.

SEC. 2. *And be it further enacted*, That whenever a bill, order, resolution, or vote of the Senate and House of Representatives, having been approved and signed by the President of the United States, or not having been returned by him with his objections, shall become a law, or take effect, it shall forthwith thereafter be received by the said Secretary from the President; and whenever a bill, order, resolution, or vote, shall be returned by the President with his objections, and shall, on being reconsidered, be agreed to be passed, and be approved by two-thirds of both Houses of Congress, and thereby become a law or take effect, it shall, in such case, be received by the said Secretary from the President of the Senate, or the Speaker of the House of Representatives, in whichever House it shall last have been so approved; and the said Secretary shall, as soon as conveniently may be, after he shall receive the same, cause every such law, order, resolution, and vote, to be published in at least three of the public newspapers printed within the United States, and shall also cause one printed copy to be delivered to each Senator and Representative of the United States, and two printed copies duly authenticated to be sent to the Executive authority of each State; and he shall carefully preserve the originals, and shall cause the same to be recorded in books to be provided for the purpose. (a)

Act of March 2, 1799, ch. 30, sec. 1.

Seal of the U. States.

SEC. 3. *And be it further enacted*, That the seal heretofore used by the United States in Congress assembled, shall be, and hereby is declared to be, the seal of the United States.

Secretary to keep and affix the seal to all civil commissions.

SEC. 4. *And be it further enacted*, That the said Secretary shall keep the said seal, and shall make out and record, and shall affix the said seal to all civil commissions, to officers of the United States, to be appointed by the President by and with the advice and consent of the

were to be five auditors and one comptroller, and the salary of each of these officers was fixed at three thousand dollars.

(a) The acts for the general promulgation of the laws of the United States have been: The act of March 3, 1795; act of December 31, 1796; act of March 2, 1799, chap. 30; act of November 21, 1814; act of April 20, 1818, chap. 75; act of May 11, 1820, chap. 92. By the 21st section of the act of August 26, 1842, chap. 202, the laws of the United States are required to be published in not less than two nor more than four newspapers in Washington.

Senate, or by the President alone. *Provided*, That the said seal shall not be affixed to any commission, before the same shall have been signed by the President of the United States, nor to any other instrument or act, without the special warrant of the President therefor.

SEC. 5. *And be it further enacted*, That the said Secretary shall cause a seal of office to be made for the said department of such device as the President of the United States shall approve, and all copies of records and papers in the said office, authenticated under the said seal, shall be evidence equally as the original record or paper.

Secretary to provide a seal of office.

SEC. 6. *And be it further enacted*, That there shall be paid to the Secretary, for the use of the United States, the following fees of office, by the persons requiring the services to be performed, except when they are performed for any officer of the United States, in a matter relating to the duties of his office, to wit: For making out and authenticating copies of records, ten cents for each sheet, containing one hundred words; for authenticating a copy of a record or paper under the seal of office, twenty-five cents.

Fees of office to be paid for the use of the U. States.

SEC. 7. *And be it further enacted*, That the said Secretary shall forthwith after his appointment be entitled to have the custody and charge of the said seal of the United States, and also of all books, records and papers, remaining in the office of the late Secretary of the United States in Congress assembled; and such of the said books, records and papers, as may appertain to the Treasury department, or War department, shall be delivered over to the principal officers in the said departments respectively, as the President of the United States shall direct.

Secretary to have custody of papers, &c. of late Congress.

APPROVED, September 15, 1789.

STATUTE I.

CHAP. XV.—*An Act to suspend part of an Act, intituled "An Act to regulate the collection of the Duties imposed by Law on the Tonnage of Ships or Vessels, and on Goods, Wares, and Merchandises, imported into the United States," and for other purposes.*

Sept. 16, 1789.

[Obsolete.]

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That so much of the act, intituled "An act to regulate the collection of the duties imposed by law, on the tonnage of ships or vessels, and on goods, wares, and merchandises, imported into the United States," as obliges ships or vessels bound up the river Potomac, to come to and deposit manifests of their cargoes, with the officers at St. Mary's and Yeocomico, before they proceed to their port of delivery, shall be and is hereby suspended until the first day of May next.

Restriction on vessels bound up the Potomac suspended.

[Act of July 31, 1789, § 4.]

SEC. 2. *And be it further enacted*, That all the privileges and advantages to which ships and vessels owned by citizens of the United States, are by law entitled, shall be, until the fifteenth day of January next, extended to ships and vessels wholly owned by citizens of the States of North Carolina, and Rhode Island and Providence Plantations. *Provided*, That the master of every such ship or vessel last mentioned, shall produce a register for the same, conformable to the laws of the state in which it shall have been obtained, showing that the said ship or vessel is, and before the first day of September instant, was owned as aforesaid, and make oath or affirmation, before the collector of the port in which the benefit of this act is claimed, that the ship or vessel for which such register is produced, is the same therein mentioned, and that he believes it is still wholly owned by the person or persons named in said register, and that he or they are citizens of one of the states aforesaid.

Privileges of ships, &c. of the U. States extended to ships &c. of N. Carolina and Rhode Island, until the 15th January next.

SEC. 3. *And be it further enacted*, That all rum, loaf sugar, and

Certain articles subject to duties as on foreign goods.

Rehoboth established a port of entry.

chocolate, manufactured or made in the states of North Carolina, or Rhode Island and Providence Plantations, and imported or brought into the United States, shall be deemed and taken to be, subject to the like duties, as goods of the like kinds, imported from any foreign state, kingdom or country, are made subject to.

SEC. 4. *And be it further enacted*, That Rehoboth, in the state of Massachusetts, shall be a port of entry and delivery, until the fifteenth day of January next, and that a collector be appointed for the same.

APPROVED, September 16, 1789.

STATUTE I.

Sept. 22, 1789.

[Obsolete.]
Powers and salary.

CHAP. XVI.—*An Act for the temporary establishment of the Post-Office.*(a)

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 appointed a Postmaster General; his powers and salary,(b) and the compensation to the assistant or clerk and deputies which he may appoint, and the regulations of the post-office shall be the same as they last were under the resolutions and ordinances of the late Congress. The Postmaster General to be subject to the direction of the President of the United States in performing the duties of his office, and in forming contracts for the transportation of the mail.

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

APPROVED, September 22, 1789.

Limitation.
Continued by act of August 4, 1790, ch. 36.

STATUTE I.

Sept. 22, 1789.

[Obsolete.]

Senators, their allowance for attendance and travelling, prior to the 4th of March, 1795.

CHAP. XVII.—*An Act for allowing Compensation to the Members of the Senate and House of Representatives of the United States, and to the Officers of both Houses.*(c)

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That at every session of Congress, and at every meeting of the Senate in the recess of Congress, prior to the fourth day of March, in the year one thousand seven hundred and ninety-five, each Senator shall be entitled to receive six dollars, for every day he shall attend the Senate, and shall also be allowed, at the commencement and end of every such session and meeting, six dollars for every twenty miles of the estimated distance, by the most usual road, from his place of residence to the seat of Congress; and in case any member of the Senate shall be detained by sickness on his journey to or from any such session or meeting, or after his arrival shall be unable to attend the Senate, he shall be entitled to the same daily allowance: *Provided always*, That no Senator shall be allowed a sum exceeding the rate of six dollars a day, from the end of one such session or meeting to the time of his taking his seat in another.

SEC. 2. *And be it further enacted*, That at every session of Congress, and at every meeting of the Senate in the recess of Congress, after the

Act of March 10, 1796, ch. 4.
Act of April 29, 1802, ch. 35.

(a) The acts passed for the establishment and regulation of the Post-office Department, and which are obsolete, have been, in addition to this act: Act of August 4, 1790, chap. 36; act of March 3, 1791, chap. 23; act of February 20, 1792; act of May 8, 1794; act of March 3, 1797, chap. 19; act of March 28, 1798, chap. 24; act of March 2, 1799, chap. 43; act of December 23, 1814; act of February 27, 1815; act of February 1, 1816, chap. 7; act of April 9, 1816, chap. 43; act of March 3, 1825, chap. 64.

The acts in force in reference to the Post-office Department are, the "act concerning public contracts," April 21, 1808, chap. 48; act of March 2, 1827, chap. 61. An act to change the organization of the post-office department, and to provide more effectually for the settlement of the accounts thereof, July 2, 1836, chap. 270; resolution of March 2, 1837; act of March 3, 1845, chap. 23, 34.

(b) By an act passed March 2, 1827, chap. 62, an addition was made to the salary of the Postmaster General of two thousand dollars, making the annual salary of that officer six thousand dollars.

(c) The acts of Congress, subsequent to this act, allowing compensation to members of the Senate and House of Representatives, &c., have been: Act of July 6, 1797, chap. 13; act of March 19, 1816, chap. 30; act of January 22, 1818, chap. 5; act of 1796, chap. 4.

aforsaid fourth day of March, in the year one thousand seven hundred and ninety-five, each Senator shall be entitled to receive seven dollars for every day he shall attend the Senate; and shall also be allowed at the commencement and end of every such session and meeting, seven dollars for every twenty miles of the estimated distance, by the most usual road, from his place of residence to the seat of Congress; and in case any member of the Senate shall be detained by sickness, on his journey to or from any such session or meeting, or after his arrival shall be unable to attend the Senate, he shall be entitled to the same allowance of seven dollars a day: *Provided always*, That no Senator shall be allowed a sum exceeding the rate of seven dollars a day, from the end of one such session or meeting to the time of his taking a seat in another.

Allowance for attendance and travelling, after March 4, 1795.

Repealed by act of 1796, ch. 4.

SEC. 3. *And be it further enacted*, That at every session of Congress, each Representative shall be entitled to receive six dollars for every day he shall attend the House of Representatives; and shall also be allowed at the commencement and end of every session, six dollars for every twenty miles of the estimated distance, by the most usual road, from his place of residence to the seat of Congress; and in case any Representative shall be detained by sickness, on his journey to or from the session of Congress, or after his arrival shall be unable to attend the House of Representatives, he shall be entitled to the daily allowance aforesaid; and the Speaker of the House of Representatives, to defray the incidental expenses of his office, shall be entitled to receive in addition to his compensation as a Representative, six dollars for every day he shall attend the House: *Provided always*, That no Representative shall be allowed a sum exceeding the rate of six dollars a day, from the end of one such session or meeting to the time of his taking a seat in another.

Members of the House of Representatives, their allowance for attendance and travelling.

SEC. 4. *And be it further enacted*, That there shall be allowed to each chaplain of Congress, at the rate of five hundred dollars per annum during the session of Congress; to the secretary of the Senate and clerk of the House of Representatives, fifteen hundred dollars per annum each, to commence from the time of their respective appointments; and also a further allowance of two dollars per day to each, during the session of that branch for which he officiates: and the said secretary and clerk shall each be allowed (when the President of the Senate or Speaker shall deem it necessary) to employ one principal clerk, who shall be paid three dollars per day, and an engrossing clerk, who shall be paid two dollars per day during the session, with the like compensation to such clerk while he shall be necessarily employed in the recess.

Chaplains, secretary, and clerks, their salaries and allowance.

SEC. 5. *And be it further enacted*, That the following compensation shall be allowed to the officers herein after mentioned, viz: To the sergeant at arms, during the sessions and while employed on the business of the House, four dollars per day; the allowance of the present sergeant at arms to commence from the time of his appointment. To the door-keeper of the Senate and House of Representatives, for their services in those offices, three dollars per day during the session of the House to which he may belong, for his own services, and for the hire of necessary labourers; the allowance to the present door-keeper of the Senate to commence from the day appointed for the meeting of Congress; and the allowance to the door-keeper of the House of Representatives to commence from his appointment; and to the assistant door-keeper to each House, two dollars per day during the sessions.

Sergeant at arms and door-keepers, their allowance for services, attendance, &c.

SEC. 6. *And be it further enacted*, That the said compensation which shall be due to the members and officers of the Senate, shall be certified by the President; and that which shall be due to the members and officers of the House of Representatives, shall be certified by the Speaker; and the same shall be passed as public accounts, and paid out of the public treasury.

Compensations, how to be certified.

Continuance
of this act.

SEC. 7. *And be it further enacted*, That this act shall continue in force until the fourth day of March, in the year one thousand seven hundred and ninety-six, and no longer.

APPROVED, September 22, 1789.

STATUTE I.

Sept. 23, 1789.

[Obsolete.]

Salaries of
Chief Justice,
justices of the
Supreme Court,
and district
judges.

Commence-
ment of, and
how payable.

CHAP. XVIII.—*An Act for allowing certain Compensation to the Judges of the Supreme and other Courts, and to the Attorney General of the United States.*(a)

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 allowed to the judges of the Supreme and other courts of the United States, the yearly compensations herein after mentioned, to wit: to the Chief Justice four thousand dollars; to each of the justices of the Supreme Court three thousand five hundred dollars; to the judge of the district of Maine one thousand dollars; to the judge of the district of New Hampshire, one thousand dollars; to the judge of the district of Massachusetts twelve hundred dollars; to the judge of the district of Connecticut one thousand dollars; to the judge of the district of New York fifteen hundred dollars; to the judge of the district of New Jersey one thousand dollars; to the judge of the district of Pennsylvania sixteen hundred dollars; to the judge of the district of Delaware eight hundred dollars; to the judge of the district of Maryland fifteen hundred dollars; to the judge of the district of Virginia eighteen hundred dollars; to the judge of the district of Kentucky one thousand dollars; to the judge of the district of South Carolina eighteen hundred dollars; to the judge of the district of Georgia fifteen hundred dollars; and to the Attorney General of the United States fifteen hundred dollars; which compensations shall commence from their respective appointments, and be paid at the treasury of the United States in quarterly payments.

APPROVED, September 23, 1789.

STATUTE I.

Sept. 24, 1789.

President and
Vice President
of the U. States,
compensation
to, commence-
ment of, and
how payable.

CHAP. XIX.—*An Act for allowing a Compensation to the President and Vice President 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 there shall be allowed to the President of the United States, at the rate of twenty-five thousand dollars, with the use of the furniture and other effects, now in his possession, belonging to the United States; and to the Vice President, at the rate of five thousand dollars per annum, in full compensation for their respective services, to commence with the time of their entering on the duties of their offices respectively, and to continue so long as they shall remain in office, and to be paid quarterly out of the treasury of the United States.

APPROVED, September 24, 1789.

(a) By an act passed February 20, 1819, chap. 15, the annual salary of the Chief Justice of the United States was fixed at five thousand dollars, and the salaries of the Justices of the Court at four thousand five hundred dollars.

The acts relative to the compensation of the Attorney General of the United States subsequent to the act of September 23, 1789, have been: Act of March 2, 1797, chap. 3; act of March 2, 1799, chap. 38; act of February 20, 1804, chap. 12. By the act of February 20, 1819, chap. 15, the salary of the Attorney General was fixed at three thousand five hundred dollars per annum. By the 10th section of the act of May 29, 1830, chap. 153, an addition of five hundred dollars per annum was made to the salary of the Attorney General. In the general appropriation act of March 3, 1841, chap. 16, the sum of one thousand five hundred dollars was appropriated as compensation of clerk and messenger in the office of the Attorney General. Authority to appoint a messenger was given to the Attorney General by the act of August 26, 1842, chap. 202.

CHAP. XX.—*An Act to establish the Judicial Courts of the United States.*(a)STATUTE I.
Sept. 24, 1789.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the supreme court of the United States shall consist of a chief justice and five associate justices,(b) any four of whom shall be a quorum, and shall hold annually at the seat of government two sessions, the one commencing the first Monday of February, and the other the first Monday of August. That the associate justices shall have precedence according to the date of their commissions, or when the commissions of two or more of them bear date on the same day, according to their respective ages.

Supreme court to consist of a chief justice, and five associates.

Two sessions annually.
Precedence.

Thirteen districts.

SEC. 2. *And be it further enacted,* That the United States shall be, and they hereby are divided into thirteen districts, to be limited and called as follows, to wit: one to consist of that part of the State of Massachusetts which lies easterly of the State of New Hampshire, and to be called Maine District; one to consist of the State of New Hampshire, and to be called New Hampshire District;(c) one to consist of the remaining part of the State of Massachusetts, and to be called Massachusetts district; one to consist of the State of Connecticut, and to be called Connecticut District; one to consist of the State of New York, and to be called New York District; one to consist of the State of New Jersey, and to be called New Jersey District; one to consist of the State of Pennsylvania, and to be called Pennsylvania District; one to consist of the State of Delaware, and to be called Delaware District; one to consist of the State of Maryland, and to be called Maryland District; one to consist of the State of Virginia, except that part called the District of Kentucky, and to be called Virginia District; one to consist of the remaining part of the State of Virginia, and to be called Kentucky District; one to consist of the State of South Carolina, and to be called South Carolina District; and one to consist of the State of Georgia, and to be called Georgia District.

Maine.
N. Hampshire.
Massachusetts.Connecticut.
New York.
New Jersey.
Pennsylvania.
Delaware.
Maryland.Virginia.
Kentucky.South Carolina.
Georgia.

A district court in each district.

SEC. 3. *And be it further enacted,* That there be a court called a District Court, in each of the afore mentioned districts, to consist of one judge, who shall reside in the district for which he is appointed, and shall be called a District Judge, and shall hold annually four

(a) The 3d article of the Constitution of the United States enables the judicial department to receive jurisdiction to the full extent of the constitution, laws and treaties of the United States, when any question respecting them shall assume such a form that the judicial power is capable of acting on it. That power is capable of acting only where the subject is submitted to it by a party who asserts his right in a form presented by law. It then becomes a case. *Osborn et al. v. The Bank of the United States*, 9 Wheat. 738; 5 Cond. Rep. 741.

(b) By the act of April 29, 1802, chap. 31, the Supreme Court was declared to consist of a Chief Justice and six associate Justices, and by the act of March 3, 1837, chap. 32, it was made to consist of a Chief Justice and eight associate Justices.

By the act of April 29, 1802, chap. 31, the provision of the act of September 24, 1789, requiring two annual sessions of the Supreme Court, was repealed, and the 2d section of that act required that the associate Justice of the fourth circuit should attend at Washington on the first Monday of August annually, to make all necessary rules and orders, touching suits and actions depending in the court. This section was repealed by the 7th section of the act of February 28, 1839, chap. 36.

By an act passed May 4, 1826, chap. 37, the sessions of the Supreme Court were directed to commence on the second Monday in January annually, instead of the first Monday in February; and by an act passed June 17, 1844, the sessions of the Supreme Court were directed to commence on the first Monday in December annually.

(c) The jurisdiction and powers of the District Courts have been declared and established by the following acts of Congress: Act of September 24, 1789; act of June 5, 1794, sec. 6; act of May 10, 1800; act of December 31, 1814; act of April 16, 1816; act of April 20, 1818; act of May 15, 1820; act of March 3, 1793.

The decisions of the Courts of the United States on the jurisdiction of the District Courts have been: *The Thomas Jefferson*, 10 Wheat. 428; 6 Cond. Rep. 173. *M'Donogh v. Danery*, 3 Dall. 188; 1 Cond. Rep. 94. *United States v. La Vengeance*, 3 Dall. 297; 1 Cond. Rep. 132. *Glass et al. v. The Betsey*, 3 Dall. 6; 1 Cond. Rep. 10. *The Alerta v. Blas Moran*, 9 Cranch, 359; 3 Cond. Rep. 425. *The Merino et al.*, 9 Wheat. 391; 5 Cond. Rep. 623. *The Josefa Segunda*, 10 Wheat. 312; 6 Cond. Rep. 111. *The Bolina*, 1 Gallis' C. C. R. 75. *The Robert Fulton*, Paine's C. C. R. 620. *Jansen v. The Vrow Christiana Magdalena*, Bee's D. C. R. 11. *Jennings v. Carson*, 4 Cranch, 2; 2 Cond. Rep. 2. *The Sarah*, 8 Wheat. 391; 5 Cond. Rep. 472. *Penhallow et al. v. Doane's Adm'rs*, 3 Dall. 54; 1 Cond. Rep. 21. *The United States v. Richard Peters*, 3 Dall. 121; 1 Cond. Rep. 60. *M'Lellan v. the United States*, G

Four sessions annually in a district; and when held.

Special district courts.

Stated district courts; when holden.

Special courts, where held.

Where records kept.

Three circuits, and how divided.

[Obsolete.]

sessions, the first of which to commence as follows, to wit: in the districts of New York and of New Jersey on the first, in the district of Pennsylvania on the second, in the district of Connecticut on the third, and in the district of Delaware on the fourth, Tuesdays of November next; in the districts of Massachusetts, of Maine, and of Maryland, on the first, in the district of Georgia on the second, and in the districts of New Hampshire, of Virginia, and of Kentucky, on the third Tuesdays of December next; and the other three sessions progressively in the respective districts on the like Tuesdays of every third calendar month afterwards, and in the district of South Carolina, on the third Monday in March and September, the first Monday in July, and the second Monday in December of each and every year, commencing in December next; and that the District Judge shall have power to hold special courts at his discretion. That the stated District Court shall be held at the places following, to wit: in the district of Maine, at Portland and Pownalsborough alternately, beginning at the first; in the district of New Hampshire, at Exeter and Portsmouth alternately, beginning at the first; in the district of Massachusetts, at Boston and Salem alternately, beginning at the first; in the district of Connecticut, alternately at Hartford and New Haven, beginning at the first; in the district of New York, at New York; in the district of New Jersey, alternately at New Brunswick and Burlington, beginning at the first; in the district of Pennsylvania, at Philadelphia and York Town alternately, beginning at the first; in the district of Delaware, alternately at Newcastle and Dover, beginning at the first; in the district of Maryland, alternately at Baltimore and Easton, beginning at the first; in the district of Virginia, alternately at Richmond and Williamsburgh, beginning at the first; in the district of Kentucky, at Harrodsburgh; in the district of South Carolina, at Charleston; and in the district of Georgia, alternately at Savannah and Augusta, beginning at the first; and that the special courts shall be held at the same place in each district as the stated courts, or in districts that have two, at either of them, in the discretion of the judge, or at such other place in the district, as the nature of the business and his discretion shall direct. And that in the districts that have but one place for holding the District Court, the records thereof shall be kept at that place; and in districts that have two, at that place in each district which the judge shall appoint.

SEC. 4. *And be it further enacted*, That the before mentioned districts, except those of Maine and Kentucky, shall be divided into three circuits, and be called the eastern, the middle, and the southern circuit. That the eastern circuit shall consist of the districts of New Hampshire, Massachusetts, Connecticut and New York; that the middle circuit shall consist of the districts of New Jersey, Pennsylvania, Delaware, Maryland and Virginia; and that the southern circuit shall consist of the districts of South Carolina and Georgia, and that there shall be held annually in each district of said circuits, two courts, which shall be called Circuit Courts, and shall consist of any two justices of

1 Gallis' C. C. R. 227. Hudson et al. v. Guestier, 6 Cranch, 281; 2 Cond. Rep. 374. Brown v. The United States, 8 Cranch, 110; 3 Cond. Rep. 56. De Lovio v. Boit et al., 2 Gallis' Rep. 398. Burke v. Trevitt, 1 Mason, 96. The Amiable Nancy, 3 Wheat 546; 4 Cond. Rep. 322. The Abby, 1 Mason, 360. The Little Ann, Paine's C. C. R. 40. Slocum v. Maybury et al., 2 Wheat 1; 4 Cond. Rep. 1. Southwick v. The Postmaster General, 2 Peters, 442. Davis v. A New Brig, Gilpin's D. C. R. 473. Smith v. The Pekin, Gilpin's D. C. R. 203. Peters' Digest, "Courts," "District Courts of the United States."

The 3d section of the act of Congress of 1789, to establish the Judicial Courts of the United States, which provides that no summary writ, return of process, judgment, or other proceedings in the courts of the United States shall be abated, arrested or quashed for any defect or want of form, &c., although it does not include verdicts, eo nomine, but judgments are included; and the language of the provision, "writ, declaration, judgment or other proceeding, in court causes," and further "such writ, declaration, pleading, process, judgment or other proceeding whatsoever," is sufficiently comprehensive to embrace every conceivable step to be taken in a court, from the emanation of the writ, down to the judgment. Roach v. Hulings, 16 Peters, 319.

the Supreme Court, and the district judge of such districts, any two of whom shall constitute a quorum: *Provided*, That no district judge shall give a vote in any case of appeal or error from his own decision; but may assign the reasons of such his decision.

SEC. 5. *And be it further enacted*, That the first session of the said circuit court in the several districts shall commence at the times following, to wit: in New Jersey on the second, in New York on the fourth, in Pennsylvania on the eleventh, in Connecticut on the twenty-second, and in Delaware on the twenty-seventh, days of April next; in Massachusetts on the third, in Maryland on the seventh, in South Carolina on the twelfth, in New Hampshire on the twentieth, in Virginia on the twenty-second, and in Georgia on the twenty-eighth, days of May next, and the subsequent sessions in the respective districts on the like days of every sixth calendar month afterwards, except in South Carolina, where the session of the said court shall commence on the first, and in Georgia where it shall commence on the seventeenth day of October, and except when any of those days shall happen on a Sunday, and then the session shall commence on the next day following. And the sessions of the said circuit court shall be held in the district of New Hampshire, at Portsmouth and Exeter alternately, beginning at the first; in the district of Massachusetts, at Boston; in the district of Connecticut, alternately at Hartford and New Haven, beginning at the last; in the district of New York, alternately at New York and Albany, beginning at the first; in the district of New Jersey, at Trenton; in the district of Pennsylvania, alternately at Philadelphia and Yorktown, beginning at the first; in the district of Delaware, alternately at New Castle and Dover, beginning at the first; in the district of Maryland, alternately at Annapolis and Easton, beginning at the first; in the district of Virginia, alternately at Charlottesville and Williamsburgh, beginning at the first; in the district of South Carolina, alternately at Columbia and Charleston, beginning at the first; and in the district of Georgia, alternately at Savannah and Augusta, beginning at the first. And the circuit courts shall have power to hold special sessions for the trial of criminal causes at any other time at their discretion, or at the discretion of the Supreme Court. (a)

First session of the circuit courts; when holden. [Obsolete.]

Where holden.

Circuit courts. Special sessions.

(a) The sessions of the Circuit Courts have been regulated by the following acts: In ALABAMA—act of March 3, 1837. In ARKANSAS—act of March 3, 1837. In CONNECTICUT—act of September 24, 1789; act of April 13, 1792; act of March 2, 1793; act of March 3, 1797; act of April 29, 1802; act of May 13, 1826. In DELAWARE—act of September 24, 1789; act of March 3, 1797; act of April 29, 1802; act of March 24, 1804; act of March 3, 1837. In GEORGIA—act of September 24, 1789; act of August 11, 1790; act of April 13, 1792; act of March 3, 1797; act of April 29, 1802; act of May 13, 1826; act of Jan. 21, 1829. KENTUCKY—act of March 3, 1801; act of March 8, 1802; act of March 2, 1803; act of Feb. 27, 1807; act of March 22, 1808; April 22, 1824. LOUISIANA—act of March 3, 1837. MAINE—act of March 3, 1801; act of March 8, 1802; act of March 30, 1820. MARYLAND—act of Sept. 24, 1789; act of March 3, 1797; act of April 29, 1802; act of Feb. 11, 1830; act of March 3, 1837. MASSACHUSETTS—act of Sept. 24, 1789; act of March 3, 1791; act of June 9, 1794; act of March 2, 1793; act of March 3, 1797; act of March 3, 1801; act of March 8, 1802; act of April 29, 1802; act of March 26, 1812. MISSOURI—act of March 3, 1837. MISSISSIPPI—act of March 3, 1839. NEW HAMPSHIRE—act of Sept. 24, 1789; act of March 3, 1791; act of April 13, 1792; act of March 2, 1793; act of March 3, 1797; act of March 3, 1801; act of April 29, 1802; act of March 6, 1812. NEW JERSEY—act of September 24, 1789; act of March 3, 1797; act of April 2, 1802. NEW YORK—act of September 24, 1789; act of March 3, 1791; act of April 13, 1792; act of March 2, 1793; act of March 3, 1797; act of April 29, 1802; act of March 3, 1825; act of February 10, 1832; act of May 13, 1836; act of March 3, 1837. NORTH CAROLINA—act of September 24, 1789; act of April 13, 1792; act of March 2, 1793; act of March 31, 1796; act of March 3, 1797; act of July 5, 1797; act of April 29, 1802; act of March 8, 1806; act of February 4, 1807. OHIO—act of February 24, 1807; act of March 22, 1808; act of April 22, 1824; act of May 20, 1826. PENNSYLVANIA—act of September 24, 1789; act of May 12, 1796; act of March 3, 1797; act of December 24, 1799; act of April 29, 1802; act of March 3, 1837. RHODE ISLAND—act of June 23, 1790; act of March 3, 1791; act of March 2, 1793; act of May 22, 1796; act of March 3, 1797; act of March 3, 1801; act of March 8, 1802; act of April 29, 1802; act of March 26, 1812. SOUTH CAROLINA—act of September 24, 1789; act of August 11, 1790; act of March 3, 1797; act of April 29, 1802; act of April 14, 1816; act of May 25, 1824; act of March 3, 1825; act of May 4, 1826; act of February 5, 1829. TENNESSEE—act of February 24, 1807; act of March 22, 1808; act of March 10, 1812; act of January 13, 1831. VERMONT—act of March 2, 1791; act of March 2, 1793; act of May 27, 1796; act of March 3, 1797; act of April 29, 1802; act of March 22, 1816. VIRGINIA—act of September 24, 1789; act of March 3, 1791; act of April 13, 1792; act of March 3, 1797; act of April 29, 1802; act of March 2, 1837.

Supreme court adjourned by one or more justices; circuit courts adjourned.

District courts adjourned.

The courts have power to appoint clerks.

Their oath or affirmation.

Oath of justices of supreme court and judges of the district court.

District courts exclusive jurisdiction.

SEC. 6. *And be it further enacted*, That the Supreme Court may, by any one or more of its justices being present, be adjourned from day to day until a quorum be convened; and that a circuit court may also be adjourned from day to day by any one of its judges, or if none are present, by the marshal of the district until a quorum be convened; (a) and that a district court, in case of the inability of the judge to attend at the commencement of a session, may by virtue of a written order from the said judge, directed to the marshal of the district, be adjourned by the said marshal to such day, antecedent to the next stated session of the said court, as in the said order shall be appointed; and in case of the death of the said judge, and his vacancy not being supplied, all process, pleadings and proceedings of what nature soever, pending before the said court, shall be continued of course until the next stated session after the appointment and acceptance of the office by his successor.

SEC. 7. *And be it [further] enacted*, That the Supreme Court, and the district courts shall have power to appoint clerks for their respective courts, (b) and that the clerk for each district court shall be clerk also of the circuit court in such district, and each of the said clerks shall, before he enters upon the execution of his office, take the following oath or affirmation, to wit: "I, A. B., being appointed clerk of _____, do solemnly swear, or affirm, that I will truly and faithfully enter and record all the orders, decrees, judgments and proceedings of the said court, and that I will faithfully and impartially discharge and perform all the duties of my said office, according to the best of my abilities and understanding. So help me God." Which words, so help me God, shall be omitted in all cases where an affirmation is admitted instead of an oath. And the said clerks shall also severally give bond, with sufficient sureties, (to be approved of by the Supreme and district courts respectively) to the United States, in the sum of two thousand dollars, faithfully to discharge the duties of his office, and seasonably to record the decrees, judgments and determinations of the court of which he is clerk.

SEC. 8. *And be it further enacted*, That the justices of the Supreme Court, and the district judges, before they proceed to execute the duties of their respective offices, shall take the following oath or affirmation, to wit: "I, A. B., do solemnly swear or affirm, that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as _____, according to the best of my abilities and understanding, agreeably to the constitution and laws of the United States. So help me God."

SEC. 9. *And be it further enacted*, That the district courts (c) shall have, exclusively of the courts of the several States, cognizance of all crimes and offences that shall be cognizable under the authority of the United States, committed within their respective districts, or upon the

By the act of March 10, 1838, the Justice of the Supreme Court is required to attend but one circuit in the districts of Indiana, Illinois, and Michigan.

By an act passed in 1844, the Justices of the Supreme Court are empowered to hold but one session of the Circuit Court in each district in their several circuits. The Judges of the District Courts hold the other sessions of the Circuit Court in their several districts.

(a) The provisions of law on the subject of the adjournments of the Supreme Court in addition to the 6th section of this act, are, that in case of epidemical disease, the court may be adjourned to some other place than the seat of government. Act of February 25, 1799.

(b) By the 2d section of the act entitled "an act in amendment of the acts respecting the judicial system of the United States," passed February 28, 1839, chap. 36, it is provided "that all the circuit courts of the United States shall have the appointment of their own clerks, and in case of disagreement between the judges, the appointment shall be made by the presiding judge of the court." See *ex parte Duncan* N. Hennen, 13 Peters, 230.

(c) The further legislation on the subject of the jurisdiction and powers of the District Courts are: the act of June 5, 1794, ch. 50, sec. 6; act of May 10, 1800, chap. 51, sec. 5; act of February 24, 1807, chap. 13; act of February 24, 1807, chap. 16; act of March 3, 1815; act of April 16, 1816, chap. 56, sec. 6; act of April 20, 1818, chap. 103; act of May 15, 1820, chap. 106, sec. 4; act of March 3, 1823, chap. 71.

high seas; where no other punishment than whipping, not exceeding thirty stripes, a fine not exceeding one hundred dollars, or a term of imprisonment not exceeding six months, is to be inflicted; and shall also have exclusive original cognizance of all civil causes of admiralty and maritime jurisdiction, including all seizures under laws of impost, navigation or trade of the United States, where the seizures are made, on waters which are navigable from the sea by vessels of ten or more tons burthen, within their respective districts as well as upon the high seas; (a) saving to suitors, in all cases, the right of a common law remedy, where the common law is competent to give it; and shall also have exclusive original cognizance of all seizures on land, or other waters than as aforesaid, made, and of all suits for penalties and forfeitures incurred, under the laws of the United States. (b) And shall also have cognizance, concurrent with the courts of the several States, or the circuit courts, as the case may be, of all causes where an alien sues for a tort only in violation of the law of nations or a treaty of the United States. (c) And shall also have cognizance, concurrent as last mentioned, of all suits at common law where the United States sue, and the matter in dispute amounts, exclusive of costs, to the sum or value of one hundred dollars. And shall also have jurisdiction exclusively of the courts of the several States, of all suits against consuls or vice-consuls, except for offences above the description aforesaid. (d) And the trial of issues in fact, in the district courts, in all causes except civil causes of admiralty and maritime jurisdiction, shall be by jury.

Sec. 10. *And be it further enacted*, That the district court in Kentucky district shall, besides the jurisdiction aforesaid, have jurisdiction of all other causes, except of appeals and writs of error, hereinafter made cognizable in a circuit court, and shall proceed therein in the same

[Acts of June 5, 1794, sect. 6; act of Feb. 13, 1807; act of March 3, 1815, sect. 4.]

Original cognizance in maritime causes and of seizure under the laws of the United States.

Concurrent jurisdiction.

Trial of fact by jury.

Kentucky district court. [Obsolete.]

(a) Jurisdiction of the District Courts in cases of admiralty seizures, under laws of impost, navigation and trade. *McDonough v. Danery*, 3 Dall. 188; 1 Cond. Rep. 94. *The United States v. La Vengeance*, 3 Dall. 297; 1 Cond. Rep. 132. *Glass et al. v. The Betsey*, 3 Dall. 6; 1 Cond. Rep. 10. *The Alerta*, 3 Cranch, 359; 3 Cond. Rep. 425. *The Merino et al.*, 9 Wheat. 391; 5 Cond. Rep. 623. *The Josefa Segunda*, 10 Wheat. 312; 6 Cond. Rep. 111. *Jennings v. Carson*, 4 Cranch, 2; 2 Cond. Rep. 2. *The Sarah*, 8 Wheat. 691; 5 Cond. Rep. 472. *Penhallow et al. v. Doane's Adm'rs*, 3 Dall. 54; 1 Cond. Rep. 21. *United States v. Richard Peters*, 3 Dall. 121; 1 Cond. Rep. 60. *Hudson et al. v. Guestier*, 6 Cranch, 281; 2 Cond. Rep. 374. *Brown v. The United States*, 8 Cranch, 110; 3 Cond. Rep. 56. *The Sarah*, 8 Wheat. 391; 5 Cond. Rep. 472. *The Amiable Nancy*, 3 Wheat. 546; 4 Cond. Rep. 322. *Slocum v. Mayberry*, 2 Wheat. 1; 4 Cond. Rep. 1. *Gelston et al. v. Hoyt*, 3 Wheat. 246; 4 Cond. Rep. 244. *The Bolina*, 1 Gallis' C. C. R. 75. *The Robert Fulton*, 1 Paine's C. C. R. 620; *Bee's D. C. R.* 11. *De Lovio v. Boit et al.*, 2 Gallis' C. C. R. 398. *The Abby*, 1 Mason's C. Rep. 360. *The Little Ann*, Paine's C. C. R. 40. *Davis v. A New Brig*, Gilpin's D. C. R. 473. *The Catharine*, 1 Adm. Decis. 104.

(b) An information against a vessel under the act of Congress of May 22, 1794, on account of an alleged exportation of arms, is a case of admiralty and maritime jurisdiction; and an appeal from the District to the Circuit Court, in such a case is sustainable. It is also a civil cause, and triable without the intervention of a jury, under the 9th section of the judicial act. *The United States v. La Vengeance*, 3 Dall. 297; 1 Cond. Rep. 132. *The Sarah*, 8 Wheat. 691; 5 Cond. Rep. 472. *The Abby*, 1 Mason, 360. *The Little Ann*, Paine's C. C. R. 40.

When the District and State courts have concurrent jurisdiction, the right to maintain the jurisdiction attaches to that tribunal which first exercises it, and obtains possession of the thing. *The Robert Fulton*, Paine's C. C. R. 620.

(c) *Burke v. Trevitt*, 1 Mason, 96. The courts of the United States have exclusive jurisdiction of all seizures made on land or water, for a breach of the laws of the United States, and any intervention of State authority, which by taking the thing seized out of the hands of the officer of the United States, might obstruct the exercise of this jurisdiction, is unlawful. *Slocum v. Mayberry et al.*, 2 Wheat. 1; 4 Cond. Rep. 1.

(d) *Davis v. Packard*, 6 Peters, 41. As an abstract question, it is difficult to understand on what ground a State court can claim jurisdiction of civil suits against foreign consuls. By the Constitution, the judicial power of the United States extends to all cases affecting ambassadors, other public ministers and consuls; and the judiciary act of 1789 gives to the district courts of the United States, exclusively of the courts of the several States, jurisdiction of all suits against consuls and vice consuls, except for certain offences enumerated in this act. *Davis v. Packard*, 7 Peters, 276.

If a consul, being sued in a State court, omits to plead his privilege of exemption from the suit, and afterwards, on removing the judgment of the inferior court to a higher court by writ of error, claims the privilege, such an omission is not a waiver of the privilege. If this was to be viewed merely as a personal privilege, there might be grounds for such a conclusion. But it cannot be so considered; it is the privilege of the country or government which the consul represents. This is the light in which foreign ministers are considered by the law of nations; and our constitution and law seem to put consuls on the same footing in this respect. *Ibid.*

Maine district court.
[Obsolete.]

Circuit courts original cognizance where the matter in dispute exceeds five hundred dollars.

manner as a circuit court, and writs of error and appeals shall lie from decisions therein to the Supreme Court in the same causes, as from a circuit court to the Supreme Court, and under the same regulations.(a) And the district court in Maine district shall, besides the jurisdiction herein before granted, have jurisdiction of all causes, except of appeals and writs of error herein after made cognizable in a circuit court, and shall proceed therein in the same manner as a circuit court: And writs of error shall lie from decisions therein to the circuit court in the district of Massachusetts in the same manner as from other district courts to their respective circuit courts.

SEC. 11. *And be it further enacted,* That the circuit courts shall have original cognizance, concurrent with the courts of the several States, of all suits of a civil nature at common law or in equity, where the matter in dispute exceeds, exclusive of costs, the sum or value of five hundred dollars, and the United States are plaintiffs, or petitioners; or an alien is a party, or the suit is between a citizen of the State where the suit is brought, and a citizen of another State.(b) And shall have

(a) By an act passed February 24, 1807, the Circuit Court jurisdiction of the District Court of Kentucky was abolished.

(b) The amount laid in the declaration is the sum in controversy. If the plaintiff receive less than the amount so claimed, the jurisdiction of the court is not affected. *Green v. Lister*, 8 Cranch, 229. *Gordon v. Longest*, 16 Peters, 97. *Lessee of Hartshorn v. Wright*, Peters' C. C. R. 64.

By the 5th section of the act of February 21, 1794, "an act to promote the progress of the useful arts," &c., jurisdiction in actions for violations of patent rights, is given to the Circuit Courts. Also by the act of February 15, 1819, original cognizance, as well in equity as at law, is given to the Circuit Courts of all actions, and for the violation of copy rights. In such cases appeals lie to the Supreme Court of the United States. So also in cases of interest, or disability of a district judge. Act of May 8, 1792, sec. 11; act of March 2, 1809, sec. 1; act of March 3, 1821.

Jurisdiction in cases of injunctions on Treasury warrants of distress. Act of May 15, 1820, sec. 4.

Jurisdiction in cases removed from State courts. Act of February 4, 1815, sec. 8; act of March 3, 1815, sec. 6.

Jurisdiction in cases of assigned debentures. Act of March 2, 1799.

Jurisdiction of crimes committed within the Indian territories. Act of March 30, 1830, sec. 15; act of April 30, 1816, sec. 4; act of March 3, 1817, sec. 2.

Jurisdiction in bankruptcy. Act of August 19, 1841, chap. 9, [repealed.]

Jurisdiction in cases where citizens of the same State claim title to land under a grant from a State other than that in which the suit is pending in a State court. Act of September 24, 1789, sec. 12. See *Colson v. Lewis*, 2 Wheat. 377; 4 Cond. Rep. 168.

Jurisdiction where officers of customs are parties. Act of February 4, 1815, sec. 8; act of March 3, 1815, sec. 6; act of March 3, 1817, sec. 2.

A circuit court though an inferior court in the language of the constitution, is not so in the language of the common law; nor are its proceedings subject to the scrutiny of those narrow rules, which the caution or jealousy of the courts at Westminster long applied to courts of that denomination; but are entitled to as liberal intendments and presumptions in favour of their regularity, as those of any supreme court. *Turner v. The Bank of North America*, 4 Dall. 8; 1 Cond. Rep. 205.

The Circuit Courts of the United States have cognizance of all offences against the United States. What those offences are depends upon the common law applied to the sovereignty and authorities confided to the United States. *The United States v. Coolidge*, 1 Gallis' C. C. R. 488, 495.

Where the jurisdiction of the federal courts has once attached, no subsequent change in the relation or condition of the parties in the progress of the cause, will oust that jurisdiction. *The United States v. Meyers*, 2 Brocken, C. C. R. 516.

All the cases arising under the laws of the United States are not, per se, among the cases comprised within the jurisdiction of the Circuit Court, under the provisions of the 11th section of the judiciary act of 1789. *The Postmaster General v. Stockton and Stokes*, 12 Peters, 524.

Jurisdiction of the Circuit Courts of the United States in suits between aliens and citizens of another State than that in which the suit is brought:

The courts of the United States will entertain jurisdiction of a cause where all the parties are aliens, if none of them object to it. *Mason et al. v. The Blaireau*, 2 Cranch, 240; 1 Cond. Rep. 397.

The Supreme Court understands the expressions in the act of Congress, giving jurisdiction to the courts of the United States "where an alien is a party, or the suit is between a citizen of the State where the suit is brought, and a citizen of another State," to mean that each distinct interest should be represented by persons, all of whom have a right to sue, or may be sued in the federal courts: that is, when the interest is joint, each of the persons concerned in that interest must be competent to sue or be liable to be sued in those courts. *Strawbridge v. Curtis*, 3 Cranch, 267; 1 Cond. Rep. 523.

Neither the Constitution nor the act of Congress regards the subject of the suit, but the parties to it. *Mossman's Exors v. Higginson*, 4 Dall. 12; 1 Cond. Rep. 210.

When the jurisdiction of the Circuit Court depends on the character of the parties, and such party consists of a number of individuals, each one must be competent to sue in the courts of the United States, or jurisdiction cannot be entertained. *Ward v. Arredendo et al.*, Paine's C. C. R. 410. *Strawbridge v. Curtis*, 3 Cranch, 267; 1 Cond. Rep. 523.

The courts of the United States have not jurisdiction, unless it appears by the record that it belongs

exclusive cognizance of all crimes and offences cognizable under the authority of the United States, (a) except where this act otherwise provides, or the laws of the United States shall otherwise direct, and concurrent jurisdiction with the district courts of the crimes and offences cognizable therein. But no person shall be arrested in one district for trial in another, in any civil action before a circuit or district court. (b) And no civil suit shall be brought before either of said courts against an inhabitant of the United States, by any original process in any other district than that whereof he is an inhabitant, or in which he shall be found at the time of serving the writ, nor shall any district or circuit court have cognizance of any suit to recover the contents of any promissory note or other chose in action in favour of an assignee, unless a suit might have been prosecuted in such court to recover the said contents if no assignment had been made, except in cases of foreign bills of exchange. (c) And the circuit courts shall also have appellate jurisdiction from the district courts under the regulations and restrictions herein after provided. (d)

SEC. 12. *And be it further enacted*, That if a suit be commenced in any state court against an alien, or by a citizen of the state in which the suit is brought against a citizen of another state, and the matter in dispute exceeds the aforesaid sum or value of five hundred dollars, exclusive of costs, to be made to appear to the satisfaction of the court; and the defendant shall, at the time of entering his appearance in such state court, file a petition for the removal of the cause for trial into the next circuit court, to be held in the district where the suit is pending, or if in the district of Maine to the district court next to be holden therein, or if in Kentucky district to the district court next to be holden therein, and offer good and sufficient surety for his entering in such court, on the first day of its session, copies of said process against him, and also for his there appearing and entering special bail in the cause, if special bail was originally requisite therein, it shall then be the duty of the state court to accept the surety, and proceed no further in the cause, and any bail that may have been originally taken shall be discharged, and the said copies being entered as aforesaid, in such court of the United States, the cause shall there proceed in the same manner as if it had been brought there by original process. (e) And any attach-

Exclusive cognizance of crimes and offences cognizable under the laws of the United States.

No person to be arrested in one district for trial in another on any civil suit.

Limitation as to civil suits. Actions on promissory notes.

Circuit courts shall also have appellate jurisdiction.

Matter in dispute above 500 dollars.

Removal of causes from state courts.

Special bail.

to them, as that the parties are citizens of different States. *Wood v. Wagnon*, 2 Cranch, 9; 1 Cond. Rep. 335.

Where the parties to a suit are such as to give the federal courts jurisdiction, it is immaterial that they are administrators or executors, and that those they represent were citizens of the same State. *Chapdelaine et al. v. Decheneaux*, 4 Cranch, 306; 2 Cond. Rep. 116. *Childress et al. v. Emory et al.*, 3 Wheat, 642; 5 Cond. Rep. 547. See also *Brown v. Strode*, 5 Cranch, 303; 2 Cond. Rep. 265. *Bingham v. Cabot*, 3 Dall. 382; 1 Cond. Rep. 170. *Gracie v. Palmer*, 8 Wheat, 699; 5 Cond. Rep. 561. *Massie v. Watts*, 6 Cranch, 148; 2 Cond. Rep. 332. *Sere et al. v. Pitot et al.*, 6 Cranch, 332; 2 Cond. Rep. 389. *Shute v. Davis*, *Peters' C. C. R.* 431. *Flanders v. The Ætna Ins. Com.*, 3 Mason, C. C. R. 158. *Kitchen v. Sullivan et al.*, 4 Wash. C. C. R. 84. *Briggs v. French*, 2 Sumner's C. C. R. 252.

(a) The Circuit Courts of the United States have jurisdiction of a robbery committed on the high seas under the 8th section of the act of April 30, 1790, although such robbery could not, if committed on land, be punished with death. *The United States v. Palmer et al.*, 3 Wheat, 610; 4 Cond. Rep. 352. See *The United States v. Coolidge et al.*, 1 Gallis' C. C. R. 488, 495. *The United States v. Coombs*, 12 Peters, 72.

The Circuit Courts have no original jurisdiction in suits for penalties and forfeitures arising under the laws of the United States, but the District Courts have exclusive jurisdiction. *Ketland v. The Cassius*, 2 Dall. 365.

(b) The petitioner was arrested in Pennsylvania, by the marshal of the district of Pennsylvania, under an attachment from the Circuit Court of Rhode Island, for a contempt in not appearing in that court after a monition, served upon him in the State of Pennsylvania, to answer in a prize cause as to a certain bale of goods condemned to the captors, which had come into the possession of Peter Graham, the petitioner. Held, that the circuit and district courts of the United States cannot, either in suits at law or equity, send their process into another district, except where specially authorized so to do by some act of Congress. *Ex parte Peter Graham*, 3 Wash. C. C. R. 456.

(c) *Bean v. Smith*, 2 Mason's C. C. R. 252. *Young v. Bryan*, 6 Wheat, 146; 5 Cond. Rep. 44. *Molan v. Torrance*, 9 Wheat, 537; 5 Cond. Rep. 666.

(d) *Smith v. Jackson*, *Paine's C. C. R.* 453.

(e) The Judge of a State Court to which an application is made for the removal of a cause into a court of the United States must exercise a legal discretion as to the right claimed to remove the cause;

Attachment of goods holden to final judgment.

Title of land where value exceeds 500 dollars.

If in Maine and Kentucky, where causes are removable. [Obsolete.]

Issues in fact by jury.

Supreme court exclusive jurisdiction.

Proceedings against public ministers.

ment of the goods or estate of the defendant by the original process, shall hold the goods or estate so attached, to answer the final judgment in the same manner as by the laws of such state they would have been holden to answer final judgment, had it been rendered by the court in which the suit commenced. And if in any action commenced in a state court, the title of land be concerned, and the parties are citizens of the same state, and the matter in dispute exceeds the sum or value of five hundred dollars, exclusive of costs, the sum or value being made to appear to the satisfaction of the court, either party, before the trial, shall state to the court and make affidavit if they require it, that he claims and shall rely upon a right or title to the land, under a grant from a state other than that in which the suit is pending, and produce the original grant or an exemplification of it, except where the loss of public records shall put it out of his power, and shall move that the adverse party inform the court, whether he claims a right or title to the land under a grant from the state in which the suit is pending; the said adverse [party] shall give such information, or otherwise not be allowed to plead such grant, or give it in evidence upon the trial, and if he informs that he does claim under such grant, the party claiming under the grant first mentioned may then, on motion, remove the cause for trial to the next circuit court to be holden in such district, or if in the district of Maine, to the court next to be holden therein; or if in Kentucky district, to the district court next to be holden therein; but if he is the defendant, shall do it under the same regulations as in the before-mentioned case of the removal of a cause into such court by an alien; and neither party removing the cause, shall be allowed to plead or give evidence of any other title than that by him stated as aforesaid, as the ground of his claim; and the trial of issues in fact in the circuit courts shall, in all suits, except those of equity, and of admiralty, and maritime jurisdiction, be by jury. (a.)

SEC. 13. *And be it further enacted*, That the Supreme Court shall have exclusive jurisdiction of all controversies of a civil nature, where a state is a party, except between a state and its citizens; and except also between a state and citizens of other states, or aliens, in which latter case it shall have original but not exclusive jurisdiction. (b.) And shall have exclusively all such jurisdiction of suits or proceedings against ambassadors, or other public ministers, or their domestics, or domestic servants, as a court of law can have or exercise consistently with the law of nations; and original, but not exclusive jurisdiction of all suits brought by ambassadors, or other public ministers, or in which a consul,

the defendant being entitled to the right to remove the cause under the law of the United States, on the facts of the case, (the judge of the State court could not legally prevent the removal;) the application for the removal having been made in proper form, it was the duty of the State court to proceed no further in the cause. *Gordon v. Longest*, 16 Peters, 97.

One great object in the establishment of the courts of the United States, and regulating their jurisdiction, was to have a tribunal in each State presumed to be free from local influence, and to which all who were non-residents or aliens, might resort for legal redress; and this object would be defeated if a judge in the exercise of any other than a legal discretion, may deny to the party entitled to it, a removal of his cause. *Ibid.*

(a) The provisions of the laws of the United States relating to juries, and trials by jury are:—*Trial by jury*—act of September 24, 1789, chap. 20, sec. 10, sec. 12, sec. 15.—*Exemption from attending on juries*—act of May 7, 1800, chap. 46, sec. 4. *Choice of jurors and qualification of juries*—act of September 24, 1789, chap. 20, sec. 29; act of May 13, 1800; act of July 20, 1840; act of March 3, 1841, chap. 19. Expired as to juries in Pennsylvania. Special jury act of April 29, 1802, chap. 31, sec. 30.—*Jury in criminal cases*—act of September 24, 1789, chap. 20, sec. 29; act of April 30, 1790, chap. 9. *Manner of summoning jurors*—act of September 24, 1789, sec. 29; act of April 29, 1802, chap. 31. *Jurymen de talibus*—act of September 24, 1789, chap. 20.

(b) As to cases in which States, or alleged States, are parties, the following cases are referred to: *The Cherokee Nation v. The State of Georgia*, 5 Peters, 1. *New Jersey v. The State of New York*, 5 Peters, 284. *Ex parte Juan Madrazo*, 7 Peters, 627. *The State of Rhode Island v. The State of Massachusetts*, 12 Peters, 651. *Cohens v. The State of Virginia*, 6 Wheat, 264; 5 Cond. Rep. 90. *New York v. Connecticut*, 4 Dall. 3. *Fowler v. Lindsay et al.*, 3 Dall. 411.

or vice consul, shall be a party.(a) And the trial of issues in fact in the Supreme Court, in all actions at law against citizens of the United States, shall be by jury. The Supreme Court shall also have appellate jurisdiction from the circuit courts and courts of the several states, in the cases herein after specially provided for;(b) and shall have power to issue writs of prohibition(c) to the district courts, when proceeding as courts of admiralty and maritime jurisdiction, and writs of *mandamus*,(d) in cases warranted by the principles and usages of law, to any courts appointed, or persons holding office, under the authority of the United States.

Sup. Court
appellate juris-
diction.

Writs of Pro-
hibition.

Of Mandamus.

SEC. 14. *And be it further enacted*, That all the before-mentioned courts of the United States, shall have power to issue writs of *scire facias*, *habeas corpus*,(e) and all other writs not specially provided for

Courts may
issue writs scire
facias, habeas
corpus, &c.

(a) The United States v. Ortega, 11 Wheat. 467; 6 Cond. Rep. 394. Davis v. Packard, 6 Peters, 41.
(b) As to the appellate jurisdiction of the Supreme Court, see the cases collected in Peters's Digest, "Supreme Court," "Appellate Jurisdiction of the Supreme Court," and the following cases: The United States v. Goodwin, 7 Cranch, 108; 2 Cond. Rep. 434. Wiscart v. Dauchy, 3 Dall. 321; 1 Cond. Rep. 144. United States v. Moore, 3 Cranch, 159; 1 Cond. Rep. 480. Owings v. Norwood's Lessee, 5 Cranch, 344; 2 Cond. Rep. 275. Martin v. Hunter's Lessee, 1 Wheat. 304; 3 Cond. Rep. 575. Gordon v. Caldeleugh, 3 Cranch, 268; 1 Cond. Rep. 524. Ex parte Kearney, 7 Wheat. 38; 5 Cond. Rep. 225. Smith v. The State of Maryland, 6 Cranch, 286; 2 Cond. Rep. 377. Inglee v. Coolidge, 2 Wheat. 363; 4 Cond. Rep. 155. Nicholls et al. v. Hodges Ex'ors, 1 Peters, 562. Buel et al. v. Van Ness, 8 Wheat. 312; 5 Cond. Rep. 445. Miller v. Nicholls, 4 Wheat. 311; 4 Cond. Rep. 465. Matthews v. Zane et al., 7 Wheat. 164; 5 Cond. Rep. 265. M'Cluney v. Silliman, 6 Wheat. 598; 5 Cond. Rep. 197. Houston v. Moore, 3 Wheat. 433; 3 Cond. Rep. 286. Montgomery v. Hernandez et al., 12 Wheat. 129; 6 Cond. Rep. 475. Cohens v. Virginia, 6 Wheat. 264; 5 Cond. Rep. 90. Gibbons v. Ogden, 6 Wheat. 448; 5 Cond. Rep. 134. Weston et al. v. The City Council of Charleston, 2 Peters, 449. Hickie v. Starke et al., 1 Peters, 94. Satterlee v. Matthewson, 2 Peters, 380. M'Bride v. Hoey, 11 Peters, 167. Ross v. Barland et al., 1 Peters, 655. The City of New Orleans v. De Armas, 9 Peters, 224. Crowell v. Randall, 10 Peters, 368. Williams v. Norris, 12 Wheat. 117; 6 Cond. Rep. 462. Menard v. Aspasia, 5 Peters, 505. Worcester v. The State of Georgia, 6 Peters, 515. The United States v. Moore, 3 Cranch, 159; 1 Cond. Rep. 480.

(c) Prohibition. Where the District Court of the United States has no jurisdiction of a cause brought before it, a prohibition will be issued from the Supreme Court to prevent proceedings. The United States v. Judge Peters, 3 Dall. 121; 1 Cond. Rep. 60.

(d) Mandamus. The following cases have been decided on the power of the Supreme Court to issue a mandamus. Marbury v. Madison, 1 Cranch, 137; 1 Cond. Rep. 267. M'Cluney v. Silliman, 2 Wheat. 369; 4 Cond. Rep. 162. United States v. Lawrence, 3 Dall. 42; 1 Cond. Rep. 19. United States v. Peters, 3 Dall. 121; 1 Cond. Rep. 60. Ex parte Burr, 9 Wheat. 529; 5 Cond. Rep. 660. Parker v. The Judges of the Circuit Court of Maryland, 12 Wheat. 561; 6 Cond. Rep. 644. Ex parte Roberts et al., 6 Peters, 216. Ex parte Davenport, 6 Peters, 661. Ex parte Bradstreet, 12 Peters, 174; 7 Peters, 634; 8 Peters, 588. Life and Fire Ins. Comp. of New York v. Wilson's heirs, 8 Peters, 291.

On a mandamus a superior court will never direct in what manner the discretion of the inferior tribunal shall be exercised; but they will, in a proper case, require an inferior court to decide. *Ibid.* Life and Fire Ins. Comp. of New York v. Adams, 9 Peters, 571. Ex parte Story, 12 Peters, 339. Ex parte Jesse Hoyt, collector, &c., 13 Peters, 279.

A writ of mandamus is not a proper process to correct an erroneous judgment or decree rendered in an inferior court. This is a matter which is properly examinable on a writ of error, or an appeal to a proper appellate tribunal. *Ibid.*

Writs of mandamus from the Circuit Courts of the United States. A Circuit Court of the United States has power to issue a mandamus to a collector, commanding him to grant a clearance. Gilchrist et al. v. Collector of Charleston, 1 Hall's Admiralty Law Journal, 429.

The power of the Circuit Court to issue the writ of mandamus is confined exclusively to those cases in which it may be necessary to the exercise of their jurisdiction. M'Intire v. Wood, 7 Cranch, 504; 2 Cond. Rep. 588.

The Circuit Courts of the United States have no power to issue writs of mandamus after the practice of the King's Bench; but only where they are necessary for the exercise of their jurisdiction. Smith v. Jackson, Paine's C. C. R. 453.

(e) Habeas corpus. Ex parte Burford, 3 Cranch, 448; 1 Cond. Rep. 594; Ex parte Bollman, 4 Cranch, 75; 2 Cond. Rep. 33.

The writ of habeas corpus does not lie to bring up a person confined in the prison bounds upon a *capias* ad satisfaciendum, issued in a civil suit. Ex parte Wilson, 6 Cranch, 62; 2 Cond. Rep. 300. Ex parte Kearney, 7 Wheat. 38; 5 Cond. Rep. 225.

The power of the Supreme Court to award writs of habeas corpus is conferred expressly on the court by the 14th section of the judicial act, and has been repeatedly exercised. No doubt exists respecting the power. No law of the United States prescribes the cases in which this great writ shall be issued, nor the power of the court over the party brought up by it. The term used in the constitution is one which is well understood, and the judicial act authorizes the court, and all other courts of the United States and the judges thereof to issue the writ "for the purpose of inquiring into the cause of commitment." Ex parte Tobias Watkins, 3 Peters, 201.

As the jurisdiction of the Supreme Court is appellate, it must be shown to the court that the court has power to award a habeas corpus, before one will be granted. Ex parte Milburn, 9 Peters, 704.

Act of 1793, ch. 22; act of 1807, ch. 13; act of 1818, ch. 83; act of Feb. 1819; act of May 20, 1826, ch. 124.

Limitation of writs of habeas corpus.

Parties shall produce books and writings.

Suits in equity limited.

by statute, which may be necessary for the exercise of their respective jurisdictions, and agreeable to the principles and usages of law. And that either of the justices of the supreme court, as well as judges of the district courts, shall have power to grant writs of *habeas corpus* for the purpose of an inquiry into the cause of commitment.—*Provided*, That writs of *habeas corpus* shall in no case extend to prisoners in gaol, unless where they are in custody, under or by colour of the authority of the United States, or are committed for trial before some court of the same, or are necessary to be brought into court to testify.

SEC. 15. *And be it further enacted*, That all the said courts of the United States, shall have power in the trial of actions at law, on motion and due notice thereof being given, to require the parties to produce books or writings in their possession or power, which contain evidence pertinent to the issue, in cases and under circumstances where they might be compelled to produce the same by the ordinary rules of proceeding in chancery; and if a plaintiff shall fail to comply with such order, to produce books or writings, it shall be lawful for the courts respectively, on motion, to give the like judgment for the defendant as in cases of nonsuit; and if a defendant shall fail to comply with such order, to produce books or writings, it shall be lawful for the courts respectively on motion as aforesaid, to give judgment against him or her by default. (a)

SEC. 16. *And be it further enacted*, That suits in equity shall not be sustained in either of the courts of the United States, in any case where plain, adequate and complete remedy may be had at law. (b)

The act of Congress authorizing the writ of habeas corpus to be issued "for the purpose of inquiring into the cause of commitment," applies as well to cases of commitment under civil as those of criminal process. See Chief Justice Marshall, 2 Brocken C. C. R. 447. *Ex parte Cabrera*, 1 Wash. C. C. R. 232. *United States v. French*, 1 Gallis's C. C. R. 2. *Holmes v. Jennison*, Governor of the State of Vermont, 14 Peters, 540.

(a) It is sufficient for one party to suggest that the other is in possession of a paper, which he has, under the act of Congress, given him notice to produce at the trial, without offering other proof of the fact; and the party so called upon must discharge himself of the consequences of not producing it, by affidavit or other proof that he has it not in his power to produce it. *Hylton v. Brown*, 1 Wash. C. C. R. 298.

The court will not, upon a notice of the defendant to the plaintiff to produce a title paper to the land in dispute, which is merely to defeat the plaintiff's title, compel him to do so; unless the defendant first shows title to the land. Merely showing a right of possession is not sufficient to entitle him to the aid of a court of chancery, or of the Supreme Court, to compel a discovery of papers which are merely to defeat the plaintiff's title without strengthening the defendant's. It is sufficient, in order to entitle him to call for papers to show the title to the land, although none is shown in the papers. *Ibid*.

Where one party in a cause wishes the production of papers supposed to be in the possession of the other, he must give notice to produce them: if not produced, he may give inferior evidence of their contents. But if it is his intention to nonsuit the plaintiff, or if the plaintiff requiring the papers means to obtain a judgment by default, under the 15th section of the judicial act, he is bound to give the opposite party notice that he means to move the court for an order upon him to produce the papers, or on a failure so to do, to award a nonsuit or judgment, as the case may be. *Bas v. Steele*, 3 Wash. C. C. R. 381.

No advantage can be taken of the non-production of papers, unless ground is laid for presuming that the papers were, at the time notice was given, in the possession or power of the party to whom notice was given, and that they were pertinent to the issue. In either of the cases, the party to whom notice was given may be required to prove, by his own oath, that the papers are not in his possession or power; which oath may be met by contrary proof according to the rules of equity. *Ibid*.

To entitle the defendant to nonsuit the plaintiff for not obtaining papers which he was noticed to produce, the defendant must first obtain an order of the court, under a rule that they should be produced. But this order need not be absolute when moved for, but may be nisi, unless cause be shown at the trial. *Dunham v. Riley*, 4 Wash. C. C. R. 126.

Notice to the opposite party to produce on the trial all letters in his possession, relating to monies received by him under the award of the commissioners under the Florida treaty, is sufficiently specific as they described their subject matter. If to such notice the party answer on oath that he has not a particular letter in his possession, and after diligent search could find none such, it is sufficient to prevent the offering of secondary proof of its contents. The party cannot be asked or compelled to answer whether he ever had such a letter in his possession. *Vasse v. Mifflin*, 4 Wash. C. C. R. 519.

(b) The equity jurisdiction of the courts of the United States is independent of the local law of any State, and is the same in nature and extent as the equity jurisdiction of England from which it is derived. Therefore it is no objection to this jurisdiction, that there is a remedy under the local law. *Gordon v. Hobart*, 2 Sumner's C. C. R. 401.

If a case is cognizable at common law, the defendant has a right of trial by jury, and a suit upon it cannot be sustained in equity. *Baker v. Biddle*, 1 Baldwin's C. C. R. 405.

SEC. 17. *And be it further enacted*, That all the said courts of the United States shall have power to grant new trials, in cases where there has been a trial by jury for reasons for which new trials have usually been granted in the courts of law; (a) and shall have power to impose and administer all necessary oaths or affirmations, and to punish by fine or imprisonment, at the discretion of said courts, all contempts of authority in any cause or hearing before the same; (b) and to make and establish all necessary rules for the orderly conducting business in the said courts, provided such rules are not repugnant to the laws of the United States.

Courts may grant new trials.

Act of March 2, 1831, ch. 99.

SEC. 18. *And be it further enacted*, That when in a circuit court, judgment upon a verdict in a civil action shall be entered, execution may on motion of either party, at the discretion of the court, and on such conditions for the security of the adverse party as they may judge proper, be stayed forty-two days from the time of entering judgment, to give time to file in the clerk's office of said court, a petition for a new trial. And if such petition be there filed within said term of forty-two days, with a certificate thereon from either of the judges of such court, that he allows the same to be filed, which certificate he may make or refuse at his discretion, execution shall of course be further stayed to the next session of said court. (c) And if a new trial be granted, the former judgment shall be thereby rendered void.

Execution may be stayed on conditions.

SEC. 19. *And be it further enacted*, That it shall be the duty of circuit courts, in causes in equity and of admiralty and maritime jurisdiction, to cause the facts on which they found their sentence or decree, fully to appear upon the record either from the pleadings and decree itself, or a state of the case agreed by the parties, or their counsel, or if they disagree by a stating of the case by the court.

Facts to appear on record.

Altered by act of March 3, 1803, chap. 40.

SEC. 20. *And be it further enacted*, That where in a circuit court, a plaintiff in an action, originally brought there, or a petitioner in equity, other than the United States, recovers less than the sum or value of five hundred dollars, or a libellant, upon his own appeal, less than the sum or value of three hundred dollars, he shall not be allowed, but at the discretion of the court, may be adjudged to pay costs.

Costs not allowed unless 500 dollars recovered.

SEC. 21. *And be it further enacted*, That from final decrees in a district court in causes of admiralty and maritime jurisdiction, where the matter in dispute exceeds the sum or value of three hundred dollars, exclusive of costs, an appeal shall be allowed to the next circuit court,

Appeals from the district to the circuit court where matter in dispute exceeds 300 dolls.

There cannot be concurrent jurisdiction at law and equity, where the right and remedy are the same; but equity may proceed in aid of the remedy at law, by incidental and auxiliary relief; if the remedy at law is complete. Its jurisdiction is special, limited and defined; not as in England, where it depends on usage. *Ibid.*

The 16th section of the judiciary law is a declaratory act settling the law as to cases of equity jurisdiction, in the nature of a proviso, limitation or exception to its exercise. If the plaintiff have a plain, adequate and complete remedy at law, the case is not a suit in equity, under the constitution, or the judiciary act. *Ibid.*

Though the rules and principles established in English Chancery at the revolution, are adopted in the federal courts, the changes introduced there since, are not followed here; especially in matters of jurisdiction, as to which the 16th section of the act of 1789 is imperative. *Ibid.*

(a) New trials. *Calder v. Bull and Wife*, 3 Dall. 386; 1 Cond. Rep. 172. *Arnold v. Jones*, Bee's Rep. 104.

(b) Contempt of court. The courts of the United States have no common law jurisdiction of crimes against the United States. But independent of statutes, the courts of the United States have power to fine for contempts, and imprison for contumacy, and to enforce obedience to their orders, &c. *The United States v. Hudson et al.*, 7 Cranch, 32; 2 Cond. Rep. 405.

By an act passed March 2, 1831, chap. 99, it is enacted, that the power of the courts of the United States to punish for contempts shall not extend to any cases, except to misbehaviour in the presence of the court, or so near to the court as to obstruct the administration of justice, or the misbehaviour of the officers of the court in their official transactions, and disobedience or resistance by any officer of the court, party, juror, witness or any person to any writ, process, order or decree of the court. Indictments may be presented against persons impeding the proceedings of the court, &c. See the statute.

(c) Execution. The 14th section of the Judiciary act of September 24, 1789, chap. 20, authorizes the courts of the United States to issue writs of execution upon judgments which have been rendered. This section provides only for the issuing of the writ, and directs no mode of proceeding by the officer obeying its command. *Bank of the United States v. Halstead*, 10 Wheat. 51; 6 Cond. Rep. 22.

Altered by the 2d section of the act of March 3, 1803, chap. 40.

[Obsolete.]

Final decrees re-examined above 50 dollars.

Altered by the 2d section of the act of March 3, 1803, chap. 40.

And suits in equity, exceeding 2000 dollars in value.

to be held in such district. *Provided nevertheless*, That all such appeals from final decrees as aforesaid, from the district court of Maine, shall be made to the circuit court, next to be holden after each appeal in the district of Massachusetts.

SEC. 22. *And be it further enacted*, That final decrees and judgments in civil actions in a district court, where the matter in dispute exceeds the sum or value of fifty dollars, exclusive of costs, may be re-examined, and reversed or affirmed in a circuit court, holden in the same district, upon a writ of error, whereto shall be annexed and returned therewith at the day and place therein mentioned, an authenticated transcript of the record, an assignment of errors, and prayer for reversal, with a citation to the adverse party, signed by the judge of such district court, or a justice of the Supreme Court, the adverse party having at least twenty days' notice. (a) And upon a like process, may final judgments and decrees in civil actions, and suits in equity in a circuit court, brought there by original process, or removed there from courts of the several States, or removed there by appeal from a district court where the matter in dispute exceeds the sum or value of two thousand dollars, exclusive of costs, be re-examined and reversed or affirmed in the Supreme Court, the citation being in such case signed by a judge of such circuit court, or justice of the Supreme Court, and the adverse party having at least thirty days' notice. (b) But there shall be no rever-

(a) The rules, regulations and restrictions contained in the 21st and 22d sections of the judiciary act of 1789, respecting the time within which a writ of error shall be brought, and in what instances it shall operate as a supersedeas, the citation to the opposite party, the security to be given by the plaintiff in error, and the restrictions on the appellate court as to reversals in certain enumerated cases, are applicable to the act of 1803, and are to be substantially observed; except that where the appeal is prayed for at the same time when the decree or sentence is pronounced, a citation is not necessary. *The San Pedro*, 2 Wheat. 132; 4 Cond. Rep. 65.

By the 2d section of the act of March 3, 1803, chap. 40, appeals are allowed from all final judgments or decrees in any of the District courts, where the matter in dispute, exclusive of costs, shall exceed the sum or value of fifty dollars. Appeals from the Circuit Court to the Supreme Court are allowed when the sum or value, exclusive of costs exceeds \$2000. This section repeals so much of the 19th and 20th sections of the act of 1789, as comes within the purview of those provisions.

By the provisions of the act of April 2, 1816, chap. 39, appeals from the Circuit Court of the United States for the District of Columbia, are allowed when the matter in dispute in the cause exceeds \$1000, exclusive of costs.

(b) The following cases have been decided on the questions which have arisen as to the value in controversy, in a case removed by writ of error or appeal.

The verdict and judgment do not ascertain the matter in dispute between the parties. To determine this, recurrence must be had to the original controversy; to the matter in dispute when the action was instituted. *Wilson v. Daniel*, 3 Dall. 401; 1 Cond. Rep. 185.

Where the value of the matter in dispute did not appear in the record, in a case brought by writ of error, the court allowed affidavits to be taken to prove the same, on notice to the opposite party. The writ of error not to be a supersedeas. *Course v. Stead's Ex'ors*, 4 Dall. 22; 1 Cond. Rep. 217; 4 Dall. 20; 1 Cond. Rep. 215.

The Supreme Court will permit viva voce testimony to be given of the value of the matter in dispute, in a case brought up by a writ of error or by appeal. *The United States v. The Brig Union et al.*, 4 Cranch, 216; 2 Cond. Rep. 91.

The plaintiff below claimed more than \$2000 in his declaration, but obtained a verdict for a less sum. The appellate jurisdiction of the Supreme Court depends on the sum or value in dispute between the parties, as the case stands on the writ of error in the Supreme Court; not on that which was in dispute in the Circuit Court. If the writ of error be brought by the plaintiff below, then the sum the declaration shows to be due may still be recovered, should the judgment for a smaller sum be reversed; and consequently the whole sum claimed is in dispute. *Smith v. Honey*, 3 Peters, 469; *Gordon v. Ogden*, 3 Peters, 33.

In cases where the demand is not for money, and the nature of the action does not require the value of the thing to be stated in the declaration, the practice of the courts of the United States has been to allow the value to be given in evidence. *Ex parte Bradstreet*, 7 Peters, 634.

The onus probandi of the amount in controversy, to establish the jurisdiction of the Supreme Court in a case brought before it by writ of error, is upon the party seeking to obtain the revision of the case. He may prove that the value exceeds \$2000, exclusive of costs. *Hagan v. Foison*, 10 Peters, 160.

The Supreme Court has no jurisdiction in a case in which separate decrees have been entered in the Circuit Court for the wages of seamen, the decree in no one case amounting to \$2000, although the amount of the several decrees exceed that sum, and the seamen in each case claimed under the same contract. *Oliver v. Alexander*, 6 Peters, 143. See *Scott v. Lunt's Adm'rs*, 6 Peters, 349.

The Supreme Court will not compel the hearing of a cause unless the citation be served thirty days before the first day of the term. *Welsh v. Mandeville*, 5 Cranch, 321; 2 Cond. Rep. 268.

A citation must accompany the writ of error. *Lloyd v. Alexander*, 1 Cranch, 365; 1 Cond. Rep. 334.

When an appeal is prayed during the session of the court, a citation to the appellee is not necessary. *Riley, appellant, v. Lanar et al.*, 2 Cranch, 344; 1 Cond. Rep. 419.

sal in either court on such writ of error for error in ruling any plea in abatement, other than a plea to the jurisdiction of the court, or such plea to a petition or bill in equity, as is in the nature of a demurrer, or for any error in fact. And writs of error shall not be brought but within five years after rendering or passing the judgment or decree complained of, or in case the person entitled to such writ of error be an infant, *feme covert*, *non compos mentis*, or imprisoned, then within five years as aforesaid, exclusive of the time of such disability. (a) And every justice or judge signing a citation on any writ of error as aforesaid, shall take good and sufficient security, that the plaintiff in error shall prosecute his writ to effect, and answer all damages and costs if he fail to make his plea good. (b)

Writs of error limited.

Plaintiff to give security. Act of December 12, 1794, chap. 3.

SEC. 23. *And be it further enacted*, That a writ of error as aforesaid shall be a supersedeas and stay execution in cases only where the writ of error is served, by a copy thereof being lodged for the adverse party in the clerk's office where the record remains, within ten days, Sundays exclusive, after rendering the judgment or passing the decree complained of. Until the expiration of which term of ten days, executions shall not issue in any case where a writ of error may be a supersedeas; and whereupon such writ of error the Supreme or a circuit court shall affirm a judgment or decree, they shall adjudge or decree to the respondent in error just damages for his delay, and single or double costs at their discretion. (c)

Writ of error a supersedeas.

SEC. 24. *And be it further enacted*, That when a judgment or decree shall be reversed in a circuit court, such court shall proceed to render such judgment or pass such decree as the district court should have rendered or passed; and the Supreme Court shall do the same on reversals therein, except where the reversal is in favour of the plaintiff, or petitioner in the original suit, and the damages to be assessed, or matter to be decreed, are uncertain, in which case they shall remand the cause for a final decision. And the Supreme Court shall not issue execution in causes that are removed before them by writs of error, but shall send a special mandate to the circuit court to award execution thereupon.

Judgment or decree reversed.

SEC. 25. *And be it further enacted*, That a final judgment or decree in any suit, in the highest court of law or equity of a State in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of, or an authority exercised under the United States, and the decision is against their validity; or where is drawn in question the validity of a statute of, or an authority exercised under any State, on the ground of their being repugnant to the constitution, treaties or laws of the United States, and the decision is in favour of such their validity, (d) or where is drawn in question the construction of any

Supreme court not to issue execution but mandate.

Cases in which judgment and decrees of the highest court of a state may be examined by the supreme court, on writ of error.

(a) An appeal under the judiciary acts of 1789 and 1803, was prayed for and allowed within five years; held to be valid, although the security was not given within five years. The mode of taking the security and the time of perfecting it, are exclusively within the control of the court below. *The Dos Hermanos*, 10 Wheat. 306; 6 Cond. Rep. 109.

(b) By the act of December 12, 1794, chap. 3, the security required to be taken on signing a citation on any writ of error which shall not be a supersedeas, and stay execution, shall only be for an amount which will be sufficient to answer for costs.

(c) Supersedeas. The Supreme Court will not quash an execution issued by the court below to enforce its decree, pending a writ of error, if the writ be not a supersedeas to the decree. *Wallen v. Williams*, 7 Cranch, 278; 2 Cond. Rep. 491.

(d) In delivering the opinion of the Supreme Court in the case of *Fisher v. Cockrell*, 5 Peters, 248, Mr. Chief Justice Marshall said: "In the argument the court has been admonished of the jealousy with which the States of the Union view the revising power entrusted by the constitution and laws to this tribunal. To observations of this character the answer uniformly has been that the course of the judicial department is marked out by law. We must tread the direct and narrow path prescribed for us. As this court has never grasped at ungranted jurisdiction, so it never will, we trust, shrink from that which is conferred upon it."

The appellate power of the Supreme Court of the United States extends to cases pending in the State courts; and the 25th section of the judiciary act, which authorizes the exercise of this jurisdiction in the specified cases by writ of error, is supported by the letter and spirit of the constitution. *Martin v. Hunter's Lessee*, 1 Wheat. 304; 3 Cond. Rep. 575.

Under the 25th section of the judiciary act of 1789, where the construction of any clause in the con-

clause of the constitution, or of a treaty, or statute of, or commission held under the United States, and the decision is against the title, right, privilege or exemption specially set up or claimed by either party, under such clause of the said Constitution, treaty, statute or commission, may be re-examined and reversed or affirmed in the Supreme Court of the United States upon a writ of error, the citation being signed by the chief justice, or judge or chancellor of the court rendering or passing the judgment or decree complained of, or by a justice of the Supreme Court of the United States, in the same manner and under the same regulations, and the writ shall have the same effect, as if the judgment or decree complained of had been rendered or passed in a circuit court, and the proceeding upon the reversal shall also be the same, except that the Supreme Court, instead of remanding the cause for a final decision as before provided, may at their discretion, if the cause shall have been once remanded before, proceed to a final decision of the same, and award execution. But no other error shall be assigned or regarded as a ground of reversal in any such case as aforesaid, than such as appears on the face of the record, and immediately respects the before men-

Proceedings
on reversal.

No writs of
error but as
above mention-
ed.

stitution or any statute of the United States is drawn in question, in any suit in a State court, the decision must be against the title or right set up by the party under such clause in the constitution or statute; otherwise the Supreme Court has no appellate jurisdiction in the case. It is not sufficient that the construction of the statute was drawn in question, and that the decision was against the title. It must appear that the title set up depended on the statute. *Williams v. Norris*, 12 Wheat. 117; 6 Cond. Rep. 462.

If the construction or validity of a treaty of the United States is drawn in question in the State courts, and the decision is against its validity, or against the title set up by either party under the treaty, the Supreme Court has jurisdiction to ascertain that title, and to determine its legal meaning; and is not confined to the abstract construction of the treaty itself. *Ibid.*

The 2d article of the constitution of the United States enables the Supreme Court to receive jurisdiction to the full extent of the constitution, laws and treaties of the United States, when any question respecting them shall assume such form that the judicial power is capable of acting upon it. That power is capable of acting only when the subject is submitted to it by a party who asserts his right in the form prescribed by law. It then becomes a case. *Osborn v. The Bank of the United States*, 6 Wheat. 738; 5 Cond. Rep. 741.

The Supreme Court has no jurisdiction under the 25th section of the act of 1789, unless the judgment or decree of the State court be a final judgment or decree. A judgment reversing that of an inferior court, and awarding a scire facias de novo, is not a final judgment. *Houston v. Moore*, 3 Wheat. 433; 4 Cond. Rep. 286.

The Supreme Court has no appellate jurisdiction under the 25th section of the judiciary act, unless the right, title, privilege, or exemption under a statute or commission of the United States be specially set up by the party claiming it in the State court, and the decision be against the same. *Montgomery v. Hernandez*, 12 Wheat. 129; 6 Cond. Rep. 475.

It is no objection to the exercise of the appellate jurisdiction under this section, that one party is a State, and the other a citizen of that State. *Cohens v. The State of Virginia*, 6 Wheat. 264; 5 Cond. Rep. 90.

In order to bring a case for a writ of error or an appeal to the Supreme Court from the highest court of a State within the 25th section of the judiciary act, it must appear on the face of the record: 1. That some of the questions stated in that section did arise in the State court. 2. That the question was decided in the State court as required in the section.

It is not necessary that the question shall appear in the record to have been raised, and the decision made in direct and positive terms, *ipsisimis verbis*; but it is sufficient if it appears by clear and necessary intendment that the question must have been raised, and must have been decided, in order to induce the judgment. It is not sufficient to show that a question might have arisen and been applicable to the case, unless it is further shown, on the record, that it did arise and was applied by the State Court to the case. *Crowell v. Randall*, 10 Peters, 368. See also *Williams v. Norris*, 12 Wheat. 117; 6 Cond. Rep. 462. *Jackson v. Lamphire*, 3 Peters, 280. *Menard v. Aspasia*, 5 Peters, 505. *Fisher v. Cockrell*, 5 Peters, 248. *Gelston v. Hoyt*, 3 Wheat. 246; 4 Cond. Rep. 244. *Gordon v. Caldcleugh et al.*, 3 Cranch, 268; 1 Cond. Rep. 524. *Owings v. Norwood's Lessee*, 5 Cranch, 344; 2 Cond. Rep. 275. *Buel et al. v. Van Ness*, 8 Wheat. 312; 5 Cond. Rep. 445. *Miller v. Nicholls*, 4 Wheat. 311; 4 Cond. Rep. 465. *Mathews v. Zane et al.*, 7 Wheat. 164; 5 Cond. Rep. 265. *Gibbons v. Ogden*, 6 Wheat. 443; 5 Cond. Rep. 134.

Under the 25th section of the judiciary act of 1789, three things are necessary to give the Supreme Court jurisdiction of a case brought up by writ of error or appeal: 1. The validity of a statute of the United States, or of authority exercised under a State, must be drawn in question. 2. It must be drawn in question on the ground that it is repugnant to the constitution, treaties and laws of the United States. 3. The decision of the State court must be in favour of its validity. The *Commonwealth Bank of Kentucky v. Griffith et al.*, 14 Peters, 46. See also *Pollard's heirs v. Kibbe*, 14 Peters, 353. *McCluney v. Siliman*, 6 Wheat. 598; 5 Cond. Rep. 197. *Weston et al. v. The City Council of Charleston*, 2 Peters, 449. *Hickie v. Starke et al.*, 1 Peters, 94. *Satterlee v. Matthewson*, 2 Peters, 380. *Wilson et al. v. The Blackbird Creek Marsh Association*, 2 Peters, 245. *Harris v. Dennie*, 3 Peters, 292. *McBride v. Hoey*, 11 Peters, 167. *Winn's heirs v. Jackson et al.*, 12 Wheat. 135; 6 Cond. Rep. 479. *City of New Orleans v. De Armas*, 9 Peters, 224. *Davis v. Packard*, 6 Peters, 41.

tioned questions of validity or construction of the said constitution, treaties, statutes, commissions, or authorities in dispute. (a)

SEC. 26. *And be it further enacted*, That in all causes brought before either of the courts of the United States to recover the forfeiture annexed to any articles of agreement, covenant, bond, or other speciality, where the forfeiture, breach or non-performance shall appear, by the default or confession of the defendant, or upon demurrer, the court before whom the action is, shall render judgment therein for the plaintiff to recover so much as is due according to equity. And when the sum for which judgment should be rendered is uncertain, the same shall, if either of the parties request it, be assessed by a jury.

SEC. 27. *And be it further enacted*, That a marshal shall be appointed in and for each district for the term of four years, but shall be removable from office at pleasure, whose duty it shall be to attend the district and circuit courts when sitting therein, and also the Supreme Court in the district in which that court shall sit. (b) And to execute throughout the district, all lawful precepts directed to him, and issued under the authority of the United States, and he shall have power to command all necessary assistance in the execution of his duty, and to appoint as there shall be occasion, one or more deputies. (c) who shall be removable from office by the judge of the district court, or the circuit court sitting within the district, at the pleasure of either; and before he enters on the duties of his office, he shall become bound for the faithful performance of the same, by himself and by his deputies before the judge of the district court to the United States, jointly and severally, with two good and sufficient sureties, inhabitants and freeholders of such district, to be approved by the district judge, in the sum of twenty thousand dollars, and shall take before said judge, as shall also his deputies, before they enter on the duties of their appointment, the following oath of office: "I, A. B., do solemnly swear or affirm, that I will faithfully execute all lawful precepts directed to the marshal of the district of _____, during my continuance in said office, and take only my lawful fees. So help me God."

SEC. 28. *And be it further enacted*, That in all causes wherein the marshal or his deputy shall be a party, the writs and precepts therein shall be directed to such disinterested person as the court, or any justice or judge thereof may appoint, and the person so appointed, is hereby authorized to execute and return the same. And in case of the death of any marshal, his deputy or deputies shall continue in office, unless otherwise specially removed; and shall execute the same in the name of the deceased, until another marshal shall be appointed and sworn: And the defaults or misfeasances in office of such deputy or deputies in the mean time, as well as before, shall be adjudged a breach of the condition of the bond given, as before directed, by the marshal who appointed

In cases of forfeiture the courts may give judgment according to equity.

Jury to assess damages when the sum is uncertain.

Marshal to be appointed.

Duration of office.

Act of May 15, 1820, ch. 101, 106, sec. 8.

Deputies removable by the district and circuit courts.

Sureties.

Oath of marshal, and of his deputies.

If marshal, or his deputy, a party to a suit, process to be directed to a person selected by the court.

Deputies to continue in office on the death of the marshal. Defaults of deputies.

(a) Williams v. Norris, 6 Wheat. 117; 6 Cond. Rep. 462.

(b) A marshal is not removed by the appointment of a new one, until he receives notice of such appointment. All acts done by the marshal after the appointment of a new one, before notice, are good; but his acts subsequent to notice are void. Wallace's C. C. R. 119.

It is the duty of a marshal of a court of the United States to execute all process which may be placed in his hand, but he performs this duty at his peril, and under the guidance of law. He must, of course, exercise some judgment in the performance. Should he fail to obey the exigit of the writ without a legal excuse, or should he in its letter violate the rights of others, he is liable to the action of the injured party. Life and Fire Ins. Comp. of New York v. Adams, 9 Peters, 573.

(c) A marshal is liable on his official bond for the failure of his deputies to serve original process, but the measure of his liability is the extent of the injury received by the plaintiff, produced by his negligence. If the loss of the debt be the direct legal consequence of a failure to serve the process, the amount of the debt is the measure of the damages; but not so if otherwise. The United States v. Moore's Adm'rs, 2 Brocken's C. C. R. 317. See San Jose Indiano, 2 Gallis. C. C. R. 311. Ex parte Jesse Hoyt, collector, &c., 13 Peters, 279.

Powers of the executor or administrator of deceased marshals.

Marshal's power after removal.

Trial of cases punishable with death to be had in county.

Jurors by lot. Act of May 13, 1800, ch. 61.

Writs of venire facias from clerk's office.

Juries de talibus, &c.

Mode of proof.

Act of April 29, 1802, ch. 31, § 25.

Depositions de bene esse.

them; and the executor or administrator of the deceased marshal shall have like remedy for the defaults and misfeasances in office of such deputy or deputies during such interval, as they would be entitled to if the marshal had continued in life and in the exercise of his said office, until his successor was appointed, and sworn or affirmed: And every marshal or his deputy when removed from office, or when the term for which the marshal is appointed shall expire, shall have power notwithstanding to execute all such precepts as may be in their hands respectively at the time of such removal or expiration of office; and the marshal shall be held answerable for the delivery to his successor of all prisoners which may be in his custody at the time of his removal, or when the term for which he is appointed shall expire, and for that purpose may retain such prisoners in his custody until his successor shall be appointed and qualified as the law directs.(a)

SEC. 29. *And be it further enacted*, That in cases punishable with death, the trial shall be had in the county where the offence was committed, or where that cannot be done without great inconvenience, twelve petit jurors at least shall be summoned from thence.(b) And jurors in all cases to serve in the courts of the United States shall be designated by lot or otherwise in each State respectively according to the mode of forming juries therein now practised, so far as the laws of the same shall render such designation practicable by the courts or marshals of the United States; and the jurors shall have the same qualifications as are requisite for jurors by the laws of the State of which they are citizens, to serve in the highest courts of law of such State, and shall be returned as there shall be occasion for them, from such parts of the district from time to time as the court shall direct, so as shall be most favourable to an impartial trial, and so as not to incur an unnecessary expense, or unduly to burthen the citizens of any part of the district with such services. And writs of *venire facias* when directed by the court shall issue from the clerk's office, and shall be served and returned by the marshal in his proper person, or by his deputy, or in case the marshal or his deputy is not an indifferent person, or is interested in the event of the cause, by such fit person as the court shall specially appoint for that purpose, to whom they shall administer an oath or affirmation that he will truly and impartially serve and return such writ. And when from challenges or otherwise there shall not be a jury to determine any civil or criminal cause, the marshal or his deputy shall, by order of the court where such defect of jurors shall happen, return jurymen *de talibus circumstantibus* sufficient to complete the pannel; and when the marshal or his deputy are disqualified as aforesaid, jurors may be returned by such disinterested person as the court shall appoint.

SEC. 30. *And be it further enacted*, That the mode of proof by oral testimony and examination of witnesses in open court shall be the same in all the courts of the United States, as well in the trial of causes in equity and of admiralty and maritime jurisdiction, as of actions at common law. And when the testimony of any person shall be necessary in any civil cause depending in any district in any court of the United States, who shall live at a greater distance from the place of trial than one hundred miles, or is bound on a voyage to sea, or is about to go out of the United States, or out of such district, and to a greater distance from the place of trial than as aforesaid, before the time of trial, or is ancient or very infirm, the deposition of such person may be taken *de bene esse* before any justice or judge of any of the courts of the United States,

(a) If a debtor committed to the State jail under process of the courts of the United States escapes, the marshal is not liable. *Randolph v. Donaldson*, 9 Cranch, 76; 3 Cond. Rep. 280.

(b) The Circuit Courts of the United States are bound to try all crimes committed within the district, which are duly presented before it; but not to try them in the county where they have been committed. *The United States v. Wilson and Porter*, Baldwin's C. C. R. 78.

or before any chancellor, justice or judge of a supreme or superior court, mayor or chief magistrate of a city, or judge of a county court or court of common pleas of any of the United States, not being of counsel or attorney to either of the parties, or interested in the event of the cause, provided that a notification from the magistrate before whom the deposition is to be taken to the adverse party, to be present at the taking of the same, and to put interrogatories, if he think fit, be first made out and served on the adverse party or his attorney as either may be nearest, if either is within one hundred miles of the place of such caption, allowing time for their attendance after notified, not less than at the rate of one day, Sundays exclusive, for every twenty miles travel.(a) And in causes of admiralty and maritime jurisdiction, or other cases of seizure when a libel shall be filed, in which an adverse party is not named, and depositions of persons circumstanced as aforesaid shall be taken before a claim be put in, the like notification as aforesaid shall be given to the person having the agency or possession of the property libelled at the time of the capture or seizure of the same, if known to the libellant. And every person deposing as aforesaid shall be carefully examined and cautioned, and sworn or affirmed to testify the whole truth, and shall subscribe the testimony by him or her given after the same shall be reduced to writing, which shall be done only by the magistrate taking the deposition, or by the deponent in his presence. And the depositions so taken shall be retained by such magistrate until he deliver the same with his own hand into the court for which they are taken, or shall, together with a certificate of the reasons as aforesaid of their being taken, and of the notice if any given to the adverse party, be by him the said magistrate sealed up and directed to such court, and remain under his seal until opened in court.(b) And any person may be compelled to appear and depose as aforesaid in the same manner as to appear and testify in court. And in the trial of any cause of admiralty or maritime jurisdiction in a district court, the decree in which may be appealed from, if either party shall suggest to and satisfy the court that probably it will not be in his power to produce the witnesses there testifying before the circuit court should an appeal be had, and shall move that their testimony be taken down in writing, it shall be so done by the clerk of the court.(c) And

Adverse party to be notified.

Notice in admiralty and maritime causes.

Agent notified.

Depositions retained.

Persons may be compelled to appear and testify.

Appeal allowed.

(a) The following cases have been decided relating to depositions taken under the provisions of this act: That the deponent is a seaman on board a gun-boat in the harbour, and liable to be ordered to some other place, and not to be able to attend the court at the time of sitting, is not a sufficient reason for taking his deposition under the act of September 24, 1789, chap. 20.

If it appear on the face of the deposition taken under the act of Congress, that the officer taking the same, was authorized by the act, it is sufficient in the first instance, without any proof that he was such officer. *Ruggles v. Bucknor*, 1 Paine's C. C. R. 358.

Objections to the competency of the witness whose deposition is taken under the act of 1789, should be made at the time of taking the deposition, if the party attend, and the objections are known to him, in order that they may be removed: otherwise he will be presumed to waive them. *United States v. Hair-pencils*, 1 Paine's C. C. R. 400.

A deposition taken under the 30th section of the act of 1789 cannot be made on evidence, unless the judge before whom it was taken, certify that it was reduced to writing by himself, or by the witness in his presence. *Pettibone v. Derringer*, 4 Wash. C. C. R. 215. See *United States v. Smith*, 4 Day, 121. *North Carolina Cases*, 81.

The authority given by the act of 1789, to take depositions of witnesses in the absence of the opposite party, is in derogation of the rules of common law, and has always been construed strictly; and therefore it is necessary to establish that all the requisites have been complied with, before such testimony can be admitted. *Bell v. Morrison et al.*, 1 Peters, 351. *The Patapsco Ins. Comp. v. Southgate*, 5 Peters, 604. *The United States v. Coolidge*, 1 Gallis. C. C. R. 488. *Evans v. Hettick*, 3 Wash. C. C. R. 408. *Thomas and Henry v. The United States*, 1 Brockeb's C. C. R. 367.

The provisions of the 30th section of the act of 1789, as to taking depositions, de bene esse, does not apply to cases pending in the Supreme Court, but only to cases in the Circuit and District Courts. *The Argo*, 2 Wheat. 287; 4 Cond. Rep. 119.

Where there is an attorney on record, notice must in all cases be given to him. *Ibid.*

The deposition of a person residing out of the State, and more than one hundred miles from the place of trial, cannot be read in evidence. *Bleeker v. Bond*, 3 Wash. C. C. R. 529. See *Buddicum v. Kirke*, 3 Cranch, 293; 1 Cond. Rep. 535.

(b) It is a fatal objection to a deposition taken under the 30th section of the act of 1789, that it was opened out of court. *Beale v. Thompson*, 8 Cranch, 70; 3 Cond. Rep. 35.

(c) Since the act of March 3, 1803, chap. 40, in admiralty as well as in equity cases carried up to the

Act of March 3, 1803, ch. 40.

Depositions used in case of sickness, death, &c.

Dedimus potestatem as usual.

Executor or administrator may prosecute and defend.

Neglect of executor or administrator to become a party to the suit, judgment to be rendered.

Executor and administrator may have continuance.

Two plaintiffs. Surviving plaintiff may continue suit.

if an appeal be had, such testimony may be used on the trial of the same, if it shall appear to the satisfaction of the court which shall try the appeal, that the witnesses are then dead or gone out of the United States, or to a greater distance than as aforesaid from the place where the court is sitting, or that by reason of age, sickness, bodily infirmity or imprisonment, they are unable to travel and appear at court, but not otherwise. And unless the same shall be made to appear on the trial of any cause, with respect to witnesses whose depositions may have been taken therein, such depositions shall not be admitted or used in the cause. *Provided*, That nothing herein shall be construed to prevent any court of the United States from granting a *dedimus potestatem* to take depositions according to common usage, when it may be necessary to prevent a failure or delay of justice, (a) which power they shall severally possess, nor to extend to depositions taken in *perpetuam rei memoriam*, which if they relate to matters that may be cognizable in any court of the United States, a circuit court on application thereto made as a court of equity, may, according to the usages in chancery direct to be taken.

Sec. 31. *And be it [further] enacted*, That where any suit shall be depending in any court of the United States, and either of the parties shall die before final judgment, the executor or administrator of such deceased party who was plaintiff, petitioner, or defendant, in case the cause of action doth by law survive, shall have full power to prosecute or defend any such suit or action until final judgment; and the defendant or defendants are hereby obliged to answer thereto accordingly; and the court before whom such cause may be depending, is hereby empowered and directed to hear and determine the same, and to render judgment for or against the executor or administrator, as the case may require. And if such executor or administrator having been duly served with a *scire facias* from the office of the clerk of the court where such suit is depending, twenty days beforehand, shall neglect or refuse to become a party to the suit, the court may render judgment against the estate of the deceased party, in the same manner as if the executor or administrator had voluntarily made himself a party to the suit. (b) And the executor or administrator who shall become a party as aforesaid, shall, upon motion to the court where the suit is depending, be entitled to a continuance of the same until the next term of the said court. And if there be two or more plaintiffs or defendants, and one or more of them shall die, if the cause of action shall survive to the surviving plaintiff or plaintiffs, or against the surviving defendant or defendants, the writ or action shall not be thereby abated; but such death being suggested upon the record, the action shall proceed at the suit of the surviving plaintiff or plaintiffs against the surviving defendant or defendants. (c)

Supreme Court by appeal, the evidence goes with the cause, and it must consequently be in writing. 1 Gallis. C. C. R. 25; 1 Sumner's C. C. R. 328.

(a) When a foreign government refuses to suffer the commission to be executed within its jurisdiction, the Circuit Court may issue letters rogatory for the purpose of obtaining testimony according to the forms and practice of the civil law. Nelson et al. v. The United States, Peters' C. C. R. 255. See *Buddicum v. Kirke*, 3 Cranch, 293; 1 Cond. Rep. 535.

Depositions taken according to the proviso in the 30th section of the judiciary act of 1789, under a *dedimus potestatem*, according to common usage, when it may be necessary to prevent a failure or delay of justice, are, under no circumstances, to be considered as taken *de bene esse*. *Sergeant's Lessee v. Biddle*, 4 Wheat. 508; 4 Cond. Rep. 522.

(b) This statute embraces all cases of death before final judgment, and of course is more extensive than the 17 Car. 2, and 8 and 9 W. 3. The death may happen before or after plea pleaded, before or after issue joined, before or after verdict, or before or after interlocutory judgment; and in all these cases the proceedings are to be exactly as if the executor or administrator were a voluntary party to the suit. *Hatch v. Eustis*, 1 Gallis. C. C. R. 160.

(c) In real and personal actions at common law, the death of the parties before judgment abates the suit, and it requires the aid of some statutory provision to enable the suit to be prosecuted by or against the personal representatives of the deceased, where the cause of action survives. This is effected by the 31st section of the judiciary act of 1789, chap. 20. *Green v. Watkins*, 6 Wheat. 260; 5 Cond. Rep. 87.

In real actions the death of either party before judgment, abates the suit. The 31st section of the judiciary act of 1789, which enables the action to be prosecuted by or against the representatives of the

SEC. 32. *And be it further enacted*, That no summons, writ, declaration, return, process, judgment, or other proceedings in civil causes in any of the courts of the United States, shall be abated, arrested, quashed or reversed, for any defect or want of form, but the said courts respectively shall proceed and give judgment according as the right of the cause and matter in law shall appear unto them, without regarding any imperfections, defects, or want of form in such writ, declaration, or other pleading, return, process, judgment, or course of proceeding whatsoever, except those only in cases of demurrer, which the party demurring shall specially sit down and express together with his demurrer as the cause thereof. And the said courts respectively shall and may, by virtue of this act, from time to time, amend all and every such imperfections, defects and wants of form, other than those only which the party demurring shall express as aforesaid, and may at any time permit either of the parties to amend any defect in the process or pleadings, upon such conditions as the said courts respectively shall in their discretion, and by their rules prescribe.(a)

SEC. 33. *And be it further enacted*, That for any crime or offence against the United States, the offender may, by any justice or judge of the United States, or by any justice of the peace, or other magistrate of any of the United States where he may be found agreeably to the usual mode of process against offenders in such state, and at the expense of the United States, be arrested, and imprisoned or bailed, as the case may be, for trial before such court of the United States as by this act has cognizance of the offence.(b) And copies of the process shall be returned as speedily as may be into the clerk's office of such court, together with the recognizances of the witnesses for their appearance to testify in the case; which recognizances the magistrate before whom the examination shall be, may require on pain of imprisonment. And if such commitment of the offender, or the witnesses shall be in a district other than that in which the offence is to be tried, it shall be the duty of the judge of that district where the delinquent is imprisoned, seasonably to issue, and of the marshal of the same district to execute, a warrant for the removal of the offender, and the witnesses, or either of them, as the case may be, to the district in which the trial is to be had. And upon all arrests in criminal cases, bail shall be admitted, except where the punishment may be death, in which cases it shall not be admitted but by the supreme or a circuit court, or by a justice of the supreme court, or a judge of a district court, who shall exercise their discretion therein, regarding the nature and circumstances of the offence, and of the evidence, and the usages of law. And if a person committed by a justice of the supreme or a judge of a district court for an offence not punishable with death, shall afterwards procure bail, and there be no judge

Writs shall not abate for defect of form.

Exceptions.

Courts may amend imperfections.

Criminals against U. S. arrested by any justice of the peace.

Act of March 2, 1793, ch. 22.

Act of July 16, 1798, ch. 83.

Recognizance to be returned to the clerk's office.

Offender may be removed by warrant.

Bail admitted.

Bail, how taken.

deceased, when the cause of action survives, is clearly confined to personal actions. *Macker's heirs v. Thomas*, 7 Wheat. 530; 5 Cond. Rep. 334.

(a) The 32d section of the act of 1789, allowing amendments, is sufficiently comprehensive to embrace causes of appellate as well as original jurisdiction; and there is nothing in the nature of an appellate jurisdiction, proceeding according to the common law, which forbids the granting of amendments. 1 Gallis. C. C. R. 22.

If the amendment is made in the Circuit Court, the cause is heard and adjudicated in that court, and upon appeal by the Supreme Court on the new allegation. But if the amendment is allowed by the Supreme Court, the cause is remanded to the Circuit Court, with directions to allow the amendment to be made. *The Mariana Flora*, 11 Wheat. 1; 6 Cond. Rep. 201.

By the provisions of the act of Congress a variance which is merely matter of form may be amended at any time. *Scull v. Biddle*, 2 Wash. C. C. R. 200. See *Smith v. Jackson*, 1 Paine's C. C. R. 486. *Ex parte Bradstreet*, 7 Peters, 634. *Randolph v. Barrett*, 16 Peters, 136. *Hozey v. Buchanan*, 18 Peters, 215. *Woodward v. Brown*, 13 Peters, 1.

(b) The Supreme Court of the United States has jurisdiction, under the constitution and laws of the United States, to bail a person committed for trial on a criminal charge by a district judge of the United States. *The United States v. Hamilton*, 3 Dall. 13.

The circumstances of the case must be very strong, which will, at any time, induce a court to admit a person to bail, who stands charged with high treason. *The United States v. Stewart*, 2 Dall. 345.

of the United States in the district to take the same, it may be taken by any judge of the supreme or superior court of law of such state.

Laws of States
rules of deci-
sion.

SEC. 34. *And be it further enacted*, That the laws of the several states, except where the constitution, treaties or statutes of the United States shall otherwise require or provide, shall be regarded as rules of decision in trials at common law in the courts of the United States in cases where they apply. (a)

Parties may
manage their
own cause.

SEC. 35. *And be it further enacted*, That in all the courts of the United States, the parties may plead and manage their own causes personally or by the assistance of such counsel or attorneys at law as by the rules of the said courts respectively shall be permitted to manage and conduct causes therein. And there shall be appointed in each district a meet person learned in the law to act as attorney for the United States in such district, who shall be sworn or affirmed to the faithful execution of his office, whose duty it shall be to prosecute in such district all delinquents for crimes and offences, cognizable under the authority of the United States, and all civil actions in which the United States shall be concerned, except before the supreme court in the district in which that court shall be holden. And he shall receive as a compensation for his

Attorney of
the U. S. for
each district.

His duties.

Compensation.

(a) The 34th section of the judiciary act of 1799, does not apply to the process and practice of the courts. It merely furnishes a decision, and is not intended to regulate the remedy. *Wyman v. Southard*, 10 Wheat. 1; 6 Cond. Rep. 1.

In construing the statutes of a State, infinite mischief would ensue, should the federal courts observe a different rule from that which has long been established in the State. *M'Keen v. Delancy's lessee*, 5 Cranch, 22; 2 Cond. Rep. 179.

In cases depending on the statutes of a State, and more especially in those respecting the titles to land, the federal courts adopt the construction of the State, where that construction is settled or can be ascertained. *Polk's Lessee v. Wendall*, 9 Cranch, 87; 3 Cond. Rep. 266.

The Supreme Court uniformly acts under a desire to conform its decisions to the State courts on their local law. *Mutual Assurance Society v. Watts*, 1 Wheat. 279; 3 Cond. Rep. 570.

The Supreme Court holds in the highest respect, decisions of State Courts upon local laws, forming rules of property. *Shipp et al. v. Miller's heirs*, 2 Wheat. 316; 4 Cond. Rep. 132.

When the construction of the statute of the State relates to real property, and has been settled by any judicial decision of the State where the land lies, the Supreme Court, upon the principles uniformly adopted by it, would recognize the decision as part of the local law. *Gardner v. Collins*, 2 Peters, 68.

In construing local statutes respecting real property, the courts of the Union are governed by the decisions of State tribunals. *Thatcher et al. v. Powell*, 6 Wheat. 119; 5 Cond. Rep. 28.

The courts of the United States, in cases depending on the laws of a particular State, will in general adopt the construction given by the courts of the State, to those laws. *Elmendorf v. Taylor*, 10 Wheat. 152; 6 Cond. Rep. 47.

Under the 34th section of the judiciary act of 1799, the acts of limitation of the several States where no special provision has been made by Congress, form rules of the decision in the courts of the United States; and the same effect is given to them as is given in the State courts. *M'Cluney v. Silliman*, 3 Peters, 277.

The statute laws of the States must furnish the rules of decision to the federal courts, as far as they comport with the laws of the United States, in all cases arising within the respective States; and a fixed and received construction of these respective statute laws in their own courts, makes a part of such statute law. *Shelby et al. v. Guy*, 11 Wheat. 361; 6 Cond. Rep. 345.

The Supreme Court adopts the local law of real property as ascertained by the decisions of State courts; whether those decisions are grounded on the construction of the statutes of the State, or from a part of the unwritten law of the State, which has become a fixed rule of property. *Jackson v. Chew*, 12 Wheat. 153; 6 Cond. Rep. 489.

Soon after the decision of a case in the Circuit Court for the district of Virginia, a case was decided in the court of appeals of the State, on which the question on the execution laws of Virginia was elaborately argued, and deliberately decided. The Supreme Court, according to its uniform course, adopts the construction of the act, which is made by the highest court of the State. *The United States v. Morrison*, 4 Peters, 124.

The Supreme Court has uniformly adopted the decisions of the State tribunals, respectively, in all cases where the decision of a State court has become a rule of property. *Green v. Neal*, 6 Peters, 291.

In all cases arising under the constitution and laws of the United States, the Supreme Court may exercise a revising power, and its decisions are final and obligatory on all other tribunals, State as well as federal. A State tribunal has a right to examine any such questions, and to determine thereon, but its decisions must conform to those of the Supreme Court, or the corrective power of that court may be exercised. But the case is very different when the question arises under a local law. The decision of this question by the highest tribunal of a State, should be considered as final by the Supreme Court; not because the State tribunal has power, in such a case, to bind the Supreme Court, but because, in the language of the court in *Shelby v. Guy*, 11 Wheat. 361, a fixed and received construction by a State, in its own courts, makes a part of the statute law. *Ibid.* See also *Smith v. Clapp*, 15 Peters, 125. *Watkins v. Holman et al.*, 16 Peters, 25. *Long v. Palmcr*, 16 Peters, 65. *Golden v. Price*, 3 Wash. C. C. R. 313. *Campbell v. Claudius, Peters' C. C. R.* 484. *Henderson and Wife v. Griffin*, 5 Peters, 151. *Coates' executrix v. Musc's adm'or.*, 1 Brocken's C. C. R. 539. *Parsons v. Bedford et al.*, 3 Peters, 433.

services such fees as shall be taxed therefor in the respective courts before which the suits or prosecutions shall be. And there shall also be appointed a meet person, learned in the law, to act as attorney-general for the United States, who shall be sworn or affirmed to a faithful execution of his office; whose duty it shall be to prosecute and conduct all suits in the Supreme Court in which the United States shall be concerned, and to give his advice and opinion upon questions of law when required by the President of the United States, or when requested by the heads of any of the departments, touching any matters that may concern their departments, and shall receive such compensation for his services as shall by law be provided.(a)

APPROVED, September 24, 1789.

Attorney General of the U. S.

Duties.

Act of May 29, 1830, ch. 153.

Compensation.

STATUTE I.

CHAP. XXI.—An Act to regulate Processes in the Courts of the United States.

Sept. 29, 1789.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all writs and processes issuing from a supreme or a circuit court shall bear test of the chief justice of the supreme court, and if from a district court, shall bear test of the judge of such court, and shall be under the seal of the court from whence they issue; and signed by the clerk thereof. The seals of the supreme and circuit courts to be provided by the supreme court, and of the district courts, by the respective judges of the same.

Act of May 26, 1790. Obsolete.

Act of February 18, 1791. Repealed.

Writs to bear test of the Chief Justice.

To be under the seal of the Court from which they issue.

Act of May 8, 1792.

Act of May 19, 1828.

Forms of writs and executions

SEC. 2. *And be it further enacted,* That until further provision shall be made, and except where by this act or other statutes of the United States is otherwise provided, the forms of writs and executions, except their style, and modes of process and rates of fees, except fees to judges, in the circuit and district courts, in suits at common law, shall be the same in each state respectively as are now used or allowed in the supreme courts of the same.(b) And the forms and modes of proceedings in

(a) The acts relating to the compensation of the Attorney General of the United States are: Act of March 2, 1797; act of March 2, 1799, chap. 38; act of February 20, 1804, chap. 12; act of February 20, 1819, chap. 27; act of May 29, 1830, chap. 153, sec. 10.

(b) The 34th section of the judiciary act of 1789, authorizes the courts of the United States to issue writs of execution as well as other writs. *Wayman v. Southard*, 10 Wheat. 1; 6 Cond. Rep. 1.

Whenever, by the state laws in force in 1789, a *capias* might issue from a state court, the acts of 1789 and 1792, extending in terms to that species of writ, must be understood to have adopted its use permanently in the federal courts. *Bank of the United States v. January*, 10 Wheat. 66—in note.

The process act of 1792, chap. 36, is the law which regulates executions issuing from the courts of the United States, and it adopts the practice of the supreme courts of the States existing in 1789, as the rule for governing proceedings on such executions, subject to such alterations as the Supreme Court of the United States may make; but not subject to the alterations which have since taken place in the State laws and practice. *Wayman v. Southard*, 10 Wheat. 1; 6 Cond. Rep. 1.

At an early period after the organization of the federal courts, the rules of practice in the State courts, which were similar to the English practice, were adopted by the judges of the Circuit Court. A subsequent change in the practice of the State courts will not authorize a departure from the rules first adopted in the Circuit Court. 1 Peters' C. C. R. 1.

Whenever by the laws of the United States a defendant may be arrested, the process of arrest employed in the State may be adopted. *Burr's trial*, 431.

The process act of 1828 was passed shortly after the decision of the Supreme Court of the United States, in the case of *Wayman v. Southard*, and the *Bank of the United States v. Halstead*, and was intended as a legislative sanction of the opinions of the court in those cases. The power given to the courts of the United States to make rules and regulations on final process, so as to conform the same to the laws of the States on the same subject, extends to future legislation; and as well to the modes of proceeding on executions as to the forms of writs. *Ross and King v. Duval et al.*, 13 Peters, 45.

The first judiciary act of 1789, chap. 20, does not contemplate compulsive process against any person, in any district, unless he be an inhabitant of, or found within the same district at the time of serving the writ. *Picquet v. Swann*, 5 Mason's C. C. R. 35.

Congress have by the constitution, exclusive authority to regulate proceedings in the courts of the United States, and the States have no authority to control those proceedings, except so far as the State process acts are adopted by Congress, or by the courts of the United States under the authority of Congress. *Wayman v. Southard*, 10 Wheat. 1; 6 Cond. Rep. 1.

The laws of the United States authorize the courts of the United States so to alter the form of process of execution used in the Supreme Court of the United States in 1789, as to subject to executions

to be the same as used in the Supreme Courts of the States.

Fees to be the same as in the Supreme Courts of the States.

Limitation.

causes of equity, and of admiralty and maritime jurisdiction, (a) shall be according to the course of the civil law; and the rates of fees the same as are or were last allowed by the states respectively in the court exercising supreme jurisdiction in such causes. (b) *Provided*, That on judgments in any of the cases aforesaid where different kinds of executions are issuable in succession, a *captias ad satisfaciendum* being one, the plaintiff shall have his election to take out a *captias ad satisfaciendum* in the first instance and be at liberty to pursue the same until a tender of the debt and costs in gold or silver shall be made.

SEC. 3. *And be it further enacted*, That this act shall continue in force until the end of the next session of Congress, and no longer.

APPROVED, September 29, 1789.

STATUTE I.

Sept. 29, 1789.

CHAP. XXII.—*An Act to explain and amend an Act, intituled "An Act for registering and clearing Vessels, regulating the Coasting Trade, and for other purposes."*

Act of Sept. 1, 1789, ch. 11.
Repealed by Act of February 18, 1793, ch. 8.
Goods unladen by permit and transported to a landing in the same district, to be accompanied with a certificate from the inspector or other proper officer.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That when any goods, wares or merchandise of foreign growth or manufacture, shall be unladen from any ship or vessel in virtue of a permit obtained for that purpose, and shall be put into a craft or vessel, with intent to be transported to a landing within the same district, it shall be the duty of the inspector, or other officer attending the unloading of such goods, wares and merchandise, to deliver to the master or commander of every such craft or vessel, a certificate of such goods, wares and merchandise having been duly entered, and a permit granted therefor; and such certificate shall contain a description of all the packages with their marks and numbers, and shall authorize the transportation and landing of the same, at any landing within the same district, without any further fee or permit, any thing in the said recited act to the contrary notwithstanding.

SEC. 2. *And be it further enacted*, That so much of the twenty-second section of the said recited act, as exempts vessels of less than twenty,

issuing out of the courts of the United States, lands and other property not thus subject by the State laws in force at that time. *Bank of the United States v. Halsted*, 10 Wheat. 51; 6 Cond. Rep. 22.

See *Fullerton v. The Bank of the United States*, 1 Peters, 604. *Yeaton v. Lenox*, 8 Peters, 123. *Toland v. Sprague*, 12 Peters, 300.

The process act of 1828, expressly adopts the mesne process and modes of proceeding in suits at common law, then existing in the highest State court, under the State laws, which of course included all the regulations of the State laws as to bail, and exemption of the party from arrest and imprisonment. In regard also to writs of execution, and other final process, and "the proceedings thereupon," it adopts an equally comprehensive language, and declares they shall be the same as were then used in the courts of the State. *Beers v. Houghton*, 9 Peters, 329. *The Lessee of Walden v. Craig's heirs*, 14 Peters, 147. *The United States v. Knight*, 14 Peters, 401. *Amis v. Smith*, 16 Peters, 303.

So far as the acts of Congress have adopted the forms of process and modes of proceeding and pleading in the State courts, or have authorized the courts to adopt them, and have actually adopted them, they are obligatory; and no further. But no court of the United States is authorized to adopt by rule any provision of State laws which are repugnant to, or incompatible with the positive enactment of Congress upon the jurisdiction, or practice, or proceedings of such courts. *Keary et al. v. The Farmers and Mechanics Bank of Memphis*, 16 Peters, 89. *Duncan v. Darst*, 17 Peters, 209.

(a) The act regulating processes in the courts of the United States, provides that the forms and modes of proceeding in the courts of equity, and in those of admiralty and maritime jurisdiction, shall be according to the principles, rules, and usages which belong to courts of equity, and to courts of admiralty, respectively, as contradistinguished from the courts of common law, subject, however, to alterations by the courts. This act has been generally understood to adopt the principles, rules, and usages of the court of chancery in England. *Manro v. Almedia*, 10 Wheat. 473; 6 Cond. Rep. 190.

(b) The compensation to clerks of courts are regulated by the acts of March 3, 1791, chap. 22, sec. 1; act of May 8, 1792, chap. 36, sec. 3; act of February 28, 1799, chap. 19, sec. 3; act of April 18, 1814, chap. 79; act of March 8, 1824, chap. 26; act of March 3, 1841, chap. 16. Compensation of Marshals, act of March 3, 1791, chap. 22, sec. 1; act of May 8, 1792, chap. 36, sec. 3; act of February 28, 1799, chap. 19, sec. 2; act of April 18, 1814, chap. 79; act of March 8, 1824, chap. 26; act of March 3, 1841, chap. 16.

and not less than five tons burthen, employed between any of the districts of the United States, in any bay or river, and having a license from the collector of the district to which such vessel belongs, from entering and clearing for the term of one year, be extended to vessels not exceeding fifty tons: *provided*, such vessels shall not have on board goods, wares or merchandise, other than such as are actually the growth or produce of the United States.

SEC. 3. *And be it further enacted*, That so much of an act, intituled, "An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares and merchandises imported into the United States," as hath rated the ruble of Russia at one hundred cents, be, and the same is hereby repealed and made null and void.

APPROVED, September 29, 1789.

Exemption of vessels under 20 tons, from entering and clearing extended to vessels of 50 tons having on board goods, &c., the growth or produce of the U. S.

Act of July 31, 1789.

Act of Sept. 1, 1789.

Ruble of Russia, rate of. Repealed.

STATUTE I.

CHAP. XXIII.—*An Act making Appropriations for the Service of the present year.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there be appropriated for the service of the present year, to be paid out of the monies which arise, either from the requisitions heretofore made upon the several states, or from the duties on impost and tonnage, the following sums, viz. A sum not exceeding two hundred and sixteen thousand dollars for defraying the expenses of the civil list, under the late and present government; a sum not exceeding one hundred and thirty-seven thousand dollars for defraying the expenses of the department of war; a sum not exceeding one hundred and ninety thousand dollars for discharging the warrants issued by the late board of treasury, and remaining unsatisfied; and a sum not exceeding ninety-six thousand dollars for paying the pensions to invalids.

APPROVED, September 29, 1789.

Sept. 29, 1789.

[Expired.] Specific appropriations of money for expenses of civil list and war department;

also to discharge warrants of late board of treasury, and for pensions to invalids.

STATUTE I.

CHAP. XXIV.—*An Act providing for the payment of the Invalid Pensioners 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 military pensions which have been granted and paid by the states respectively, in pursuance of the acts of the United States in Congress assembled, to the invalids who were wounded and disabled during the late war, shall be continued and paid by the United States, from the fourth day of March last, for the space of one year, under such regulations as the President of the United States may direct.

APPROVED, September 29, 1789.

Sept. 29, 1789.

Act of July 16, 1790, ch. 27.

[Expired.] Military pensions heretofore paid by the States to be paid from 4th March last for one year, and under what regulations.

STATUTE I.

CHAP. XXV.—*An Act to recognize and adapt to the Constitution of the United States the establishment of the Troops raised under the Resolves of the United States in Congress assembled, and for other purposes therein mentioned.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the establishment contained in the resolve of the late Congress of the third day of October, one thousand seven hundred and eighty-seven, except

Sept. 29, 1789.

[Repealed.] Act of April 30, 1790, ch. 10, sec. 14.

Establishment of 3d Oct. 1787, recognized for troops in the service of U. S.

as to the mode of appointing the officers, and also as is herein after provided, be, and the same is hereby recognized to be the establishment for the troops in the service of the United States.

Pay and allowance of troops.

SEC. 2. *And be it further enacted*, That the pay and allowances of the said troops be the same as have been established by the United States in Congress assembled, by their resolution of the twelfth of April, one thousand seven hundred and eighty-five.

To take oath to support the Constitution, and bear allegiance to the United States.

SEC. 3. *And be it further enacted*, That all commissioned and non-commissioned officers and privates, who are or shall be in the service of the United States, shall take the following oaths or affirmations, to wit: "I, A. B. do solemnly swear or affirm (as the case may be) that I will support the constitution of the United States." "I, A. B. do solemnly swear or affirm (as the case may be) to bear true allegiance to the United States of America, and to serve them honestly and faithfully against all their enemies or opposers whatsoever, and to observe and obey the orders of the President of the United States of America, and the orders of the officers appointed over me."

Troops to be governed by rules and articles of war.

SEC. 4. *And be it further enacted*, That the said troops shall be governed by the rules and articles of war which have been established by the United States in Congress assembled, or by such rules and articles of war, as may hereafter by law be established.

For protecting frontiers, President may call forth the militia.

SEC. 5. *And be it further enacted*, That for the purpose of protecting the inhabitants of the frontiers of the United States from the hostile incursions of the Indians, the President is hereby authorized to call into service from time to time, such part of the militia of the states respectively, as he may judge necessary for the purpose aforesaid; and that their pay and subsistence while in service, be the same as the pay and subsistence of the troops above mentioned.

Pay and subsistence.

Continuance of this act.

SEC. 6. *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.

APPROVED, September 29, 1789.

STATUTE I.

Sept. 29, 1789.

CHAP. XXVII.—*An Act to alter the Time for the next Meeting of Congress.*

[Expired.]

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That after the adjournment of the present session, the next meeting of Congress shall be on the first Monday in January next.

APPROVED, September 29, 1789.

RESOLUTIONS.

Survey directed by act of June 6, 1788, to be made and returned by Secretary of the Treasury without delay.

1. RESOLVED, That the Survey directed by Congress in their act of June the sixth, one thousand seven hundred and eighty-eight, be made and returned to the Secretary of the Treasury without delay; and that the President of the United States be requested to appoint a fit person to complete the same, who shall be allowed five dollars per day whilst actually employed in the said service, with the expenses necessarily attending the execution thereof.

APPROVED, August 26, 1789.

Recommendation to the Legislatures of the several States to pass laws making it the duty of keepers of their gaols to

2. RESOLVED *by the Senate and House of Representatives of the United States of America in Congress assembled*, That it be recommended to the legislatures of the several States to pass laws, making it expressly the duty of the keepers of their gaols, to receive and safe keep therein all prisoners committed under the authority of the United States, until they shall be discharged by due course of the laws thereof, under the

like penalties as in the case of prisoners committed under the authority of such States respectively; the United States to pay for the use and keeping of such gaols, at the rate of fifty cents per month for each prisoner that shall, under their authority, be committed thereto, during the time such prisoner shall be therein confined; and also to support such of said prisoners as shall be committed for offences.

receive and keep prisoners committed under authority of the United States.

APPROVED, September 23, 1789.

3. RESOLVED, That it shall be the duty of the Secretary of State, to procure from time to time such of the statutes of the several states as may not be in his office.

Secretary of State to procure the statutes of the States.

APPROVED, September 23, 1789.

The Conventions of a number of the States having at the time of their adopting the Constitution expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the government will best insure the beneficent ends of its institution—

RESOLVED by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring, That the following articles be proposed to the legislatures of the several states, as amendments to the constitution of the United States, all or any of which articles, when ratified by three fourths of the said legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz. :

Amendments to the Constitution of the United States.

ARTICLES in addition to, and amendment of, the Constitution of the United States of America, proposed by Congress and ratified by the Legislatures of the several States, pursuant to the fifth article of the original Constitution.

ART. I. After the first enumeration required by the first article of the Constitution, there shall be one Representative for every thirty thousand, until the number shall amount to one hundred, after which the proportion shall be so regulated by Congress, that there shall be not less than one hundred Representatives, nor less than one Representative for every forty thousand persons, until the number of Representatives shall amount to two hundred; after which the proportion shall be so regulated by Congress, that there shall not be less than two hundred Representatives, nor more than one Representative for every fifty thousand persons.

ART. II. No law varying the compensation for the services of the Senators and Representatives shall take effect, until an election of Representatives shall have intervened.

ART. III. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Adopted.

ART. IV. A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

Adopted.

ART. V. No soldier shall in time of peace be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

Adopted.

ART. VI. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, sup-

Adopted.

ported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Adopted. ART. VII. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use without just compensation.

Adopted. ART. VIII. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour, and to have the assistance of counsel for his defence.

Adopted. ART. IX. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact, tried by a jury, shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

Adopted. ART. X. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Adopted. ART. XI. The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Adopted. ART. XII. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That John White, late a commissioner to settle the accounts between the United States and the states of Pennsylvania, Delaware, and Maryland, and his clerks, John Wright, and Joshua Dawson, be considered as in office until the fourth day of February, one thousand seven hundred and eighty-nine.

APPROVED, September 29, 1789.

ACTS OF THE FIRST CONGRESS

OF THE

UNITED STATES,

Passed at the second session, which was begun and held at the City of New York on Monday, the fourth day of January, 1790, and ended on the twelfth day of August, 1790.

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

STATUTE II.

CHAPTER I.—*An Act for giving effect to the several acts therein mentioned, in respect to the state of North Carolina, and other purposes.*

Feb. 8, 1790.

[Obsolete.]

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the several and respective duties specified and laid, in and by the act, intituled "An act for laying a duty on goods, wares and merchandises imported into the United States;" and in and by the act, intituled "An act imposing duties on tonnage," shall be paid and collected upon all goods, wares and merchandises, which, after the expiration of thirty days from the passing of this act, shall be imported into the state of North Carolina, from any foreign port or place, and upon the tonnage of all ships and vessels, which, after the said day, shall be entered within the said state of North Carolina, subject to the exceptions, qualifications, allowances and abatements in the said acts contained or expressed; which acts shall be deemed to have the like force and operation within the said state of North Carolina, as elsewhere within the United States.

The provisions of the acts of 1789, ch. 2, and of the act of 1789, laying duties on imports and tonnage declared in force as to the state of N. Carolina after thirty days from the passing this act.

Act of July 4, 1789, ch. 2.

Act of July 20, 1789, ch. 3.

SEC. 2. *And be it further enacted,* That for the due collection of the said duties, there shall be in the said state of North Carolina five districts; one to be called the district of Wilmington, and to comprehend all the waters, shores, bays, harbours, creeks and inlets, from Little River inlet, inclusive, to New River inlet, inclusive. Another to be called the district of Newbern, and to comprehend all the waters, shores, bays, harbours, creeks and inlets, from New River inlet, exclusive, to Occacock inlet, inclusive, together with Pamticoe Sound, (except that part of it into which the Pamticoe, or Tarr and Machapunga rivers empty themselves, and which lies between the Royal Shoal extended to Machapunga Bluff, and the shoal which projects from the mouth of Pamticoe River towards the Royal Shoal.) Another to be called the district of Washington, and to comprehend all that part of Pamticoe Sound excepted out of the district of Newbern, and the waters, shores, bays, harbours, creeks and inlets adjacent to, and communicating with the same. Another to be called the district of Edenton, and to comprehend all the waters, bays, harbours, creeks and inlets from the channel between Pampticoe Sound and Albemarle Sound, inclusive. The other to be called the district of Cambden, and to comprehend North River, Pasquotank and Little Rivers, and all the waters, shores, bays, harbours, creeks and inlets, from the junction of Currituck and Albemarle Sounds, to the northern extremity of Back Bay. That in the district of Wilmington, the town of Wilmington shall be a port of entry and delivery, and Swansborough a port of delivery only; and there shall be a collector, naval officer and surveyor to reside at the said town of

And for due collection five districts established; their limits.

Ports of entry and delivery.

Wilmington, and a surveyor to reside at Swansborough. That in the district of Newbern, the town of Newbern shall be a port of entry and delivery, and the town of Beaufort a port of delivery only; and there shall be a collector to reside at Newbern, and a surveyor to reside at Beaufort. That in the district of Washington, the town of Washington shall be the sole port of entry and delivery, and there shall be a collector to reside at the same. That in the district of Edenton, the town of Edenton shall be a port of entry and delivery; and Hartford, Murpheysborough, Plymouth, Winsor, Skewarkey, Winton, and Bennet's Creek, ports of delivery; and there shall be a collector at the town of Edenton, and a surveyor at Hartford, another surveyor at Murpheysborough, one surveyor at each of the ports of Plymouth, Winsor, Skewarkey, Winton, and Bennet's Creek. That all ships or vessels intending to proceed to Hartford, Plymouth, Winsor, Skewarkey, Winton, Bennet's Creek, or Murpheysborough, shall first come to and enter at the port of Edenton. That in the district of Cambden, Plankbridge on Sawyer's Creek, shall be the port of entry and delivery, and Nixonton, Indiantown, Newbiggin Creek, Currituck Inlet, and Pasquotank River bridge, ports of delivery; and there shall be a collector at Plankbridge on Sawyer's Creek, and a surveyor at each of the ports of Nixonton, Indiantown, Currituck Inlet, Pasquotank River bridge, and Newbiggin Creek: and that the authority of the officers of each district shall extend over all the waters, shores, bays, harbours, creeks and inlets comprehended within such district.

Extent of the authority of the officers of each district.

Sole ports of entry for ships or vessels not registered or licensed, or ships &c. beyond the Cape of Good Hope.

Regulations, provisions, &c. for due collection.

Act of July 31, 1789, ch. 5.

Operation of parts of former laws declared to cease.

Act of Sept. 16, 1789, ch. 15.

Act for regulating the coasting trade, declared in force as to N. Carolina after thirty days from the passing this act.

Act of Sept. 16, 1789, ch. 11.

Part of another act revived as to R. Island and N. Carolina until the 1st of April.

SEC. 3. *And be it further enacted*, That the ports of Wilmington, Newbern, Washington, and Edenton, shall be the sole ports of entry within the said state of North Carolina, for ships or vessels not registered or licensed within the United States, according to law, and for all ships or vessels whatsoever, which shall arrive from the Cape of Good Hope, or any place beyond the same.

SEC. 4. *And be it further enacted*, That all the regulations, provisions, exceptions, allowances, compensations, directions, authorities, penalties, forfeitures, and other matters whatsoever, contained or expressed in the act, intituled "An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares and merchandises imported into the United States," and not locally inapplicable, shall have the like force and effect within the said state of North Carolina, for the collection of the said duties, as elsewhere within the United States, and as if the same were repeated and re-enacted in this present act.

SEC. 5. *Provided always, and be it declared*, That the thirty-ninth section of the said act, and the third section of an act, intituled "An act to suspend part of an act, intituled An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandises imported into the United States, and for other purposes," did, by virtue of the adoption of the Constitution of the United States, by the said state of North Carolina, cease to operate in respect to the same.

SEC. 6. *And be it further enacted and declared*, That the act intituled "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes," shall, after the expiration of thirty days from the passing of this act, have the like force and operation within the said state of North Carolina, as elsewhere within the United States, and as if the several clauses thereof were repeated and re-enacted in this present act.

SEC. 7. *And be it further enacted*, That the second section of the act, intituled "An act to suspend part of an act, intituled An act to regulate the collection of duties imposed by law on the tonnage of ships or vessels, and on goods, wares and merchandises imported into the United States,

and for other purposes," passed the sixteenth day of September last, shall, with respect to the inhabitants and citizens of the state of Rhode Island and Providence Plantations, be revived, and also that the fourth section of the said act shall be revived, and both continue in force until the first day of April next, and no longer.

APPROVED, February 8, 1790.

Act of Sept. 16, 1789, ch. 15.

STATUTE II.

CHAP. II.—*An Act providing for the enumeration of the Inhabitants of the United States.* (a)

March 1, 1790.

[Obsolete.]

Marshals in the several districts of the U. States to take the enumeration.

Mode of enumeration.

May appoint assistants.

Marshals and assistants to take an oath.

Form of the oath.

The enumeration, to commence on the first Monday in August, 1790, and close in nine months.

Returns to be by schedule.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the marshals of the several districts of the United States shall be, and they are hereby authorized and required to cause the number of the inhabitants within their respective districts to be taken; omitting in such enumeration Indians not taxed, and distinguishing free persons, including those bound to service for a term of years, from all others; distinguishing also the sexes and colours of free persons, and the free males of sixteen years and upwards from those under that age; for effecting which purpose the marshals shall have power to appoint as many assistants within their respective districts as to them shall appear necessary; assigning to each assistant a certain division of his district, which division shall consist of one or more counties, cities, towns, townships, hundreds or parishes, or of a territory plainly and distinctly bounded by water courses, mountains, or public roads. The marshals and their assistants shall respectively take an oath or affirmation, before some judge or justice of the peace, resident within their respective districts, previous to their entering on the discharge of the duties by this act required. The oath or affirmation of the marshal shall be, "I, A. B. marshal of the district of _____ do solemnly swear (or affirm) that I will well and truly cause to be made, a just and perfect enumeration and description of all persons resident within my district, and return the same to the President of the United States, agreeably to the directions of an act of Congress, intituled 'An act providing for the enumeration of the inhabitants of the United States,' according to the best of my ability." The oath or affirmation of an assistant shall be, "I, A. B. do solemnly swear (or affirm) that I will make a just and perfect enumeration and description of all persons resident within the division assigned to me by the marshal of the district of _____ and make due return thereof to the said marshal, agreeably to the directions of an act of Congress, intituled 'An act providing for the enumeration of the inhabitants of the United States,' according to the best of my ability." The enumeration shall commence on the first Monday in August next, and shall close within nine calendar months thereafter. The several assistants shall, within the said nine months, transmit to the marshals by whom they shall be respectively appointed, accurate returns of all persons, except Indians not taxed, within their respective divisions, which returns shall be made in a schedule, distinguishing the several families by the names of their master, mistress, steward, overseer, or other principal person therein, in manner following, that is to say:

The number of persons within my division, consisting of _____ appears in a schedule hereto annexed, subscribed by me this day of _____ 179 _____

A. B. assistant to the marshal of _____

(a) The acts providing for taking a census of the inhabitants of the United States, subsequent to this act, have been: 1800.—Act of February 28, 1800, chap. 12; act of April 12, 1800, chap. 23. 1810.—Act of March 26, 1810, chap. 17; act of May 1, 1810; act of March 2, 1811, chap. 34; act of March 3, 1811, chap. 44. 1820.—Act of March 14, 1820. 1830.—Act of March 23, 1830, chap. 39. 1840.—Act of March 3, 1839, chap. 79; act of February 26, 1840, chap. 3; act of Jan. 14, 1841, chap. 3; act of September 1, 1841, chap. 15; resolution September 1, 1841.

Form of the schedule.

Schedule of the whole Number of Persons within the Division allotted to A. B.

Names of heads of families.	Free white males of sixteen years and upwards, including heads of families.	Free white males under sixteen years.	Free white females, including heads of families.	All other free persons.	Slaves.
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Assistant failing to make a return, or making false return, penalty on.

SEC. 2. *And be it further enacted,* That every assistant failing to make return, or making a false return of the enumeration to the marshal, within the time by this act limited, shall forfeit the sum of two hundred dollars.

Marshals to file return with the clerks of the district courts, and transmit the aggregate amount thereof to the President, on or before the 1st of Sept. 1791;

SEC. 3. *And be it further enacted,* That the marshals shall file the several returns aforesaid, with the clerks of their respective district courts, who are hereby directed to receive and carefully preserve the same: And the marshals respectively shall, on or before the first day of September, one thousand seven hundred and ninety-one, transmit to the President of the United States, the aggregate amount of each description of persons within their respective districts. And every marshal failing to file the returns of his assistants, or any of them, with the clerks of their respective district courts, or failing to return the aggregate amount of each description of persons in their respective districts, as the same shall appear from said returns, to the President of the United States, within the time limited by this act, shall, for every such offence, forfeit the sum of eight hundred dollars; all which forfeitures shall be recoverable in the courts of the districts where the offences shall be committed, or in the circuit courts to be held within the same, by action of debt, information or indictment; the one half thereof to the use of the United States, and the other half to the informer; but where the prosecution shall be first instituted on behalf of the United States, the whole shall accrue to their use. And for the more effectual discovery of offences, the judges of the several district courts, at their next sessions to be held after the expiration of the time allowed for making the returns of the enumeration hereby directed, to the President of the United States, shall give this act in charge to the grand juries, in their respective courts, and shall cause the returns of the several assistants to be laid before them for their inspection.

penalty for failing so to do.

Forfeitures how recoverable,

and discovered.

Assistants, rate of compensation to.

SEC. 4. *And be it further enacted,* That every assistant shall receive at the rate of one dollar for every one hundred and fifty persons by him returned, where such persons reside in the country; and where such persons reside in a city, or town, containing more than five thousand persons, such assistant shall receive at the rate of one dollar for every three hundred persons; but where, from the dispersed situation of the inhabitants in some divisions, one dollar for every one hundred and fifty persons shall be insufficient, the marshals, with the approbation of the judges of their respective districts, may make such further allowance to the assistants in such divisions as shall be deemed an adequate compensation, provided the same does not exceed one dollar for every fifty persons by them returned. The several marshals shall receive as follows: The marshal of the district of Maine, two hundred dollars; the marshal of the district of New Hampshire, two hundred dollars; the marshal of the district of Massachusetts, three hundred dollars; the marshal of the district of Connecticut, two hundred dollars; the marshal of the district of New York, three hundred dollars; the marshal of the district of New Jersey, two hundred dollars; the marshal of the district of Pennsylvania, three hundred dollars; the marshal of the district of Delaware, one hundred dollars; the marshal of the district of Maryland, three hundred dollars; the marshal of the district of Virginia, five hundred dollars; the marshal of the district of Kentucky, two hundred and fifty dollars; the marshal of the district of North Carolina, three hundred and fifty dol-

Marshals, their compensation.

lars; the marshal of the district of South Carolina, three hundred dollars; the marshal of the district of Georgia, two hundred and fifty dollars. And to obviate all doubts which may arise respecting the persons to be returned, and the manner of making returns,

SEC. 5. *Be it enacted*, That every person whose usual place of abode shall be in any family on the aforesaid first Monday in August next, shall be returned as of such family; and the name of every person, who shall be an inhabitant of any district, but without a settled place of residence, shall be inserted in the column of the aforesaid schedule, which is allotted for the heads of families, in that division where he or she shall be on the said first Monday in August next, and every person occasionally absent at the time of the enumeration, as belonging to that place in which he usually resides in the United States.

SEC. 6. *And be it further enacted*, That each and every person more than sixteen years of age, whether heads of families or not, belonging to any family within any division of a district made or established within the United States, shall be, and hereby is, obliged to render to such assistant of the division, a true account, if required, to the best of his or her knowledge, of all and every person belonging to such family respectively, according to the several descriptions aforesaid, on pain of forfeiting twenty dollars, to be sued for and recovered by such assistant, the one half for his own use, and the other half for the use of the United States.

SEC. 7. *And be it further enacted*, That each assistant shall, previous to making his return to the marshal, cause a correct copy, signed by himself, of the schedule, containing the number of inhabitants within his division, to be set up at two of the most public places within the same, there to remain for the inspection of all concerned; for each of which copies the said assistant shall be entitled to receive two dollars, provided proof of a copy of the schedule having been so set up and suffered to remain, shall be transmitted to the marshal, with the return of the number of persons; and in case any assistant shall fail to make such proof to the marshal, he shall forfeit the compensation by this act allowed him.

APPROVED, March 1, 1790.

Rules for ascertaining residence.

What person of a family shall render an account of the numbers therein.

and penalty for refusing.

Copies of the schedule in each division to be set up at public places, and when.

Extended to Rhode Island by act of July 5, 1790, ch. 25.

To the state of Vermont, March 2, 1791, ch. 12.

STATUTE II.

March 26, 1790.

Repealed by act of January 29, 1795, ch. 20.

Alien whites may become citizens, and how.

CHAP. III.—*An Act to establish an uniform Rule of Naturalization.* (a)

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That any alien, being a free white person, who shall have resided within the limits and under the jurisdiction of the United States for the term of two years, may be admitted to become a citizen thereof, on application to any common law court of record, in any one of the states wherein he shall have resided for the term of one year at least, and making proof to the satisfaction of such court, that he is a person of good character, and taking the oath or affirmation prescribed by law, to support the constitution of the United States, which oath or affirmation such court shall administer; and the clerk of such court shall record such application, and the pro-

(a) This act was repealed by an act passed January 29, 1795, chap. 20.

The acts relating to naturalization subsequent to the act of March 26, 1790, have been: "An act to establish an uniform rule of naturalization, and to repeal the acts heretofore passed on that subject," January 29, 1795, chap. 20. Repealed April 14, 1802.

An act to establish an uniform rule of naturalization, and to repeal the acts heretofore passed on the subject, passed April 14, 1802, chap. 28.

An act in addition to an act entitled, "An act to establish an uniform rule of naturalization, and to repeal the acts heretofore passed on the subject," passed March 26, 1804, chap. 47.

An act relative to evidence in cases of naturalization, passed March 22, 1816, chap. 32.

An act in further addition to "An act to establish an uniform rule of naturalization, and to repeal the acts heretofore passed on that subject," passed May 26, 1824, chap. 186.

An act to amend the acts concerning naturalization, passed May 24, 1828, chap. 116.

ceedings thereon; and thereupon such person shall be considered as a citizen of the United States. And the children of such persons so naturalized, dwelling within the United States, being under the age of twenty-one years at the time of such naturalization, shall also be considered as citizens of the United States. And the children of citizens of the United States, that may be born beyond sea, or out of the limits of the United States, shall be considered as natural born citizens: *Provided*, That the right of citizenship shall not descend to persons whose fathers have never been resident in the United States: *Provided also*, That no person heretofore proscribed by any state, shall be admitted a citizen as aforesaid, except by an act of the legislature of the state in which such person was proscribed.(a)

APPROVED, March 26, 1790.

STATUTE II.

March 26, 1790.

CHAP. IV.—*An Act making appropriations for the support of government for the year one thousand seven hundred and ninety.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there be appropriated for the service of the year one thousand seven hundred and ninety, to be paid out of the monies arising from the duties on imports and tonnage, the following sums, to wit: A sum not exceeding one hundred and forty-one thousand, four hundred and ninety-two dollars, and seventy-three cents, for defraying the expenses of the civil list, as estimated by the Secretary of the Treasury, in the statement annexed to his report made to the House of Representatives on the ninth day of January last, including therein the contingencies of the several executive offices which are hereby authorized and granted; and also, a sum not exceeding one hundred and fifty-five thousand, five hundred and thirty-seven dollars, and seventy-two cents, for defraying the expenses of the department of war; and the farther sum of ninety-six thousand, nine hundred and seventy-nine dollars, and seventy-two cents, for paying the pensions which may become due to the invalids, as estimated in the statements accompanying the aforesaid report.

SEC. 2. *And be it further enacted*, That all the expenses arising from, and incident to the sessions of Congress, which may happen in the course of the aforesaid year, agreeably to laws heretofore passed, shall be defrayed out of the monies arising from the aforesaid duties on imports and tonnage.

Appropriations of monies arising from duties, for the civil list.

War department;

Pensions to invalids.

Incidental expenses of Congress.

(a) The power of naturalization is exclusively in Congress. *Chirac v. Chirac*, 2 Wheat. 259; 4 Cond. Rep. 111.

A naturalized citizen, who in time of peace, returns to his native country for the purpose of trade, but with the intention of returning again to his adopted country, continuing in the former, a year after the war between the two countries, for the purpose of winding up his business, engaging in no new commercial transactions with the enemy, and then returning to his adopted country, has gained a domicile in his native country, and his goods are subject to condemnation. *The Frances*, 8 Cranch, 335; 3 Cond. Rep. 154.

The various acts on the subject of naturalization submit the decision upon the right of aliens to courts of record. They are to receive testimony; to compare it with the law; and to judge on both law and fact. If their judgment is entered on record in legal form, it closes all inquiry, and like other judgments, is complete evidence of its own validity. *Spratt v. Spratt*, 4 Peters, 393.

It need not appear by the record of naturalization, that all the requisites presented by law, for the admission of aliens to the rights of citizenship, have been complied with. *Starke v. The Chesapeake Ins. Comp.*, 7 Cranch, 420; 2 Cond. Rep. 556.

A certificate by a competent court, that an alien has taken the oath prescribed by the act respecting naturalization, raises the presumption that the court was satisfied as to the moral character of the alien, and of his attachment to the principles of the constitution of the United States. The oath when taken, confers the rights of a citizen. It is not necessary that there should be an order of court admitting him to be a citizen.

The children of persons duly naturalized before the 14th of April, 1802, being under age at the time of the naturalization of their parent, were, if dwelling in the United States on the 14th of April, 1802, to be considered as citizens of the United States. *Campbell v. Gordon*, 6 Cranch, 176; 2 Cond. Rep. 342. See also *ex parte Newman*, 2 Gallis' C. C. R. 11; *Peters' C. C. R.* 457.

SEC. 3. *And be it further enacted*, That the President of the United States be authorized to draw from the treasury a sum not exceeding ten thousand dollars, for the purpose of defraying the contingent charges of government, to be paid out of the monies arising as aforesaid from the duties on imports and tonnage; and that he cause a regular statement and account of such expenditures to be laid before Congress at the end of the year.

Contingent charges of government.

SEC. 4. *And be it further enacted*, That a sum not exceeding one hundred and forty-seven thousand, one hundred and sixty-nine dollars, and fifty-four cents, be appropriated out of the monies arising as aforesaid from the duties on imports and tonnage, for discharging the demands which exist against the United States, as specified by the Secretary of the Treasury in his report made to the House of Representatives on the first of March instant, including therein a provision for building a light-house on Cape Henry in the State of Virginia, and for defraying the expenses arising from the act, intituled "An act for the establishment and support of light-houses, beacons, buoys, and public piers."

Certain specific demands; and

For building a light-house on Cape Henry.

SEC. 5. *And be it further enacted*, That out of the aforesaid appropriation of one hundred and forty-seven thousand one hundred and sixty-nine dollars and fifty-four cents, the payment of the following sums, not heretofore provided for by law, and estimated in the aforesaid report of the Secretary of the Treasury of the first of March instant, is hereby authorized and intended to be made, to wit: For the expenses of the late office of foreign affairs, six hundred and fifty dollars: To Roger Alden, for his services, including his office expenses, and the allowance to his clerks, eight hundred and seventy-three dollars, and seventy cents: To the late commissioner for settling the accounts of the departments of the late quartermaster-general, and commissaries-general of purchases and issues, for his own and clerk's services, from the eighth of May to the first of August, one thousand seven hundred and eighty-nine, one thousand and ten dollars, and fifty-five cents: To the late commissioner for settling the accounts of the late marine, clothing, and hospital departments, for his own and clerk's services, from the eighth of May to the third of August, one thousand seven hundred and eighty-nine, six hundred and twenty-eight dollars, and twenty-six cents: To the late commissioner for adjusting the accounts of the secret and commercial committees of Congress, for his salary from the first of July to the third of August, one thousand seven hundred and eighty-nine, one hundred and seventy-four dollars, and sixteen cents: For defraying the extraordinary expenses of the late President of Congress, three hundred and eighteen dollars, and fifty-three cents: For paying salaries to the late loan-officers of the several states, from the thirtieth day of June to the thirty-first day of December, one thousand seven hundred and eighty-nine, including office charges, six thousand seven hundred and twenty-five dollars: For paying the interest due on the loans made by the Secretary of the Treasury, two thousand four hundred and fourteen dollars, and sixty-one cents.

Payments, not before provided for by law, are authorized, for certain purposes.

SEC. 6. *And be it further enacted*, That the sum of one hundred and twenty dollars, be paid out of the monies arising from the aforesaid duties on imports and tonnage, to Jehoiakim M'Toksin, in full compensation for his services as an interpreter and guide in the expedition commanded by Major-general Sullivan, in the year one thousand seven hundred and seventy-nine; and also the sum of ninety-six dollars to James Mathers and Gifford Dalley, each, for services during the late recess of Congress.

For Jehoiakim M'Toksin.

James Mathers, and G. Dalley.

SEC. 7. *And be it further enacted*, That the President of the United States be authorized to empower the Secretary of the Treasury, if he shall deem it necessary, to make such loans as may be requisite to carry

President, if necessary, may authorize loans to make good

these appropriations.

into effect the foregoing appropriations, for the repayment of which the aforesaid duties on imports and tonnage shall be, and are hereby pledged.

APPROVED, March 26, 1790.

STATUTE II.

April 2, 1790.

CHAP. V.—*An Act to prevent the exportation of goods not duly inspected according to the laws of the several States.*

Repealed by Act of March 2, 1799, chap. 22, sec. 93 and 112.

Collectors, &c. not to grant clearances, until a certificate of inspection is produced.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the collectors and other officers of the customs in the several ports of the United States, be, and they are hereby directed to pay due regard to the inspection laws of the states in which they may respectively act, in such manner, that no vessel having on board goods liable to inspection, shall be cleared out until the master or other proper person shall have produced such certificate, that all such goods have been duly inspected, as the laws of the respective states do or may require to be produced to collectors or other officers of the customs.(a)

APPROVED, April 2, 1790.

STATUTE II.

April 2, 1790.

CHAP. VI.—*An Act to accept a cession of the claims of the state of North Carolina to a certain district of Western territory.*

Recital of the deed of cession, by the senators of N. Carolina, to the United States; and

A deed of cession having been executed, and in the Senate offered for acceptance to the United States, of the claims of the state of North Carolina, to a district of territory therein described; which deed is in the words following, viz.

To all who shall see these Presents

We the underwritten Samuel Johnston and Benjamin Hawkins, Senators in the Congress of the United States of America, duly and constitutionally chosen by the legislature of the State of North Carolina, send greeting.

Whereas the General Assembly of the State of North Carolina, on the day of December, in the year of our Lord one thousand seven hundred and eighty-nine, passed an act, entitled "An act for the purpose of ceding to the United States of America, certain western lands therein described," in the words following, to wit:

Whereas the United States in Congress assembled, have repeatedly and earnestly recommended to the respective states in the Union, claiming or owning vacant western territory, to make cessions of part of the same, as a further means, as well of hastening the extinguishment of the debts, as of establishing the harmony of the United States; and the inhabitants of the said western territory being also desirous that such cession should be made, in order to obtain a more ample protection than they have heretofore received: now this state, being ever desirous of doing ample justice to the public creditors, as well as the establishing the harmony of the United States, and complying with the reasonable desires of her citizens; *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the Senators of this state, in the Congress of the United States, or one of the Senators and any two of the Representatives of this state in the Congress of the United States, are hereby authorized, empowered and required to execute a deed or deeds on the part and behalf of this state, conveying to the United States of America, all right, title

of the act of the legislature of that state, by which the execution of the said deed is authorized.

(a) The laws of the United States do not require a person, in order to entitle himself to a clearance, to produce to the collector a certificate of his having complied with the inspection laws of the State, unless the law of the State requires it. *Bass et al. v. Steele*, 3 Wash. C. C. R. 381.

and claim which this state has to the sovereignty and territory of the lands situated within the chartered limits of this state, west of a line beginning on the extreme height of the Stone Mountain, at the place where the Virginia line intersects it; running thence along the extreme height of the said mountain, to the place where Wataugo river breaks through it; thence a direct course to the top of the Yellow Mountain, where Bright's road crosses the same; thence along the ridge of said mountain, between the waters of Doe river and the waters of Rock Creek, to the place where the road crosses the Iron Mountain; from thence along the extreme height of said mountain, to where Nolichucky river runs through the same; thence to the top of the Bald Mountain; thence along the extreme height of the said mountain, to the Painted Rock, on French Broad river; thence along the highest ridge of the said mountain, to the place where it is called the Great Iron or Smoaky Mountain; thence along the extreme height of the said mountain, to the place where it is called Unicoy or Unaka Mountain, between the Indian towns of Cowee and Old Chota; thence along the main ridge of the said mountain, to the southern boundary of this state, upon the following express conditions, and subject thereto—that is to say: *First*, That neither the lands nor inhabitants westward of the said mountain shall be estimated after the cession made by virtue of this act shall be accepted, in the ascertaining the proportion of this state with the United States, in the common expense occasioned by the late war. *Secondly*, That the lands laid off, or directed to be laid off by any act or acts of the General Assembly of this state, for the officers and soldiers thereof, their heirs and assigns respectively, shall be and enure to the use and benefit of the said officers, their heirs and assigns respectively; and if the bounds of the said lands already prescribed for the officers and soldiers of the continental line of this state, shall not contain a sufficient quantity of lands fit for cultivation, to make good the several provisions intended by law, that such officer or soldier, or his assignee, who shall fall short of his allotment or proportion, after all the lands fit for cultivation within the said bounds are appropriated, be permitted to take his quota, or such part thereof as may be deficient, in any other part of the said territory intended to be ceded by virtue of this act, not already appropriated. And where entries have been made agreeable to law, and titles under them not perfected by grant or otherwise, then, and in that case, the governor for the time being shall, and he is hereby required to perfect, from time to time, such titles, in such manner as if this act had never been passed. And that all entries made by, or grants made to all and every person or persons whatsoever, agreeable to law, and within the limits hereby intended to be ceded to the United States, shall have the same force and effect as if such cession had not been made; and that all and every right of occupancy and pre-emption, and every other right reserved by any act or acts to persons settled on, and occupying lands within the limits of the lands hereby intended to be ceded as aforesaid, shall continue to be in full force, in the same manner as if the cession had not been made, and as conditions upon which the said lands are ceded to the United States. And further, it shall be understood, that if any person or persons shall have, by virtue of the act, entitled “An act for opening the land-office for the redemption of specie and other certificates, and discharging the arrears due to the army,” passed in the year one thousand seven hundred and eighty-three, made his or their entry in the office usually called John Armstrong's office, and located the same to any spot or piece of ground, on which any other person or persons shall have previously located any entry or entries, that then, and in that case, the person or persons having made such entry or entries, or their assignee or assignees, shall have leave, and be at full liberty to remove the location of such entry or entries, to any lands on which no entry has been specially located, or on

Boundaries
and conditions
of the cession.

Boundaries
and conditions
of the cession.

any vacant lands included within the limits of the lands hereby intended to be ceded: *Provided*, That nothing herein contained shall extend or be construed to extend to the making good any entry or entries, or any grant or grants heretofore declared void, by any act or acts of the General Assembly of this state. *Thirdly*, That all the lands intended to be ceded by virtue of this act to the United States of America, and not appropriated as before mentioned, shall be considered as a common fund for the use and benefit of the United States of America, North Carolina inclusive, according to their respective and usual proportion in the general charge and expenditure, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever. *Fourthly*, That the territory so ceded, shall be laid out and formed into a state or states, containing a suitable extent of territory, the inhabitants of which shall enjoy all the privileges, benefits and advantages set forth in the ordinance of the late Congress, for the government of the western territory of the United States, that is to say; whenever the Congress of the United States shall cause to be officially transmitted to the executive authority of this state, an authenticated copy of the act to be passed by the Congress of the United States, accepting the cession of territory made by virtue of this act, under the express conditions hereby specified; the said Congress shall at the same time assume the government of the said ceded territory, which they shall execute in a manner similar to that which they support in the territory west of the Ohio; shall protect the inhabitants against enemies, and shall never bar or deprive them of any privileges which the people in the territory west of the Ohio enjoy: *Provided always*, That no regulations made or to be made by Congress, shall tend to emancipate slaves. *Fifthly*, That the inhabitants of the said ceded territory shall be liable to pay such sums of money, as may, from taking their census, be their just proportion of the debt of the United States, and the arrears of the requisitions of Congress on this state. *Sixthly*, That all persons indebted to this state, residing in the territory intended to be ceded by virtue of this act, shall be held and deemed liable to pay such debt or debts in the same manner, and under the same penalty or penalties as if this act had never been passed. *Seventhly*, That if the Congress of the United States do not accept the cession hereby intended to be made, in due form, and give official notice thereof to the executive of this state, within eighteen months from the passing of this act, then this act shall be of no force or effect whatsoever. *Eighthly*, That the laws in force and use in the State of North Carolina, at the time of passing this act, shall be, and continue in full force within the territory hereby ceded, until the same shall be repealed, or otherwise altered by the legislative authority of the said territory. *Ninthly*, That the lands of non-resident proprietors within the said ceded territory, shall not be taxed higher than the lands of residents. *Tenthly*, That this act shall not prevent the people now residing south of French Broad, between the rivers Tennessee and Big Pigeon, from entering their pre-emptions in that tract, should an office be opened for that purpose, under an act of the present General Assembly. *And be it further enacted by the authority aforesaid*, That the sovereignty and jurisdiction of this state, in and over the territory aforesaid, and all and every the inhabitants thereof, shall be and remain the same in all respects, until the Congress of the United States shall accept the cession to be made by virtue of this act, as if this act had never passed.

Read three times, and ratified in General Assembly, the
day of December, A. D. 1789.

CHAS. JOHNSON, *Sp. Sen.*
S. CABARRUS, *Sp. H. C.*"

Now therefore know ye, That we, Samuel Johnston and Benjamin Hawkins, senators aforesaid, by virtue of the power and authority com-

mitted to us by the said act, and in the name, and for and on behalf of the said state, do, by these presents, convey, assign, transfer, and set over unto the United States of America, for the benefit of the said states, North Carolina inclusive, all right, title, and claim which the said state hath to the sovereignty and territory of the lands situated within the chartered limits of the said state, as bounded and described in the above recited act of the General Assembly, to and for the uses and purposes, and on the conditions mentioned in the said act.

Boundaries and conditions of the cession.

In witness whereof, we have hereunto subscribed our names, and affixed our seals, in the senate-chamber, at New York, this twenty-fifth day of February, in the year of our Lord, one thousand seven hundred and ninety, and in the fourteenth year of the independence of the United States of America.

SAM. JOHNSTON. (L.S.)
BENJAMIN HAWKINS. (L.S.)

Signed, sealed, and delivered
in the presence of
SAM. A. OTIS.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the said deed be, and the same is hereby accepted.

Accepted.

APPROVED, April 2, 1790.

STATUTE II.

April 10, 1790.

CHAP. VII.—*An Act to promote the progress of useful Arts.*(a)

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That upon the petition of any person or persons to the Secretary of State, the Secretary

Patents for useful discoveries, how applied for, and granted.

(a) The acts passed by Congress, subsequent to this statute, relating to patents for useful inventions, have been:

1. An "act to promote the progress of useful arts; and to repeal the act heretofore made for this purpose," passed February 21, 1793. Repealed by act of July 4, 1836.
2. An act supplementary to the act entitled an "act to promote the progress of useful arts," passed June 7, 1794. Repealed by act of July 4, 1836.
3. An act to extend the privilege of obtaining patents for useful discoveries and inventions to certain persons therein mentioned, and to enlarge and define the penalties for violating the rights of patentees, passed April 17, 1800. Repealed by act of July 4, 1836.
4. An act concerning patents for useful inventions, passed July 3, 1832. Repealed by act of July 4, 1836.
5. An act concerning the issuing of patents to aliens for useful discoveries and inventions, passed July 13, 1832. Repealed by act of July 4, 1836.
6. An act to promote the progress of useful arts, and to repeal all acts heretofore made for that purpose, passed July 4, 1836.
7. An act authorizing the commissioner of the patent office to issue patents to Angier Marsh Perkins, and John Howard Ryan, passed March 31, 1838.
8. An act in addition to an act to promote the progress of the useful arts, passed March 3, 1839, chap. 87. Altered by act of August 29, 1842, chap. 262.
9. An act in addition to an act to promote the progress of the useful arts, and to repeal all acts heretofore made for that purpose, passed August 29, 1842, chap. 262.

The following cases have been decided in the courts of the United States, upon the laws granting patents for new and useful inventions:—

1. On the form and subjects of patents.—*Invention and Discovery,—the Specification and Description.*—Evans v. Eaton, 3 Wheat. 454; 4 Cond. Rep. 291. Pennock v. Dialogue, 2 Peters, 16. Grant et al. v. Raymond, 6 Peters, 218. Shaw v. Cooper, 7 Peters, 292. Prouty v. Ruggles, 16 Peters, 336. Whittemore v. Cutter, 1 Gallis. C. C. R. 429, 478. Odiorne v. Winkley, 2 Gallis. C. C. R. 51. Stearns v. Barrett, 1 Mason's C. C. R. 153. Lowell v. Lewis, 1 Mason's C. C. R. 182. Bedford v. Hunt, 1 Mason's C. C. R. 302. Kneass v. The Schuylkill Bank, 4 Wash. C. C. R. 9. Barrett et al. v. Hall et al., 1 Mason's C. C. R. 447. Odiorne v. The Amesbury Nail Factory, 2 Mason's C. C. R. 28. Moody v. Fisk et al., 2 Mason's C. C. R. 112. Langdon v. De Groot, Paine's C. C. R. 203. Goodyear v. Matthews, Paine's C. C. R. 300. Morris v. Huntington, Paine's C. C. R. 348. Sullivan v. Redfield et al., Paine's C. C. R. 441. Rutgen v. Kanowers, 1 Wash. C. C. R. 168. Evans v. Chambers, 2 Wash. C. C. R. 125. Evans v. Eaton, 3 Wash. C. C. R. 443; Peters' C. C. R. 322. Dixon v. Moyer, 4 Wash. C. C. R. 68. Gray et al. v. James et al., Peters' C. C. R. 394. Mellus v. Silsbee, 4 Mason's C. C. R. 108. Ames v. Howard, 1 Sumner's C. C. R. 482. Delano v. Scott, Gilpin's D. C. R. 469. Wood v. Williams, *ibid.* 517. Evans v. Jordan et al., 1 Brockenb. C. C. R. 248. Davis v. Palmer, 2 Brockenb. C. C. R. 298. Ryan v. Goodwin, 3 Sumner's C. C. R. 514. Blanchard v. Sprague, 3 Sumner's C. C. R. 279. Alden v. Dewey, 1 Story's C. C. R. 336. Prouty v. Draper, *ibid.* 568. Reed v. Cutter, *ibid.* 590. Stone v. Sprague, *ibid.* 270.

Infringement of Patent Rights.—Evans v. Jordon et al., 9 Cranch, 199; 3 Cond. Rep. 358. Keplenger v. De Young, 10 Wheat. 358; 6 Cond. Rep. 135. Shaw v. Cooper, 7 Peters, 292. Whittemore v. Cutter,

Repealed by the act of 21st Feb. 1793, ch. 11.

The Secretary of State, the Sec. of war, and the Attorney General, or any two of them, if they shall deem the invention, &c. useful and important, to cause letters patent to be issued.

Continuance of a patent.

Attorney General to certify the conformity of the patent with this act.

Patents to be recorded.

Specification in writing with a draft or model thereof to be delivered and filed in the office of the Secretary of State.

for the department of war, and the Attorney General of the United States, setting forth, that he, she, or they, hath or have invented or discovered any useful art, manufacture, engine, machine, or device, or any improvement therein not before known or used, and praying that a patent may be granted therefor, it shall and may be lawful to and for the said Secretary of State, the Secretary for the department of war, and the Attorney General, or any two of them, if they shall deem the invention or discovery sufficiently useful and important, to cause letters patent to be made out in the name of the United States, to bear teste by the President of the United States, reciting the allegations and suggestions of the said petition, and describing the said invention or discovery, clearly, truly and fully, and thereupon granting to such petitioner or petitioners, his, her or their heirs, administrators or assigns for any term not exceeding fourteen years, the sole and exclusive right and liberty of making, constructing, using and vending to others to be used, the said invention or discovery; which letters patent shall be delivered to the Attorney General of the United States to be examined, who shall, within fifteen days next after the delivery to him, if he shall find the same conformable to this act, certify it to be so at the foot thereof, and present the letters patent so certified to the President, who shall cause the seal of the United States to be thereto affixed, and the same shall be good and available to the grantee or grantees by force of this act, to all and every intent and purpose herein contained, and shall be recorded in a book to be kept for that purpose in the office of the Secretary of State, and delivered to the patentee or his agent, and the delivery thereof shall be entered on the record and endorsed on the patent by the said Secretary at the time of granting the same.

SEC. 2. *And be it further enacted*, That the grantee or grantees of each patent shall, at the time of granting the same, deliver to the Secretary of State a specification in writing, containing a description, accompanied with drafts or models, and explanations and models (if the nature of the invention or discovery will admit of a model) of the thing or things, by him or them invented or discovered, and described as aforesaid, in the said patents; which specification shall be so particular, and said models so exact, as not only to distinguish the invention or discovery from other things before known and used, but also to enable a workman or other person skilled in the art or manufacture, whereof it is a branch, or wherewith it may be nearest connected, to make, construct, or use the same, to the end that the public may have the full benefit thereof, after the expiration of the patent term; which specification shall be filed in the office of the said Secretary, and certified copies

1 Gallis. C. C. R. 429. Gray and Osgood v. James, Peters' C. C. R. 394. Sawin et al. v. Guild, 1 Gallis. C. C. R. 435. Lowell v. Lewis, 1 Mason's C. C. R. 182. Kneass v. The Schuylkill Bank, 4 Wash. C. C. R. 106. Barret et al. v. Hall et al., 1 Mason's C. C. R. 447. Boston Manufacturing Company v. Fiske et al., 2 Mason's C. C. R. 119. Dawson v. Follen, 2 Wash. C. C. R. 311. Evans v. Weiss 2 Wash. C. C. R. 342. Parke v. Little et al., 3 Wash. C. C. R. 196. Evans v. Eaton, Peters' C. C. R. 322. The Philadelphia and Trenton Railroad Company v. Stimpson, 14 Peters, 448.

Proceedings and Pleadings for Violation of Patent Rights.—Ex parte Wood and Brundage, 9 Wheat. 603; 5 Cond. Rep. 702. Grant v. Raymond, 6 Peters, 218. Whittemore v. Cutter, 1 Gallis. C. C. R. 429. Stearns v. Barrett, 1 Mason's C. C. R. 153. Sullivan v. Redfield et al., Paine's C. C. R. 441. Executors of Fulton v. Meyers, 4 Wash. C. C. R. 220. Pettibone v. Derringer, 4 Wash. C. C. R. 215. Kneass v. The Schuylkill Bank, 4 Wash. C. C. R. 106. Dixon v. Moyer, 4 Wash. C. C. R. 68. Isaacs v. Cooper, 4 Wash. C. C. R. 259. Evans v. Kremer, Peters' C. C. R. 215. Ames v. Howard, 1 Sumner's C. C. R. 432.

Evidence in Actions for the Violation of Patent Rights.—Evans v. Eaton, 3 Wheat. 454; 4 Cond. Rep. 291. Evans v. Hettick, 7 Wheat. 453; 5 Cond. Rep. 317. Whittemore v. Cutter, 1 Gallis' C. C. R. 478. Odiome v. Winkley, 2 Gallis. C. C. R. 51. Stearns v. Barrett, 1 Mason's C. C. R. 153. Kneass v. The Schuylkill Bank, 4 Wash. C. C. R. 106. Dixon v. Moyer, 4 Wash. C. C. R. 68. Evans v. Eaton, Peters' C. C. R. 322.

Surrender and Repeal of Patents.—Ex parte Wood and Brundage, 9 Wheat. 603; 5 Cond. Rep. 702. The Philadelphia and Trenton Railroad Company v. Stimpson, 14 Peters, 448. Shaw v. Cooper, 7 Peters, 292. Grant v. Raymond, 6 Peters, 218. Delano v. Scott, Gilpin's C. C. R. 469. Stearns v. Barrett, 1 Mason's C. C. R. 153. Morris v. Huntingdon, Paine's C. C. R. 343. See post 318.

See also Peters's Digest, *Patents for useful inventions.*

thereof, shall be competent evidence in all courts and before all jurisdictions, where any matter or thing, touching or concerning such patent, right, or privilege, shall come in question.

SEC. 3. *And be it further enacted,* That upon the application of any person to the Secretary of State, for a copy of any such specification, and for permission to have similar model or models made, it shall be the duty of the Secretary to give such copy, and to permit the person so applying for a similar model or models, to take, or make, or cause the same to be taken or made, at the expense of such applicant.

SEC. 4. *And be it further enacted,* That if any person or persons shall devise, make, construct, use, employ, or vend within these United States, any art, manufacture, engine, machine or device, or any invention or improvement upon, or in any art, manufacture, engine, machine or device, the sole and exclusive right of which shall be so as aforesaid granted by patent to any person or persons, by virtue of and in pursuance of this act, without the consent of the patentee or patentees, their executors, administrators or assigns, first had and obtained in writing, every person so offending, shall forfeit and pay to the said patentee or patentees, his, her or their executors, administrators or assigns such damages as shall be assessed by a jury, and moreover shall forfeit to the person aggrieved, the thing or things so devised, made, constructed, used, employed or vended, contrary to the true intent of this act, which may be recovered in an action on the case founded on this act.

SEC. 5. *And be it further enacted,* That upon oath or affirmation made before the judge of the district court, where the defendant resides, that any patent which shall be issued in pursuance of this act, was obtained surreptitiously by, or upon false suggestion, and motion made to the said court, within one year after issuing the said patent, but not afterwards, it shall and may be lawful to and for the judge of the said district court, if the matter alleged shall appear to him to be sufficient, to grant a rule that the patentee or patentees, his, her, or their executors, administrators or assigns, show cause why process should not issue against him, her, or them, to repeal such patents; and if sufficient cause shall not be shown to the contrary, the rule shall be made absolute, and thereupon the said judge shall order process to be issued as aforesaid, against such patentee or patentees, his, her, or their executors, administrators, or assigns. And in case no sufficient cause shall be shown to the contrary, or if it shall appear that the patentee was not the first and true inventor or discoverer, judgment shall be rendered by such court for the repeal of such patent or patents; and if the party at whose complaint the process issued, shall have judgment given against him, he shall pay all such costs as the defendant shall be put to in defending the suit, to be taxed by the court, and recovered in such manner as costs expended by defendants, shall be recovered in due course of law.

SEC. 6. *And be it further enacted,* That in all actions to be brought by such patentee or patentees, his, her, or their executors, administrators or assigns, for any penalty incurred by virtue of this act, the said patents or specifications shall be *prima facie* evidence, that the said patentee or patentees was or were the first and true inventor or inventors, discoverer or discoverers of the thing so specified, and that the same is truly specified; but that nevertheless the defendant or defendants may plead the general issue, and give this act, and any special matter whereof notice in writing shall have been given to the plaintiff, or his attorney, thirty days before the trial, in evidence, tending to prove that the specification filed by the plaintiff does not contain the whole of the truth concerning his invention or discovery; or that it contains more than is necessary to produce the effect described; and if the concealment of part, or the addition of more than is necessary, shall appear to have been intended to

Certified copies in what cases to be evidence.

Copies of specification, and models may be taken.

Penalty for making, &c. any art, &c. for which a patent has been granted.

Damages to be assessed by a jury.

Patents surreptitiously obtained,

how to be repealed.

In actions for penalty, patents to be deemed *prima facie* evidence of the first discovery; but special matter may be given in evidence; and to what effect.

mislead, or shall actually mislead the public, so as the effect described cannot be produced by the means specified, then, and in such cases, the verdict and judgment shall be for the defendant.

Patent fees.

SEC. 7. *And be it further enacted*, That such patentee as aforesaid, shall, before he receives his patent, pay the following fees to the several officers employed in making out and perfecting the same, to wit: For receiving and filing the petition, fifty cents; for filing specifications, per copy-sheet containing one hundred words, ten cents; for making out patent, two dollars; for affixing great seal, one dollar; for indorsing the day of delivering the same to the patentee, including all intermediate services, twenty cents.

APPROVED, April 10, 1790.

STATUTE II.

April 15, 1790.

CHAP. VIII.—*An Act further to suspend part of an act intituled "An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares and merchandises imported into the United States," and to amend the said act.*

Repealed. Act of Aug. 4, 1790, chap. 35, sec. 74.

Restriction by a former act, on vessels bound up the Potomac, suspended until first May, 1791.

Act of July 31, 1789, ch. 5.

Additional ports of delivery in Connecticut.

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 an act, intituled, "An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares and merchandises imported into the United States," as obliges ships or vessels bound up the river Potomac to come to, and deposit manifests of their cargoes with the officers at Saint Mary's and Yeocomico, before they proceed to their port of delivery, shall be and is hereby further suspended, from the first day of May next, to the first of May in the year one thousand seven hundred and ninety-one.

SEC. 2. *And be it further enacted, by the authority aforesaid*, That the landing places in Windsor and East Windsor, in the State of Connecticut, shall be ports of delivery, and be included in the district of New London.

APPROVED, April 15, 1790.

STATUTE II.

April 30, 1790.

CHAP. IX.—*An Act for the Punishment of certain Crimes against the United States.*

Act of April 2, 1792, ch. 16, sec. 19. Act of May 27, 1796, ch. 36, sec. 7. Jan. 30, 1799, ch. 1. Act of April 24, 1800, ch. 35. Act of March 26, 1804, ch. 40. Act of March 3, 1825, ch. 65. What cases shall be adjudged treason. How proved and punished.

Misprision of treason.

SECTION 1. *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, owing allegiance to the United States of America, shall levy war against them, or shall adhere to their enemies, giving them aid and comfort within the United States or elsewhere, and shall be thereof convicted, on confession in open court, or on the testimony of two witnesses to the same overt act of the treason whereof he or they shall stand indicted, such person or persons shall be adjudged guilty of treason against the United States, and shall suffer death. (a)

SEC. 2. *And be it [further] enacted*, That if any person or persons, having knowledge of the commission of any of the treasons aforesaid, shall conceal and not as soon as may be disclose and make known the same to the President of the United States, or some one of the judges thereof, or to the president or governor of a particular state, or some one of the judges or justices thereof, such person or persons on conviction shall be adjudged guilty of misprision of treason, and shall be imprisoned not exceeding seven years, and fined not exceeding one thousand dollars.

(a) *Treason*.—To constitute a levying of war, there must be an assemblage of persons for the purpose of effecting by force, a treasonable purpose. Ex parte Bollman and Swartwout, 4 Cranch, 75; 2 Cond. Rep. 33. The United States v. Vigol, 2 Dall. 346. The United States v. Vilatto, 2 Dall. 370. The United States v. The Insurgents of Pennsylvania, 2 Dall. 335. The United States v. Mitchell, 2 Dall. 348. The United States v. Stuart, 2 Dall. 343; 1 Burr's Trial, 14; 2 Burr's Trial, 401.

SEC. 3. *And be it [further] enacted*, That if any person or persons shall, within any fort, arsenal, dock-yard, magazine, or in any other place or district of country, under the sole and exclusive jurisdiction of the United States, commit the crime of wilful murder, such person or persons on being thereof convicted shall suffer death. (a)

SEC. 4. *And be it also enacted*, That the court before whom any person shall be convicted of the crime of murder, for which he or she shall be sentenced to suffer death, may at their discretion, add to the judgment, that the body of such offender shall be delivered to a surgeon for dissection; and the marshal who is to cause such sentence to be executed, shall accordingly deliver the body of such offender, after execution done, to such surgeon as the court shall direct, for the purpose aforesaid: *Provided*: That such surgeon, or some other person by him appointed for the purpose, shall attend to receive and take away the dead body at the time of the execution of such offender.

SEC. 5. *And be it further enacted*, That if any person or persons shall, after such execution had, by force rescue or attempt to rescue the body of such offender out of the custody of the marshal or his officers, during the conveyance of such body to any place for dissection as aforesaid; or shall by force rescue or attempt to rescue such body from the house of any surgeon, where the same shall have been deposited in pursuance of this act; every person so offending, shall be liable to a fine not exceeding one hundred dollars, and an imprisonment not exceeding twelve months.

SEC. 6. *And be it [further] enacted*, That if any person or persons having knowledge of the actual commission of the crime of wilful murder or other felony, upon the high seas, or within any fort, arsenal, dock-yard, magazine, or other place or district of country, under the sole and exclusive jurisdiction of the United States, shall conceal, and not as soon as may be disclose and make known the same to some one of the judges or other persons in civil or military authority under the United States, on conviction thereof, such person or persons shall be adjudged guilty of misprision of felony, and shall be imprisoned not exceeding three years, and fined not exceeding five hundred dollars.

SEC. 7. *And be it [further] enacted*, That if any person or persons shall within any fort, arsenal, dock-yard, magazine, or other place or district of country, under the sole and exclusive jurisdiction of the United States, commit the crime of manslaughter, and shall be thereof convicted, such person or persons shall be imprisoned not exceeding three years, and fined not exceeding one thousand dollars.

SEC. 8. *And be it [further] enacted*, That if any person or persons shall commit upon the high seas, or in any river, haven, basin or bay, out of the jurisdiction of any particular state, murder or robbery, or any other offence which if committed within the body of a country, would by the

Murder in a fort or arsenal, under the exclusive jurisdiction of the U. S. to punish with death.

Act of March 3, 1825, ch. 65, sec. 4.

and court may order offender's body to be dissected.

Rescue of a body ordered for dissection, punishment for.

Misprision of felony, what cases shall be judged, and how punished.

Manslaughter in a fort, arsenal, &c. how punished.

Act of March 3, 1825, ch. 65, sec. 4, 6, 7.

Act of March 3, 1829, ch. 64.

Piracy and felony, what cases shall be judged, where

(a) *Murder*.—Congress have not in the 8th section of the act of April 30, 1790, for the prevention of certain crimes against the United States, exercised the power, if any such is given by the constitution of the United States, of conferring jurisdiction on the courts of the United States of a murder committed on the waters of a State where the tide ebbs and flows. *United States v. Bevens*, 3 *Wheat.* 336; 4 *Cond. Rep.* 275.

The 3d article of the constitution of the United States, which declares that "the judicial power of the United States shall extend to all cases of admiralty and maritime jurisdiction," vests in the United States exclusive jurisdiction of all such cases; and a murder committed on the waters of a State where the tide ebbs and flows, is a case of admiralty and maritime jurisdiction. *Ibid.*

The courts of the United States have jurisdiction of a murder committed on the high seas from a vessel belonging to the United States, by a foreigner being on board of such vessel, upon another foreigner being on board of another vessel. 5 *Wheat.* 184; 4 *Cond. Rep.* 623.

The courts of the United States have jurisdiction, under the act of April 30, 1790, of a murder committed on the high seas, although not committed on board of a vessel of the United States, as if she had no national character, but was held by pirates or persons not sailing under the flag of any foreign nation. *The United States v. Holmes et al.*, 5 *Wheat.* 412; 4 *Cond. Rep.* 708. See also *United States v. Magill*, 1 *Wash. C. C. R.* 463. *United States v. Drew*, 5 *Mason's C. C. R.* 28. *United States v. Freeman*, 4 *Mason's C. C. R.* 505. *United States v. Ross*, 1 *Gallis. C. C. R.* 624. *Dexter v. Spear*, 4 *Mason's C. C. R.* 115. *The United States v. Cornell*, 2 *Mason's C. C. R.* 91.

tried and how punished.

Act of May 15, 1820, ch. 113.

laws of the United States be punishable with death; or if any captain or mariner of any ship or other vessel, shall piratically and feloniously run away with such ship or vessel, or any goods or merchandise to the value of fifty dollars, or yield up such ship or vessel voluntarily to any pirate; or if any seaman shall lay violent hands upon his commander, thereby to hinder and prevent his fighting in defence of his ship or goods committed to his trust, or shall make a revolt in the ship; every such offender shall be deemed, taken and adjudged to be a pirate and felon, and being thereof convicted, shall suffer death; and the trial of crimes committed on the high seas, or in any place out of the jurisdiction of any particular state, shall be in the district where the offender is apprehended, or into which he may first be brought. (a)

SEC. 9. *And be it [further] enacted*, That if any citizen shall commit any piracy or robbery aforesaid, or any act of hostility against the United States, or any citizen thereof, upon the high sea, under colour of any commission from any foreign prince, or state, or on pretence of authority from any person, such offender shall, notwithstanding the pretence of any such authority, be deemed, adjudged and taken to be a pirate, felon, and robber, and on being thereof convicted shall suffer death.

Accessaries therein, how punished.

SEC. 10. *And be it [further] enacted*, That every person who shall, either upon the land or the seas, knowingly and wittingly aid and assist, procure, command, counsel or advise any person or persons, to do or commit any murder or robbery, or other piracy aforesaid, upon the seas, which shall affect the life of such person, and such person or persons shall thereupon do or commit any such piracy or robbery, then all and every such person so as aforesaid aiding, assisting, procuring, commanding, counselling or advising the same, either upon the land or the sea, shall be, and they are hereby declared, deemed and adjudged to be accessory to such piracies before the fact, and every such person being thereof convicted shall suffer death.

Concealing a pirate or property taken by a pirate.

SEC. 11. *And be it [further] enacted*, That after any murder, felony, robbery, or other piracy whatsoever aforesaid, is or shall be committed by any pirate or robber, every person who knowing that such pirate or robber has done or committed any such piracy or robbery, shall on the land or at sea receive, entertain or conceal any such pirate or robber, or receive or take into his custody any ship, vessel, goods or chattels, which have been by any such pirate or robber piratically and feloniously taken, shall be, and are hereby declared, deemed and adjudged to be accessory to such piracy or robbery, after the fact; and on conviction thereof, shall be imprisoned not exceeding three years, and fined not exceeding five hundred dollars.

(a) A robbery committed on the high seas, although such robbery, if committed on land, would not, by the laws of the United States, be punishable with death, is piracy, under the 8th section of the law of the United States; and the Circuit Courts have jurisdiction thereof. *United States v. Palmer*, 3 Wheat. 610; 4 Cond. Rep. 352.

The crime of robbery as mentioned in the act, is the crime of robbery as recognized at common law. *Ibid.* See also *United States v. Klinton*, 5 Wheat. 144; 4 Cond. Rep. 614. *The United States v. Smith*, 5 Wheat. 153; 4 Cond. Rep. 619. *United States v. Furlong et al.*, 5 Wheat. 184; 4 Cond. Rep. 623. *United States v. Holmes*, 5 Wheat. 412; 4 Cond. Rep. 708.

Pirates may be lawfully captured by the public or private ships of any nation, in peace or war, for they are *hostes humani generis*. *The Marianna Flora*, 11 Wheat. 1; 6 Cond. Rep. 201. See also *The Josefa Segunda*, 5 Wheat. 338; 4 Cond. Rep. 672. *The Palmyra*, 12 Wheat. 1; 6 Cond. Rep. 397. *The Bello Corrunnes*, 6 Wheat. 152; 5 Cond. Rep. 45.

To constitute the offence of piracy within the act of 1790, "by piratically and feloniously running away with a vessel," personal force and violence are not necessary. 1 *Gallis' C. C. R.* 247. See also *The United States v. Ross*, 1 *Gallis' C. C. R.* 624. *United States v. Kessler*, 1 *Baldwin's C. C. R.* 15. *United States v. Gibert*, 2 *Sumner's C. C. R.* 19.

In the act of April 30, 1790, the description of places contained in the 8th section, within which the offences therein enumerated must be committed, in order to give the courts of the United States jurisdiction over them, cannot be transferred to the 12th section, so as to give those courts jurisdiction over a manslaughter committed in a port of a foreign country, and not on the high seas. *The Hoppet v. The United States*, 7 Cranch, 339; 2 Cond. Rep. 542. See *United States v. Wiltberger*, 5 Wheat. 76; 4 Cond. Rep. 593.

SEC. 12. *And be it [further] enacted*, That if any seaman or other person shall commit manslaughter upon the high seas, or confederate, or attempt or endeavour to corrupt any commander, master, officer or mariner, to yield up or to run away with any ship or vessel, or with any goods, wares, or merchandise, or to turn pirate, or to go over to or confederate with pirates, or in any wise trade with any pirate knowing him to be such, or shall furnish such pirate with any ammunition, stores or provisions of any kind, or shall fit out any vessel knowingly and with a design to trade with or supply or correspond with any pirate or robber upon the seas; or if any person or persons shall any ways consult, combine, confederate or correspond with any pirate or robber on the seas, knowing him to be guilty of any such piracy or robbery; or if any seaman shall confine the master of any ship or other vessel, or endeavour to make a revolt in such ship; (a) such person or persons so offending, and being thereof convicted, shall be imprisoned not exceeding three years, and fined not exceeding one thousand dollars.

Confederacy to become pirates, how punished.
Act of March 3, 1825, ch. 65, sec. 6, sec. 22.

SEC. 13. *And be it [further] enacted*, That if any person or persons, within any of the places upon the land under the sole and exclusive jurisdiction of the United States, or upon the high seas, in any vessel belonging to the United States, or to any citizen or citizens thereof, on purpose and of malice aforethought, shall unlawfully cut off the ear or ears, or cut out or disable the tongue, put out an eye, slit the nose, cut off the nose or a lip, or cut off or disable any limb or member of any person, with intention in so doing to maim or disfigure such person in any the manners before mentioned, then and in every such case the person or persons so offending, their counsellors, aiders and abettors (knowing of and privy to the offence aforesaid) shall on conviction, be imprisoned not exceeding seven years, and fined not exceeding one thousand dollars.

Maiming, what cases shall be judged, and how punished.
Act of March 3, 1825, ch. 65, sec. 22.

SEC. 14. *And be it [further] enacted*, That if any person or persons shall falsely make, alter, forge or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or willingly act or assist in the false making, altering, forging or counterfeiting any certificate, indent, or other public security of the United States, or shall utter, put off, or offer, or cause to be uttered, put off, or offered in payment or for sale any such false, forged, altered or counterfeited certificate, indent or other public security, with intention to defraud any person, knowing the same to be false, altered, forged or counterfeited, and shall be thereof convicted, every such person shall suffer death. (b)

Forgery, what cases shall be judged, and how punished.
Act of March 3, 1825, ch. 65, sec. 17, 18, 19, 20, act of March 3, 1823, ch. 36.

SEC. 15. *And be it [further] enacted*, That if any person shall feloniously steal, take away, alter, falsify, or otherwise avoid any record, writ, process, or other proceedings in any of the courts of the United States, by means whereof any judgment shall be reversed, made void, or not take effect, or if any person shall acknowledge or procure to be acknowledged in any of the courts aforesaid, any recognizance, bail or judgment, in the name or names of any other person or persons not privy or consenting to the same, every such person or persons on conviction thereof, shall be fined not exceeding five thousand dollars, or be impris-

Stealing or falsifying any record, process, &c. how punished.

(a) Although the crimes act of 1790, sec. 12, does not define the offence of endeavouring to make a revolt, it is competent for the court to give a judicial definition of it. *United States v. Kelley*, 11 *Wheat.* 417; 6 *Cond. Rep.* 370.

A revolt, is the usurpation of the authority and command of the ship, and an overthrow of that of the master, or commanding officer. Any conspiracy to accomplish such an object, or to resist a lawful command of the master for such purpose; any endeavour to stir up others of the crew to such resistance, is an endeavour to make a revolt, within the meaning of the 12th section of the act of 1790. *United States v. Hemmer et al.*, 4 *Mason's C. C. R.* 105. See also *United States v. Keefe*, 3 *Mason's C. C. R.* 475; 5 *Mason's C. C. R.* 460. *United States v. Smith*, 1 *Mason's C. C. R.* 147. *United States v. Hamilton*, 1 *Mason's C. C. R.* 443. *United States v. Kelley*, 4 *Wash. C. C. R.* 528.

(b) See *United States v. Turner*, 7 *Peters*, 132. *United States v. Brewster*, 7 *Peters*, 164. *United States v. Stewart*, 4 *Wash. C. C. R.* 226. *United States v. Reuben Moses*, 4 *Wash. C. C. R.* 726. *United States v. Morrow*, 4 *Wash. C. C. R.* 733. *United States v. Britton*, 2 *Mason's C. C. R.* 464. *United States v. Hinman*, 1 *Baldwin's C. C. R.* 292. *United States v. Mitchell*, 1 *Baldwin's C. C. R.* 366.

Exceptions.

soned not exceeding seven years, and whipped not exceeding thirty-nine stripes. *Provided nevertheless*, That this act shall not extend to the acknowledgment of any judgment or judgments by any attorney or attorneys, duly admitted for any person or persons against whom any such judgment or judgments shall be had or given.

Larceny, what cases shall be judged, and how punished.
Act of March 3, 1825, ch. 27.

SEC. 16. *And be it [further] enacted*, That if any person within any of the places under the sole and exclusive jurisdiction of the United States, or upon the high seas, shall take and carry away, with an intent to steal or purloin the personal goods of another; or if any person or persons, having at any time hereafter the charge or custody of any arms, ordnance, munition, shot, powder, or habiliments of war belonging to the United States, or of any victuals provided for the victualing of any soldiers, gunners, marines or pioneers, shall for any lucre or gain, or wittingly, advisedly, and of purpose to hinder or impede the service of the United States, embezzle, purloin or convey away any of the said arms, ordnance, munition, shot or powder, habiliments of war, or victuals, that then and in every of the cases aforesaid, the person or persons so offending, their counsellors, aiders and abettors (knowing of and privy to the offences aforesaid) shall, on conviction, be fined not exceeding the fourfold value of the property so stolen, embezzled or purloined; the one moiety to be paid to the owner of the goods, or the United States, as the case may be, and the other moiety to the informer and prosecutor, and be publicly whipped, not exceeding thirty-nine stripes. (a)

Receivers of stolen goods, &c. how punished.
Act of March 3, 1825, ch. 27.

SEC. 17. *And be it further enacted*, That if any person or persons, within any part of the jurisdiction of the United States as aforesaid, shall receive or buy any goods or chattels that shall be feloniously taken or stolen from any other person, knowing the same to be stolen, or shall receive, harbour or conceal any felons or thieves, knowing them to be so, he or they being of either of the said offences legally convicted, shall be liable to the like punishments as in the case of larceny before are prescribed.

Perjury how punished.

SEC. 18. *And be it [further] enacted*, That if any person shall wilfully and corruptly commit perjury, (b) or shall by any means procure any person to commit corrupt and wilful perjury, on his or her oath or affirmation in any suit, controversy, matter or cause depending in any of the courts of the United States, or in any deposition taken pursuant to the laws of the United States, every person so offending, and being thereof convicted, shall be imprisoned not exceeding three years, and fined not exceeding eight hundred dollars; and shall stand in the pillory for one hour, and be thereafter rendered incapable of giving testimony in any of the courts of the United States, until such time as the judgment so given against the said offender shall be reversed.

In prosecutions for perjury, shall be sufficient to set forth substance of the charge.

SEC. 19. *And be it [further] enacted*, That in every presentment or indictment to be prosecuted against any person for wilful and corrupt perjury, it shall be sufficient to set forth the substance of the offence charged upon the defendant, and by what court, or before whom the oath or affirmation was taken, (averring such court, or person or persons to have a competent authority to administer the same) together with the proper averment or averments to falsify the matter or matters wherein the perjury or perjuries is or are assigned; without setting forth the bill, answer, information, indictment, declaration, or any part of any record or proceeding, either in law or equity, other than as aforesaid, and without setting forth the commission or authority of the court, or person or persons before whom the perjury was committed.

SEC. 20. *And be it further enacted*, That in every presentment or

(a) United States v. Davis, 5 Mason's C. C. R. 356. United States v. Clew, 4 Wash. C. C. R. 700. United States v. Hamilton, 1 Mason's C. C. R. 152. United States v. Lawrence Coombs, 12 Peters, 72.
(b) United States v. Bailey, 9 Peters, 298. United States v. Kendrick, 2 Mason's C. C. R. 69. United States v. Clark, 1 Gallis' C. C. R. 497. United States v. Passmore, 4 Dall. 372, 378.

indictment for subornation of perjury, or for corrupt bargaining or contracting with others to commit wilful and corrupt perjury, it shall be sufficient to set forth the substance of the offence charged upon the defendant, without setting forth the bill, answer, information, indictment, declaration, or any part of any record or proceeding, either in law or equity, and without setting forth the commission or authority of the court, or person or persons before whom the perjury was committed, or was agreed or promised to be committed.

Proceedings for subornation of perjury.

SEC. 21. *And be it [further] enacted*, That if any person shall, directly or indirectly, give any sum or sums of money, or any other bribe, present or reward, or any promise, contract, obligation or security, for the payment or delivery of any money, present or reward, or any other thing to obtain or procure the opinion, judgment or decree of any judge or judges of the United States, in any suit, controversy, matter or cause depending before him or them, and shall be thereof convicted, such person or persons so giving, promising, contracting or securing to be given, paid or delivered, any sum or sums of money, present, reward or other bribe as aforesaid, and the judge or judges who shall in any wise accept or receive the same, on conviction thereof shall be fined and imprisoned at the discretion of the court; and shall forever be disqualified to hold any office of honour, trust or profit under the United States.(a)

Bribery, what cases shall be judged, and how punished.

SEC. 22. *And be it [further] enacted*, That if any person or persons shall knowingly and wilfully obstruct, resist or oppose any officer of the United States, in serving or attempting to serve or execute any mesne process, or warrant, or any rule or order of any of the courts of the United States, or any other legal or judicial writ or process whatsoever, or shall assault, beat or wound any officer, or other person duly authorized, in serving or executing any writ, rule, order, process or warrant aforesaid, every person so knowingly and wilfully offending in the premises, shall, on conviction thereof, be imprisoned not exceeding twelve months, and fined not exceeding three hundred dollars.(b)

Obstruction of process, how punished.

SEC. 23. *And be it further enacted*, That if any person or persons shall by force set at liberty, or rescue any person who shall be found guilty of treason, murder, or any other capital crime, or rescue any person convicted of any of the said crimes, going to execution, or during execution, every person so offending, and being thereof convicted, shall suffer death. And if any person shall by force set at liberty, or rescue any person who before conviction shall stand committed for any of the capital offences aforesaid; or if any person or persons shall by force set at liberty, or rescue any person committed for or convicted of any other offence against the United States, every person so offending shall, on conviction, be fined not exceeding five hundred dollars, and imprisoned not exceeding one year.

Rescue of persons convicted, or before conviction to be punished by death.

Rescue before conviction.

SEC. 24. *Provided always, and be it enacted*, That no conviction or judgment for any of the offences aforesaid, shall work corruption of blood, or any forfeiture of estate.

No conviction to work corruption of blood, or forfeiture of estate.

SEC. 25. *And be it [further] enacted*, That if any writ or process shall at any time hereafter be sued forth or prosecuted by any person or persons, in any of the courts of the United States, or in any of the courts

Article 3, sec. 2, Constitution U. States.

(a) An offer of a bribe made in a letter directed to New York, and put into the post-office in Philadelphia, will sustain an indictment in the district of Pennsylvania. *United States v. Worrall*, 2 Dall. 388.

(b) The offence of obstructing process consists in refusing to give up possession, or opposing or obstructing the execution of the writ by threats of violence, which it is in the power of the person to enforce; and thus preventing the officer from executing his writ. *United States v. Lowry*, 2 Wash. C. C. R. 169.

The 22d section of the act of 1790, prohibits the obstruction of process of every species, legal and judicial; whether issued by the court in session, or by a judge or magistrate acting in that capacity out of court, in execution of the laws of the United States. On an indictment under this section, for resisting an officer, it is not necessary that it should appear that the accused used, or even threatened violence. *United States v. Lukins*, 3 Wash. C. C. R. 335.

Process sued in any court of the U. States, or of a particular state, against a foreign minister, void ; and

Persons suing the same, how punished :

Exception as to debts contracted prior to entering into the service of ambassador, &c.

Violation of a safe conduct, or to the person of public minister, how punished.

In cases of treason, prisoner shall have copy of indictment, list of the jury and witnesses, &c.

In other capital cases, copy of indictment and list of the jury ; also to be allowed counsel.

of a particular state, or by any judge or justice therein respectively, whereby the person of any ambassador or other public minister of any foreign prince or state, authorized and received as such by the President of the United States, or any domestic or domestic servant of any such ambassador or other public minister, may be arrested or imprisoned, or his or their goods or chattels be distrained, seized or attached, such writ or process shall be deemed and adjudged to be utterly null and void to all intents, construction and purposes whatsoever. (a)

SEC. 26. *And be it [further] enacted,* That in case any person or person shall sue forth or prosecute any such writ or process, such person or persons, and all attorneys or solicitors prosecuting or soliciting in such case, and all officers executing any such writ or process, being thereof convicted, shall be deemed violaters of the laws of nations, and disturbers of the public repose, and imprisoned not exceeding three years, and fined at the discretion of the court.

SEC. 27. *Provided nevertheless,* That no citizen or inhabitant of the United States, who shall have contracted debts prior to his entering into the service of any ambassador or other public minister, which debts shall be still due and unpaid, shall have, take or receive any benefit of this act ; nor shall any person be proceeded against by virtue of this act, for having arrested or sued any other domestic servant of any ambassador or other public minister, unless the name of such servant be first registered in the office of the Secretary of State, and by such secretary transmitted to the marshal of the district in which Congress shall reside, who shall upon receipt thereof affix the same in some public place in his office, whereto all persons may resort and take copies without fee or reward.

SEC. 28. *And be it [further] enacted,* That if any person shall violate any safe-conduct or passport duly obtained and issued under the authority of the United States, or shall assault, strike, wound, imprison, or in any other manner infract the law of nations, by offering violence to the person of an ambassador or other public minister, such person so offending, on conviction, shall be imprisoned not exceeding three years, and fined at the discretion of the court.

SEC. 29. *And be it [further] enacted,* That any person who shall be accused and indicted of treason, shall have a copy of the indictment, and a list of the jury and witnesses, to be produced on the trial for proving the said indictment, mentioning the names and places of abode of such witnesses and jurors, delivered unto him at least three entire days before he shall be tried for the same ; and in other capital offences, shall have such copy of the indictment and list of the jury two entire days at least before the trial : And that every person so accused and indicted for any of the crimes aforesaid, shall also be allowed and admitted to make his full defence by counsel learned in the law ; and the court before whom such person shall be tried, or some judge thereof, shall, and they are hereby authorized and required immediately upon his request to assign to such person such counsel, not exceeding two, as such person shall desire, to whom such counsel shall have free access at all seasonable hours ; and every such person or persons accused or in-

(a) The decisions of the courts of the United States upon the provisions of the sections of this statute, relative to process against foreign ministers and officers, for the violation of their immunities, have been : The United States v. Hand, 2 Wash. C. C. R. 436. United States v. William Liddle, 2 Wash. C. C. R. 205. Ex parte Cabrera, 1 Wash. C. C. R. 232.

An indictment under the 27th section of the act of 1790, for infracting the laws of nations by offering violence to the person of a foreign minister, is not a case affecting ambassadors, other public ministers, and consuls, within the first clause of the 2d section of the 3d article of the constitution of the United States. The United States v. Ortega, 11 Wheat. 467 ; 6 Cond. Rep. 394.

If a foreign minister commits the first assault, he forfeits his immunity, so far as to excuse the defendant for returning it. *Ibid.*

It is no defence upon such indictment, that the defendant was ignorant of the public character of the minister. *Ibid.* See also United States v. Benner, Baldwin's C. C. R. 240.

dicted of the crimes aforesaid, shall be allowed and admitted in his said defence to make any proof that he or they can produce, by lawful witness or witnesses, and shall have the like process of the court where he or they shall be tried, to compel his or their witnesses to appear at his or their trial, as is usually granted to compel witnesses to appear on the prosecution against them.

SEC. 30. *And be it further enacted*, That if any person or persons be indicted of treason against the United States, and shall stand mute or refuse to plead, or shall challenge peremptorily above the number of thirty-five of the jury; or if any person or persons be indicted of any other of the offences herein before set forth, for which the punishment is declared to be death, if he or they shall also stand mute or will not answer to the indictment, or challenge peremptorily above the number of twenty persons of the jury; the court, in any of the cases aforesaid, shall notwithstanding proceed to the trial of the person or persons so standing mute or challenging, as if he or they had pleaded not guilty, and render judgment thereon accordingly.

SEC. 31. *And be it further enacted*, That the benefit of clergy shall not be used or allowed, upon conviction of any crime, for which, by any statute of the United States, the punishment is or shall be declared to be death.

SEC. 32. *And be it further enacted*, That no person or persons shall be prosecuted, tried or punished for treason or other capital offence aforesaid, wilful murder or forgery excepted, unless the indictment for the same shall be found by a grand jury within three years next after the treason or capital offence aforesaid shall be done or committed; nor shall any person be prosecuted, tried or punished for any offence, not capital, nor for any fine or forfeiture under any penal statute, unless the indictment or information for the same shall be found or instituted within two years from the time of committing the offence, or incurring the fine or forfeiture aforesaid: *Provided*, That nothing herein contained shall extend to any person or persons fleeing from justice.

SEC. 33. *And be it further enacted*, That the manner of inflicting the punishment of death, shall be by hanging the person convicted by the neck until dead.

APPROVED, April 30, 1790.

CHAP. X.—*An Act for regulating 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 commissioned officers herein after mentioned, and the number of one thousand two hundred and sixteen non-commissioned officers, privates and musicians, shall be raised for the service of the United States, for the period of three years, unless they should previously by law be discharged.

SEC. 2. *And be it further enacted*, That the non-commissioned officers and privates aforesaid shall, at the time of their enlistments respectively, be able-bodied men, not under five feet six inches in height, without shoes; nor under the age of eighteen, nor above the age of forty-six years.

SEC. 3. *And be it further enacted*, That the commissioned officers herein after mentioned, and the said non-commissioned officers, privates and musicians, shall be formed into one regiment of infantry, to consist of three battalions, and one battalion of artillery. The regiment of infantry to be composed of one lieutenant-colonel commandant, three majors, three adjutants, three quartermasters, one paymaster, one surgeon, two surgeon's mates, and twelve companies, each of which shall consist of one captain, one lieutenant, one ensign, four sergeants, four

and with process to compel the attendance of witnesses.

In cases of treason or other capital offence, prisoner standing mute, how to be proceeded against.

Act of March 3, 1825, ch. 65, sec. 14.

No benefit of clergy in cases where the punishment is death.

No prosecution or punishment for treason or other capital offence unless indictment be found within three years, nor in other cases unless within two years;

except the offender flee.

Punishment of death to be by hanging.

STATUTE II.

April 30, 1790.

Repealed by Act of March 3, 1795, ch. 44, sec. 18.

Number of troops, and term of service.

Of what size and age.

How formed into regiments and battalions.

corporals, sixty-six privates, and two musicians. The battalion of artillery shall be composed of one major commandant, one adjutant, one quartermaster, one paymaster, one surgeon's mate, and four companies; each of which shall consist of one captain, two lieutenants, four sergeants, four corporals, sixty-six privates, and two musicians: *Provided always*, That the adjutants, quartermasters, and paymasters, shall be appointed from the line of subalterns of the aforesaid corps respectively.

Inspectors;
their duty, &c.

SEC. 4. *And be it further enacted*, That the President of the United States may from time to time appoint one or two inspectors, as to him shall seem meet, to inspect the said troops, who shall also muster the same, and each of whom shall receive the like pay and subsistence as a captain, and be allowed ten dollars per month for forage.

Pay of the
troops;

SEC. 5. *And be it further enacted*, That the troops aforesaid shall receive for their services the following enumerated monthly rates of pay: Lieutenant-colonel commandant, sixty dollars; major commandant of artillery, forty-five dollars; majors, forty dollars; captains, thirty dollars; lieutenants, twenty-two dollars; ensigns, eighteen dollars; surgeons, thirty dollars; surgeon's mates, twenty-four dollars; sergeants, five dollars; corporals, four dollars; privates, three dollars; senior musician in each battalion of infantry, and in the battalion of artillery, five dollars; musicians, three dollars: *Provided always*, That the sums herein after specified, shall be deducted from the pay of the non-commissioned officers, privates and musicians stipulated as aforesaid, for the purposes of forming a fund for clothing and hospital stores. From the monthly pay of each sergeant and senior musician, there shall be deducted for uniform clothing, the sum of one dollar and forty cents, and the farther sum of ten cents for hospital stores; and from the monthly pay of each corporal, for uniform clothing, one dollar and fifteen cents, and the farther sum of ten cents for hospital stores; and from the monthly pay of each private and musician, for uniform clothing, the sum of ninety cents, and the farther sum of ten cents for hospital stores.

deductions for
clothing and
hospital stores.

Adjutants,
quarter, and
paymaster's ad-
ditional pay.

SEC. 6. *And be it further enacted*, That the subalterns who may be appointed to act as adjutants, shall each receive for the same, in addition to their regimental pay, ten dollars per month; and quarter and paymasters so appointed, each five dollars per month.

Officers, what
rations allowed
to for daily sub-
sistence.

SEC. 7. *And be it further enacted*, That the commissioned officers aforesaid, shall receive for their daily subsistence, the following number of rations of provisions—to wit: Lieutenant-colonel commandant, six; a major, four; a captain, three; a lieutenant, two; an ensign, two; a surgeon, three; a surgeon's mate, two, or money in lieu thereof, at the option of the said officers, at the contract price at the posts respectively where the rations shall become due.

Also, money
in lieu of for-
age.

SEC. 8. *And be it further enacted*, That the commissioned officers herein after described, shall receive monthly the following enumerated sums, instead of forage: Lieutenant-colonels commandant, twelve dollars; major commandant of artillery, majors and surgeon each, ten dollars; surgeon's mates each, six dollars.

Privates, what
clothing shall
receive annu-
ally;

SEC. 9. *And be it further enacted*, That every non-commissioned officer, private and musician aforesaid, shall receive annually the following articles of uniform clothing: One hat or helmet, one coat, one vest, two pair of woollen and two pair of linen overalls, four pair of shoes, four shirts, two pair of socks, one blanket, one stock and clasp, and one pair of buckles.

and daily ra-
tions.

SEC. 10. *And be it further enacted*, That every non-commissioned officer, private and musician aforesaid, shall receive daily the following rations of provisions, or the value thereof: One pound of beef, or three quarters of a pound of pork, one pound of bread or flour, half a gill of rum, brandy or whisky, or the value thereof at the contract price where the same shall become due, and at the rate of one quart of salt,

two quarts of vinegar, two pounds of soap, and one pound of candles, to every hundred rations.

SEC. 11. *And be it further enacted*, That if any commissioned officer, non-commissioned officer, private or musician aforesaid, shall be wounded or disabled while in the line of his duty in public service, he shall be placed on the list of the invalids of the United States, at such rate of pay, and under such regulations as shall be directed by the President of the United States, for the time being: *Provided always*, That the rate of compensation for such wounds or disabilities, shall never exceed for the highest disability, half the monthly pay received by any commissioned officer, at the time of being so wounded or disabled; and that the rate of compensation to non-commissioned officers, privates and musicians, shall never exceed five dollars per month. *And provided also*, That all inferior disabilities shall entitle the persons so disabled, to receive only a sum in proportion to the highest disability.

If wounded or disabled, what compensation.

SEC. 12. *And be it further enacted*, That every commissioned officer, non-commissioned officer, private and musician aforesaid, shall take and subscribe the following oath or affirmation—to wit: "I, A. B. do solemnly swear or affirm (as the case may be) to bear true allegiance to the United States of America, and to serve them honestly and faithfully against all their enemies or opposers whomsoever, and to observe and obey the orders of the President of the United States of America, and the orders of the officers appointed over me, according to the articles of war."

Officers and privates to take an oath of allegiance to the United States; and

SEC. 13. *And be it further enacted*, That the commissioned officers, non-commissioned officers, privates and musicians aforesaid, shall be governed by the rules and articles of war, which have been established by the United States in Congress assembled, as far as the same may be applicable to the constitution of the United States, or by such rules and articles as may hereafter by law be established.

be governed by the articles of war.

SEC. 14. *And be it further enacted*, That the "act for recognizing and adapting to the constitution of the United States, the establishment of the troops raised under the resolves of the United States in Congress assembled, and for other purposes therein mentioned," passed the twenty-ninth day of September, one thousand seven hundred and eighty-nine, be, and the same is hereby repealed.

Former establishment of troops repealed.

Act of Sept. 29, 1789, ch. 25.

SEC. 15. *Provided always*, That the non-commissioned officers and privates continued and engaged under the aforesaid act of the twenty-ninth day of September, one thousand seven hundred and eighty-nine, and who shall decline to re-enlist under the establishment made by this act, shall be discharged whenever the President of the United States shall direct the same. *Provided further*, That the whole number of non-commissioned officers, privates and musicians, in the service of the United States at any one time, either by virtue of this act, or by virtue of the aforesaid act, passed the twenty-ninth day of September, one thousand seven hundred and eighty-nine, shall not exceed the number of one thousand two hundred and sixteen.

Certain exceptions; and

SEC. 16. *And be it further enacted*, That for the purpose of aiding the troops now in service, or to be raised by this act, in protecting the inhabitants of the frontiers of the United States, the President is hereby authorized to call into service from time to time such part of the militia of the states respectively, as he may judge necessary for the purpose aforesaid; and that their pay and subsistence while in service, be the same as the pay and subsistence of the troops above mentioned, and they shall be subject to the rules and articles of war.

for further defence, President may call out militia.

APPROVED, April 30, 1790.

STATUTE II.
May 26, 1790.

CHAP. XI.—*An Act to prescribe the mode in which the public Acts, Records, and judicial Proceedings in each State, shall be authenticated so as to take effect in every other State.*

Act of March 27, 1804, ch. 56. Legislative acts, records and judicial proceedings of the several states how to be authenticated; and the effect thereof.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the acts of the legislatures of the several states shall be authenticated by having the seal of their respective states affixed thereto: That the records and judicial proceedings of the courts of any state, shall be proved or admitted in any other court within the United States, by the attestation of the clerk, and the seal of the court annexed, if there be a seal, together with a certificate of the judge, chief justice, or presiding magistrate, as the case may be, that the said attestation is in due form. And the said records and judicial proceedings authenticated as aforesaid, shall have such faith and credit given to them in every court within the United States, as they have by law or usage in the courts of the state from whence the said records are or shall be taken. (a)

APPROVED, May 26, 1790.

STATUTE II.

May 26, 1790.

CHAP. XII.—*An Act to provide for mitigating or remitting the forfeitures and penalties accruing under the revenue laws, in certain cases therein mentioned.*

[Expired.] Act of March 3, 1797, ch. 13. Act of Feb. 11, 1800, ch. 6. Act of March 2, 1821, ch. 13, sec. 3. Act of March 1, 1823, ch. 21, sec. 8. Mitigation of penalties, &c. how to be applied for; and

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whenever any person who now is, or hereafter shall be liable to a fine, penalty or forfeiture, or interested in any vessel, goods, wares or merchandise, or other thing which may be subject to seizure and forfeiture, by force of the laws of the United States now existing, or which may hereafter exist, for collecting duties of impost and tonnage, and for regulating the coasting trade, shall prefer his petition to the judge of the district in which such fine, penalty or forfeiture may have accrued, truly and particularly setting forth the circumstances of his case, and shall pray that the same may be mitigated or remitted; the said judge shall inquire in a summary manner into the circumstances of the case, first causing reasonable notice to be given to the person or persons claiming such fine, penalty or forfeiture, and to the attorney of the United States for such district, that each may have an opportunity of showing cause against the mitigation or remission thereof; and shall cause the facts which shall appear upon such inquiry, to be stated and annexed to the petition, and direct their transmission to the Secretary of the Treasury

(a) Art. 4, sec. 1, Constitution of the United States.—The decisions of the courts of the United States upon this statute, and on the introduction in evidence of the “acts, records, and judicial proceedings of the States,” have been:

Under the fourth article and 1st section of the constitution of the United States, and the act of 26th May, 1790, if a judgment has the effect of record evidence in the courts of the State from which it is taken, it has the same effect in the courts of every other State; and the plea of *nil debet* is not a good plea to an action brought upon such judgment in a court of another State. *Mills v. Duryee*, 7 Cranch, 483; 2 Cond. Rep. 578. See *Leland v. Wilkinson*, 6 Peters, 317. *United States v. Johns*, 4 Dall. 412. *Ferguson v. Harwood*, 7 Cranch, 408; 2 Cond. Rep. 548. *Drummond's adm'rs v. Magruder's trustees*, 9 Cranch, 122; 3 Cond. Rep. 303.

Under the act of May 26, 1790, prescribing the mode in which the public records in each State shall be authenticated, so as to take effect in every other State, copies of the legislative acts of the several States, authenticated by having the seal of the State affixed thereto, are conclusive evidence of such acts in every other State. No other formality is required, than the annexation of the seal, and in the absence of all contrary proof, it must be presumed to have been done by an officer having the custody thereof, and competent authority to do the act. *United States v. Amedy*, 11 Wheat. 392; 6 Cond. Rep. 362.

The record of a judgment in one State is conclusive in another, although it appears that the suit in which it was rendered was commenced by an attachment of property, the defendant having afterwards appeared and taken defence. *Mayhew v. Thatcher*, 6 Wheat. 129; 5 Cond. Rep. 34.

In an action upon a judgment, in another State, the defendant cannot plead any fact in bar which contradicts the record on which the suit is brought. *Field v. Gibbs*, Peters' C. C. R. 155. See *Green v. Sarmiento*, Peters' C. C. R. 74. *Blount v. Darrah*, 4 Wash. C. C. R. 657. *Turner v. Waddington*, 3 Wash. C. C. R. 126.

of the United States, who shall thereupon have power to mitigate or remit such fine, penalty or forfeiture, or any part thereof, if in his opinion the same was incurred without wilful negligence or any intention of fraud, and to direct the prosecution, if any shall have been instituted for the recovery thereof, to cease and be discontinued, upon such terms or conditions as he may deem reasonable and just. (a) *Provided*, That nothing herein contained shall be construed to affect the right or claim of any person, to that part of any fine, penalty or forfeiture, incurred by breach of either of the laws aforesaid, which such person may be entitled to by virtue of the said laws, in cases where a prosecution has been commenced, or information has been given before the passing of this act; the amount of which right and claim shall be assessed and valued by the judge of the district, in a summary manner.

by whom granted;

Not to affect cases of previous information.

SEC. 2. *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.

Continuance of the act.

APPROVED, May 26, 1790.

STATUTE II.

CHAP. XIII.—*An Act to continue in force an act passed at the last session of Congress, entitled "An act to regulate processes in the Courts of the United States."*

May 26, 1790.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act, entitled "An act to regulate processes in the courts of the United States," passed on the twenty-ninth day of September last, shall be, and the same is hereby continued in force until the end of the next session of Congress, and no longer.

[Expired.]
Act of Sept. 29, 1789, ch. 21.

APPROVED, May 26, 1790.

STATUTE II.

CHAP. XIV.—*An Act for the Government of the Territory of the United States, south of the river Ohio.* (b)

May 26, 1790.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the territory of the United States south of the river Ohio, for the purposes of temporary government, shall be one district; the inhabitants of which shall enjoy all the privileges, benefits and advantages set forth in the ordinance of the late Congress, for the government of the territory of the United States northwest of the river Ohio. And the government of the said territory south of the Ohio, shall be similar to that which is now exercised in the territory northwest of the Ohio; except so far as is otherwise provided in the conditions expressed in an act of Congress of the present session, entitled "An act to accept a cession of the claims of the State of North Carolina, to a certain district of western territory."

Act of June 1, 1796, ch. 46.
Act of April 7, 1798, ch. 26.
Territory south of the Ohio, to be one district; its privileges and government:
Act of August 7, 1789, ch. 8.
Exceptions.

SEC. 2. *And be it further enacted*, That the salaries of the officers, which the President of the United States shall nominate, and with the advice and consent of the Senate appoint, by virtue of this act, shall be the same as those, by law established, of similar officers in the government 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 the governor.

Act of April 2, 1790, ch. 6.
Salaries of the officers therein.

APPROVED, May 26, 1790.

(a) The decisions of the courts of the United States upon this act, and on subsequent acts, in pari materia, have been: *McLean v. The United States*, 6 Peters, 404. *United States v. Morris*, 10 Wheat, 246; 6 Cond. Rep. 90. *Cross v. The United States*, 1 Gallis' C. C. R. 26. *The Margarett*, 2 Gallis' C. C. R. 515. *The United States v. The Hunter*, Peters' C. C. R. 10. *The United States v. Lancaster*, 4 Wash. C. C. R. 64.

(b) Ordinance for the government of the territory of the United States, northwest of the river Ohio, in note to page 51.

STATUTE II.
May 31, 1790.

Repealed.
Act of April
29, 1802, ch. 36.
Act of Feb. 15,
1819, ch. 19. Act
of Feb. 3, 1831,
ch. 16. June 30,
1834, ch. 157.
Authors of
maps, charts
and books;
and purchasers
from them, to
have the sole
right of publica-
tion &c. for 14
years;

recording the
title, &c.

Also, if living
at the end of
that term, to
have the further
term of 14 years;
recording the
title, &c.

Other persons
printing, &c.
without consent
of the author,
how to be pro-
ceeded against
and punished.

CHAP. XV.—*An Act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned.* (a)

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, the author and authors of any map, chart, book or books already printed within these United States, being a citizen or citizens thereof, or resident within the same, his or their executors, administrators or assigns, who hath or have not transferred to any other person the copyright of such map, chart, book or books, share or shares thereof; and any other person or persons, being a citizen or citizens of these United States, or residents therein, his or their executors, administrators or assigns, who hath or have purchased or legally acquired the copyright of any such map, chart, book or books, in order to print, reprint, publish or vend the same, shall have the sole right and liberty of printing, reprinting, publishing and vending such map, chart, book or books, for the term of fourteen years from the recording the title thereof in the clerk's office, as is herein after directed: And that the author and authors of any map, chart, book or books already made and composed, and not printed or published, or that shall hereafter be made and composed, being a citizen or citizens of these United States, or resident therein, and his or their executors, administrators or assigns, shall have the sole right and liberty of printing, reprinting, publishing and vending such map, chart, book or books, for the like term of fourteen years from the time of recording the title thereof in the clerk's office as aforesaid. And if, at the expiration of the said term, the author or authors, or any of them, be living, and a citizen or citizens of these United States, or resident therein, the same exclusive right shall be continued to him or them, his or their executors, administrators or assigns, for the further term of fourteen years: *Provided*, he or they shall cause the title thereof to be a second time recorded and published in the same manner as is herein after directed, and that within six months before the expiration of the first term of fourteen years aforesaid.

SEC. 2. *And be it further enacted,* That if any other person or persons, from and after the recording the title of any map, chart, book or books, and publishing the same as aforesaid, and within the times limited and granted by this act, shall print, reprint, publish, or import, or cause to be printed, reprinted, published, or imported from any foreign kingdom or state, any copy or copies of such map, chart, book or books, without the consent of the author or proprietor thereof, first had and obtained in writing, signed in the presence of two or more credible witnesses; or knowing the same to be so printed, reprinted, or imported, shall publish, sell, or expose to sale, or cause to be published, sold, or

(a) *Wheaton and Donaldson v. Peters et al.*, 8 Peters, 591. *Binns v. Woodruff*, 4 Wash. C. C. R. 48. *Ewer v. Coxe et al.*, 4 Wash. C. C. R. 487.

Congress, by the act of 1790, instead of sanctioning an existing, perpetual copyright in an author in his works, created the right, secured for a limited time by the provisions of the law. *Wheaton et al. v. Peters et al.*, 8 Peters, 591.

The acts required by the laws of the United States to be done by an author to secure his copyright, are in the order in which they must naturally transpire. First, the title of the book must be deposited with the clerk, and the record he makes must be inserted on the first or second page; then public notice in the newspapers must be given; and within six months after the publication of the book, a copy must be deposited in the department of state. These are acts which the law requires to be done. Every requisite under both acts of Congress is essential to the title. *Ibid.*

In the 8th section of the 1st article of the constitution of the United States, it is declared that Congress shall have power "to promote the progress of the useful arts by securing for a limited time to authors and inventors, the exclusive right to their writings and inventions." The word "secure," as used in the constitution, could not mean the protection of an acknowledged legal right. It refers to inventors as well as authors, and it has never been pretended by any one, either in this country or in England, that an inventor has a perpetual right at common law, to sell the thing invented. *Ibid.*

Every requisite under both acts of Congress relative to copyrights, is essential to the title. *Ibid.*

exposed to sale, any copy of such map, chart, book or books, without such consent first had and obtained in writing as aforesaid, then such offender or offenders shall forfeit all and every copy and copies of such map, chart, book or books, and all and every sheet and sheets, being part of the same, or either of them, to the author or proprietor of such map, chart, book or books, who shall forthwith destroy the same: And every such offender and offenders shall also forfeit and pay the sum of fifty cents for every sheet which shall be found in his or their possession, either printed or printing, published, imported or exposed to sale, contrary to the true intent and meaning of this act, the one moiety thereof to the author or proprietor of such map, chart, book or books who shall sue for the same, and the other moiety thereof to and for the use of the United States, to be recovered by action of debt in any court of record in the United States, wherein the same is cognizable. *Provided always*, That such action be commenced within one year after the cause of action shall arise, and not afterwards.

1802, ch. 36,
sec. 3.

SEC. 3. *And be it further enacted*, That no person shall be entitled to the benefit of this act, in cases where any map, chart, book or books, hath or have been already printed and published, unless he shall first deposit, and in all other cases, unless he shall before publication deposit a printed copy of the title of such map, chart, book or books, in the clerk's office of the district court where the author or proprietor shall reside: And the clerk of such court is hereby directed and required to record the same forthwith, in a book to be kept by him for that purpose, in the words following, (giving a copy thereof to the said author or proprietor, under the seal of the court, if he shall require the same.) "Dis-

Conditions on which the benefit of this act shall be obtained.

trict of _____ day of _____ in the _____ year of the independence of the United States of America, A. B. of the said district, hath deposited in this office the title of a map, chart, book or books, (as the case may be) the right whereof he claims as author or proprietor, (as the case may be) in the words following, to wit: [here insert the title] in conformity to the act of the Congress of the United States, intitled 'An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned.' C. D. clerk of the district of _____."

For which the said clerk shall be entitled to receive sixty cents from the said author or proprietor, and sixty cents for every copy under seal actually given to such author or proprietor as aforesaid. And such author or proprietor shall, within two months from the date thereof, cause a copy of the said record to be published in one or more of the newspapers printed in the United States, for the space of four weeks.

1802, ch. 36,
sec. 1, 2.

SEC. 4. *And be it further enacted*, That the author or proprietor of any such map, chart, book or books, shall, within six months after the publishing thereof, deliver, or cause to be delivered to the Secretary of State a copy of the same, to be preserved in his office.

Authors to deliver a copy of their work to the Secretary of State.

SEC. 5. *And be it further enacted*, That nothing in this act shall be construed to extend to prohibit the importation or vending, reprinting or publishing within the United States, of any map, chart, book or books, written, printed, or published by any person not a citizen of the United States, in foreign parts or places without the jurisdiction of the United States.

No prohibition against importing, reprinting, &c. of foreign writings or publications.

SEC. 6. *And be it further enacted*, That any person or persons who shall print or publish any manuscript, without the consent and approbation of the author or proprietor thereof, first had and obtained as aforesaid, (if such author or proprietor be a citizen of or resident in these United States) shall be liable to suffer and pay to the said author or proprietor all damages occasioned by such injury, to be recovered by a

Penalty for publishing manuscripts without consent of the authors.

special action on the case founded upon this act, in any court having cognizance thereof.

Persons sued for any thing done under this act may give special matter in evidence.

SEC. 7. *And be it further enacted*, That if any person or persons shall be sued or prosecuted for any matter, act or thing done under or by virtue of this act, he or they may plead the general issue, and give the special matter in evidence.

APPROVED, May 31, 1790.

STATUTE II.

June 4, 1790.

CHAP. XVII.—*An Act for giving effect to an Act entitled "An Act to establish the Judicial Courts of the United States," within the State of North Carolina.*

Act of April 13, 1792 ch. 21. Judicial act declared in force as to N. Carolina. 1790, ch. 1. District court, its sessions, and

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the act intituled "An act to establish the judicial courts of the United States," shall have the like force and effect within the State of North Carolina, as elsewhere within the United States.

where held.

Annexed to southern circuit.

Circuit courts, their sessions.

SEC. 2. *And be it further enacted*, That the said state shall be one district, to be called North Carolina district; and there shall be a district court therein to consist of one judge, who shall reside in the district, and be called a district judge, and shall hold annually four sessions; the first to commence on the first Monday in July next, and the other three sessions progressively on the like Monday of every third calendar month afterwards. The stated district court shall be held at the town of Newbern.

SEC. 3. *And be it further enacted*, That the said district shall be, and the same is hereby annexed to the southern circuit. And there shall be held annually in the said district two circuit courts; the first session of the circuit court shall commence on the eighteenth day of June next, the second session on the eighth day of November next, and the subsequent sessions on the like days of every June and November afterwards, except when any of the days shall happen on a Sunday, and then the session shall commence on the next day following. And the sessions of the said circuit courts shall be held at Newbern.

Where held.

Salary of the judge.

SEC. 4. *And be it further enacted*, That there shall be allowed to the judge of the said district, the yearly compensation of fifteen hundred dollars, to commence from his appointment, and to be paid at the treasury of the United States in quarterly payments.

APPROVED, June 4, 1790.

STATUTE II.

June 4, 1790.

CHAP. XVIII.—*An Act supplemental to the Act for establishing the Salaries of the Executive Officers of Government, with their assistants and Clerks.*

Act of Sep. 11, 1789, ch. 13. Act of March 2, 1790, ch. 23. Secretary of State to appoint an additional clerk; with what salary.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the more effectually to do and perform the duties in the Department of State, the Secretary of the said department be, and is hereby authorized to appoint an additional clerk in his office, who shall be allowed an equal salary, to be paid in the same manner as is allowed by law to the chief clerk.

APPROVED, June 4, 1790.

STATUTE II.

June 14, 1790.

CHAP. XIX.—*An Act for giving effect to the several Acts therein mentioned, in respect to the State of Rhode Island and Providence Plantations.*

[Obsolete.] Acts of import and tonnage, declared in force as to

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the several and respective duties specified, and laid in and by the act, intituled "An act for laying a duty on goods, wares and merchandises im-

ported into the United States," and in and by the act, intituled "An act imposing duties on tonnage," shall be paid and collected upon all goods, wares and merchandises, which after the expiration of five days from the passing of this act, shall be imported into the state of Rhode Island and Providence Plantations, from any foreign port or place, and upon the tonnage of all ships and vessels, which after the said day shall be entered within the said state of Rhode Island and Providence Plantations, subject to the exceptions, qualifications, allowances and abatements in the said acts contained or expressed, which acts shall be deemed to have the like force and operation within the said state of Rhode Island and Providence Plantations, as elsewhere within the United States.

the state of R. Island.
Act of July 4, 1789, ch. 2.
Act of July 20, 1789, ch. 3.

SEC. 2. *And be it further enacted*, That for the due collection of the said duties, there shall be in the said State of Rhode Island and Providence Plantations, two districts—to wit: the district of Newport, and the district of Providence. The district of Newport shall comprehend all the waters, shores, bays, harbors, creeks and inlets, from the west line of the said state, all along the sea-coast, and northward up the Narraganset Bay, as far as the most easterly part of Kinnimicut Point at high water mark; and shall include the several towns, harbors and landing-places at Westerly, Charlestown, South Kingstown, North Kingstown, East Greenwich, and all that part of the town of Warwick southward of the latitude of said Kinnimicut Point; and also the towns, harbors and landing-places of Barrington, Warren, Bristol, Tiverton, Little Compton, and all the towns, harbors and landing-places of the island of Rhode Island, Kinnimicut, Prudence, New Shoreham, and every other island and place within the said state southward of the latitude of the said Kinnimicut Point. The district of Providence shall comprehend all the waters, shores, bays, harbors, creeks and inlets within the said state northward of the latitude of said Kinnimicut Point. The town of Newport shall be sole port of entry in the said district of Newport; and a collector, naval officer and surveyor shall be appointed, to reside at the said town of Newport; and North Kingstown, East Greenwich, Barrington, Warren, Bristol, and Pawcatuck river in Westerly, shall be ports of delivery only; and a surveyor shall be appointed, to reside at each of the ports of North Kingstown, East Greenwich, Warren, Bristol and Pawcatuck river, and the surveyor to reside at Warren shall be surveyor for the port of Barrington. The town of Providence shall be the sole port of entry in the said district of Providence; and Patuxet in the same district shall be a port of delivery only; and a collector, naval officer and surveyor shall be appointed, to reside at Providence, and a surveyor shall be appointed, to reside at Patuxet.

And for due collection, two districts established;

their limits and boundaries;

Ports of entry and delivery.

SEC. 3. *And be it further enacted*, That all the regulations, provisions, exceptions, allowances, compensations, directions, authorities, penalties, forfeitures, and other matters whatsoever contained or expressed in the act, intituled "An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares and merchandises imported into the United States," and not locally inapplicable, shall have the like force and effect within the said state of Rhode Island and Providence Plantations, for the collection of the said duties, as elsewhere within the United States, and as if the same were repeated and re-enacted in this present act: *Provided always, and be it declared*, That the thirty-ninth section of the said act, and the third section of an act, intituled "An act to suspend part of an act, intituled An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, or merchandises imported into the United States, and for other purposes," did, by virtue of the adoption of the constitution of the United States by the said state of Rhode Island and Providence Plantations, cease to operate in respect to the same.

Regulations, exceptions, &c.

1789, ch. 2.

Operation of parts of former acts to cease.

1789, ch. 15.

Act for registering vessels, and to regulate coasting trade declared in force.

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

SEC. 4. *And be it further enacted*, That the act, intituled "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes," shall, after the expiration of five days from the passing of this act, have the like force and operation within the state of Rhode Island and Providence Plantations, as elsewhere within the United States, and as if the several clauses thereof were repeated and re-enacted in this present act.

APPROVED, June 14, 1790.

STATUTE II.

June 23, 1790.

CHAP. XXI.—*An act for giving effect to an act intituled "An act to establish the Judicial Courts of the United States," within the State of Rhode Island and Providence Plantations.*

Act of April 13, 1792.

[Obsolete.]
Judicial act of Sep. 24, 1789, declared in force as to R. Island.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the act, intituled "An act to establish the judicial courts of the United States," shall have the like force and effect, within the State of Rhode Island and Providence Plantations, as elsewhere within the United States.

District court, its sessions,

SEC. 2. *And be it further enacted*, That the said state shall be one district, to be called Rhode Island district: and there shall be a district court therein, to consist of one judge, who shall reside in the district, and be called a district judge, and shall hold annually four sessions; the first to commence on the first Monday in August next, and the other three sessions progressively on the like Monday of every third calendar month afterwards. The stated district court shall be held alternately at the towns of Newport and Providence, beginning at the first.

where held.

Annexed to eastern circuit.

Circuit courts, their sessions,

SEC. 3. *And be it further enacted*, That the said district shall be, and the same is hereby annexed to the eastern circuit: and there shall be held annually in the said district two circuit courts; the first session of the circuit court shall commence on the fourth day of December next, the second session on the fourth day of June next, and the subsequent sessions on the like days of every December and June afterwards, except when any of the days shall happen on a Sunday, and then the session shall commence on the day following. And the sessions of the said circuit courts shall be held alternately at the said towns of Newport and Providence, beginning at the last.

where held.

Salary of the Judge.

SEC. 4. *And be it further enacted*, That there shall be allowed to the judge of the said district, the yearly compensation of eight hundred dollars, to commence from his appointment, and to be paid at the treasury of the United States, in quarterly payments.

APPROVED, June 23, 1790.

STATUTE II.

July 1, 1790.

CHAP. XXII.—*An Act providing the means of intercourse between the United States and foreign nations.*

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

Act of March 20, 1794, ch. 7.

President authorized to draw \$40,000.

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 charge 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

for outfit;

and salaries of ministers plenipotentiary, and

nine thousand dollars per annum, as a compensation for all his personal services and other expenses; nor a greater sum for the same, than four thousand five hundred dollars per annum to a charge 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: *And provided also*, That the President shall account specifically for all such expenditures of the said money as in his judgment may be made public, and also for the amount of such expenditures as he may think it advisable not to specify, and cause a regular statement and account thereof to be laid before Congress annually, and also lodged in the proper office of the treasury department.

SEC. 2. *And be it further enacted*, That this act shall continue and be in force for the space of two years, and from thence until the end of the next session of Congress thereafter, and no longer.

APPROVED, July 1, 1790.

charge des affaires, and minister's secretary; and to account specifically.

Continuance of this act.

STATUTE II.

July 5, 1790.

CHAP. XXV.—*An Act for giving effect to an act intituled "An act providing for the enumeration of the Inhabitants of the United States," in respect to the state of Rhode Island and Providence Plantations.*

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 the present session of Congress, intituled "An act providing for the enumeration of the inhabitants of the United States," shall be deemed to have the like force and operation within the state of Rhode Island and Providence Plantations, as elsewhere within the United States; and all the regulations, provisions, directions, authorities, penalties, and other matters whatsoever, contained or expressed in the said act, and which are not locally inapplicable, shall have the like force and effect within the said state, as if the same were repeated and re-enacted in and by this present act.

SEC. 2. *And be it further enacted*, That the marshal of the district of Rhode Island shall receive, in full compensation for the performance of all the duties and services confided to, and enjoined upon him by this act, one hundred dollars.

APPROVED, July 5, 1790.

[Obsolete.] Act for enumeration declared in force as to R. Island. Act of March 1, 1790, ch. 2.

Salary of the marshal.

STATUTE II.

July 5, 1790.

CHAP. XXVI.—*An Act to authorize the purchase of a tract of land for the use of the United States.*

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 cause to be purchased for the use of the United States, the whole or such part of that tract of land situate in the state of New York, commonly called West Point, as shall be by him judged requisite for the purpose of such fortifications and garrisons as may be necessary for the defence of the same.

APPROVED, July 5, 1790.

President authorized to purchase West Point, for purpose of fortifications, &c.

STATUTE II.

July 16, 1790.

CHAP. XXVII.—*An Act further to provide for the Payment of the Invalid Pensioners of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the military pensions which have been granted and paid by the states respectively, in pursuance of former acts of the United States in Congress assembled, and such as by acts passed in the present session of Congress, are or shall be declared to be due to invalids who were wounded and disabled during

Military pensions to be paid from 4th March, for one year, and under what regulations. Act of March 3, 1791, ch. 24.

the late war, shall be continued and paid by the United States from the fourth day of March last, for the space of one year, under such regulations as the President of the United States may direct.

APPROVED, July 16, 1790.

STATUTE II.

July 16, 1790.

CPAP. XXVIII.—*An Act for establishing the temporary and permanent seat of the Government of the United States.*

Act of March 3, 1791, ch. 17.

District on the Potomac accepted for permanent seat of government, and state laws, when to cease therein.

President to appoint commissioners for locating the same;

who may purchase or accept grants of land; and, prior to Dec. 1800, provide buildings, for the accommodation of Congress.

Expense thereof, how to be defrayed.

Prior to first Monday in Dec. next, seat of government to be removed to Philadelphia, and so remain until the year 1800.

In December, 1800, seat of government to be removed to district accepted by this act.

Act of May 6, 1796, chap. 21.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a district of territory, not exceeding ten miles square, to be located as hereafter directed on the river Potomac, at some place between the mouths of the Eastern Branch and Connogochegue, be, and the same is hereby accepted for the permanent seat of the government of the United States. *Provided nevertheless,* That the operation of the laws of the state within such district shall not be affected by this acceptance, until the time fixed for the removal of the government thereto, and until Congress shall otherwise by law provide.

SEC. 2. *And be it further enacted,* That the President of the United States be authorized to appoint, and by supplying vacancies happening from refusals to act or other causes, to keep in appointment as long as may be necessary, three commissioners, who, or any two of whom, shall, under the direction of the President, survey, and by proper metes and bounds define and limit a district of territory, under the limitations above mentioned; and the district so defined, limited and located, shall be deemed the district accepted by this act, for the permanent seat of the government of the United States.

SEC. 3. *And be it [further] enacted,* That the said commissioners, or any two of them, shall have power to purchase or accept such quantity of land on the eastern side of the said river, within the said district, as the President shall deem proper for the use of the United States, and according to such plans as the President shall approve, the said commissioners, or any two of them, shall, prior to the first Monday in December, in the year one thousand eight hundred, provide suitable buildings for the accommodation of Congress, and of the President, and for the public offices of the government of the United States.

SEC. 4. *And be it [further] enacted,* That for defraying the expense of such purchases and buildings, the President of the United States be authorized and requested to accept grants of money.

SEC. 5. *And be it [further] enacted,* That prior to the first Monday in December next, all offices attached to the seat of the government of the United States, shall be removed to, and until the said first Monday in December, in the year one thousand eight hundred, shall remain at the city of Philadelphia, in the state of Pennsylvania, at which place the session of Congress next ensuing the present shall be held.

SEC. 6. *And be it [further] enacted,* That on the said first Monday in December, in the year one thousand eight hundred, the seat of the government of the United States shall, by virtue of this act, be transferred to the district and place aforesaid. And all offices attached to the said seat of government, shall accordingly be removed thereto by their respective holders, and shall, after the said day, cease to be exercised elsewhere; and that the necessary expense of such removal shall be defrayed out of the duties on imposts and tonnage, of which a sufficient sum is hereby appropriated.

APPROVED, July 16, 1790.

CHAP. XXIX.—*An Act for the government and regulation of Seamen in the merchants service.*

STATUTE II.
July 20, 1793.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the first day of December next, every master or commander of any ship or vessel bound from a port in the United States to any foreign port, or of any ship or vessel of the burthen of fifty tons or upwards, bound from a port in one state to a port in any other than an adjoining state, shall, before he proceed on such voyage, make an agreement in writing or in print, with every seaman or mariner on board such ship or vessel (except such as shall be apprentice or servant to himself or owners) declaring the voyage or voyages, term or terms of time, for which such seaman or mariner shall be shipped. (a) And if any master or commander of such ship or vessel shall carry out any seaman or mariner (except apprentices or servants as aforesaid) without such contract or agreement being first made and signed by the seamen and mariners, such master or commander shall pay to every such seaman or mariner the highest price or wages which shall have been given at the port or place where such seaman or mariner shall have been shipped, for a similar voyage, within three months next before the time of such shipping: *Provided* such seaman or mariner shall perform such voyage: or if not, then for such time as he shall continue to do duty on board such ship or vessel; and shall moreover forfeit twenty dollars for every such seaman or mariner, one half to the use of the person prosecuting for the same, the other half to the use of the United States: and such seaman or mariner, not having signed such contract, shall not be bound by the regulations, nor subject to the penalties and forfeitures contained in this act.

SEC. 2. *And be it [further] enacted,* That at the foot of every such contract, there shall be a memorandum in writing, of the day and the hour on which such seaman or mariner, who shall so ship and subscribe, shall render themselves on board, to begin the voyage agreed upon. And if any such seaman or mariner shall neglect to render himself on board the ship or vessel, for which he has shipped, at the time mentioned in such memorandum, and if the master, commander, or other officer of the ship or vessel, shall, on the day on which such neglect happened, make an entry in the log-book of such ship or vessel, of the name of such seaman or mariner, and shall in like manner note the time that he so neglected to render himself (after the time appointed); every such seaman or mariner shall forfeit for every hour which he shall so neglect to render himself, one day's pay, according to the rate of wages agreed upon, to be deducted out of his wages. (b) And if

Master and seamen to execute a shipping agreement.

1792, ch. 24.
1796, ch. 36.
1798, ch. 77.
1799, ch. 36.

Exception as to apprentices, &c.

1802, ch. 51.
1805, ch. 28.

Penalties on the master for omission; the highest rate of wages at the place of shipping.

Proviso, as to performance of the voyage by the seaman.

1813, ch. 42.
1814, ch. 8.

Memorandum at the foot of the articles.

Penalty for a seaman neglecting to render himself on board at the time agreed upon.

(a) It seems that no stipulation contrary to the maritime law, to the injury of the seamen, will be allowed to stand, unless an adequate compensation be given to the seamen. *Harden v. Gordon et al.*, 2 Mason's C. C. R. 541. *The Lady Waterstoff*, 1 Adm. Decisions, 214.

The crew of a ship who have signed articles for the voyage under a particular master, without any clause providing for the change of master, are not discharged from the articles by the dismissal of the master by reason of sickness or any other reasonable cause, and the appointment of a new master. They are bound to obey the new master. *The United States v. Ruggles*, 5 Mason's C. C. R. 192.

If the shipping articles are to the final port of discharge, the voyage is not ended until the cargo is wholly unladen. The owner may order the vessel from port to port, until the whole cargo is discharged. *The United States v. Barker*, 5 Mason's C. C. R. 404.

In the shipping articles used in the United States, though wages are designated by the month, yet the contract is entire for the voyage. 1 Adm. Decisions, 142.

A seaman shipped for the voyage, without signing the articles, must be paid the highest rate of wages at the port within three months, and be subject to all the forfeitures imposed and fixed by the maritime law existing before the act of Congress. *The Regulus*, 1 Admiralty Decisions, 215.

The shipping articles must declare, explicitly, the ports at which the voyage is to commence and terminate. *Magee v. The Moss*, Gilpin's Rep. 219.

(b) To justify the forfeiture of a seaman's wages for absence, under the provisions of the act of 1790, the entry in the log-book is indispensable. *Wood v. The Nimrod*, Gilpin's Rep. 86, 212. *Brower v. The Maiden*, Gilpin's Rep. 296.

To receive mariners on board after desertion, is a waiver or pardon of the forfeitures incurred previously. 1 Adm. Decisions, 163.

- Desertion.** any such seaman or mariner shall wholly neglect to render himself on board of such ship or vessel, or having rendered himself on board, shall afterwards desert and escape, so that the ship or vessel proceed to sea without him, every such seaman or mariner shall forfeit and pay to the master, owner or consignee of the said ship or vessel, a sum equal to that which shall have been paid to him by advance at the time of signing the contract, over and besides the sum so advanced, both which sums shall be recoverable in any court, or before any justice of justices of any state, city, town or county within the United States, which, by the laws thereof, have cognizance of debts of equal value, against such seaman or mariner, or his surety or sureties, in case he shall have given surety to proceed the voyage.
- Recovery of forfeitures.** **SEC. 3.** *And be it [further] enacted,* That if the mate or first officer under the master, and a majority of the crew of any ship or vessel, bound on a voyage to any foreign port, shall, after the voyage is begun (and before the ship or vessel shall have left the land) discover that the said ship or vessel is too leaky, or is otherwise unfit in her crew, body, tackle, apparel, furniture, provisions or stores, to proceed on the intended voyage, and shall require such unfitness to be inquired into, the master or commander shall, upon the request of the said mate (or other officer) and such majority, forthwith proceed to or stop at the nearest or most convenient port or place where such inquiry can be made, and shall there apply to the judge of the district court, if he shall there reside, or if not, to some justice of the peace of the city, town or place, taking with him two or more of the said crew who shall have made such request; and thereupon such judge or justice is hereby authorized and required to issue his precept directed to three persons in the neighbourhood, the most skilful in maritime affairs that can be procured, requiring them to repair on board such ship or vessel, and to examine the same in respect to the defects and insufficiencies complained of, and to make report to him the said judge or justice, in writing under their hands, or the hands of two of them, whether in any, or in what respect the said ship or vessel is unfit to proceed on the intended voyage, and what addition of men, provisions or stores, or what repairs or alterations in the body, tackle or apparel will be necessary; and upon such report the said judge or justice shall adjudge and determine, and shall endorse on the said report his judgment, whether the said ship or vessel is fit to proceed on the intended voyage; and if not, whether such repairs can be made or deficiencies supplied where the ship or vessel then lays, or whether it be necessary for the said ship or vessel to return to the port from whence she first sailed, to be there refitted; and the master and crew shall in all things conform to the said judgment; and the master or commander shall, in the first instance, pay all the costs of such view, report and judgment, to be taxed and allowed on a fair copy thereof, certified by the said judge or justice. But if the complaint of the said crew shall appear upon the said report and judgment, to have been without foundation, then the said master, or the owner or consignee of such ship or vessel, shall deduct the amount thereof, and of reasonable damages for the detention (to be ascertained by the said judge or justice) out of the wages growing due to the complaining seamen or mariners. And if after such judgment, such ship or vessel is fit to proceed on her intended voyage, or after procuring such men, provisions, stores, repairs or alterations as may be directed, the said seamen or mariners, or either of them, shall refuse to proceed on the voyage, it shall and may be lawful for any justice of the peace to commit by warrant under his hand and
- Vessel leaky, or unfit for the voyage.**
- Proceedings.**
- Application by the master to the district judge, or some justice of the peace.**
- Precept from the judge, &c.**
- Master to pay costs in the first instance.**
- If complaint groundless, costs to be charged to seamen.**

As to the forfeiture of their wages by seamen, see *Brown v. Jones*, 2 Gallis. C. C. R. 477. *The Two Catharines*, 2 Mason's C. C. R. 319. *The Ship Mentor*, 4 Mason's C. C. R. 84. *Orne v. Townsend*, 4 Mason's C. C. R. 541. *The Phoebe*, 1 Wash. C. C. R. 48. *The Maria*, 1 Adm. Decisions, 186. *Sims v. Mariners*, 2 Adm. Decisions, 393. *Sprague v. Kain*, Bee's Rep. 184. *Peters' Digest*,—"Admiralty."

seal, every such seaman or mariner (who shall so refuse) to the common gaol of the county, there to remain without bail or main prize, until he shall have paid double the sum advanced to him at the time of subscribing the contract for the voyage, together with such reasonable costs as shall be allowed by the said justice, and inserted in the said warrant, and the surety or sureties of such seaman or mariner (in case he or they shall have given any) shall remain liable for such payment; nor shall any such seaman or mariner be discharged upon any writ of habeas corpus or otherwise, until such sum be paid by him or them, or his or their surety or sureties, for want of any form of commitment, or other previous proceedings. *Provided*, That sufficient matter shall be made to appear, upon the return of such habeas corpus, and an examination then to be had, to detain him for the causes herein before assigned.

SEC. 4. *And be it [further] enacted*, That if any person shall harbor or secrete any seaman or mariner belonging to any ship or vessel, knowing them to belong thereto, every such person, on conviction thereof before any court in the city, town or county where he, she or they may reside, shall forfeit and pay ten dollars for every day which he, she or they shall continue so to harbor or secrete such seaman or mariner, one half to the use of the person prosecuting for the same, the other half to the use of the United States; and no sum exceeding one dollar, shall be recoverable from any seaman or mariner by any one person, for any debt contracted during the time such seaman or mariner shall actually belong to any ship or vessel, until the voyage for which such seaman or mariner engaged shall be ended.

SEC. 5. *And be it [further] enacted*, That if any seaman or mariner, who shall have subscribed such contract as is herein before described, shall absent himself from on board the ship or vessel in which he shall so have shipped, without leave of the master or officer commanding on board; (a) and the mate, or other officer having charge of the log-book, shall make an entry therein of the name of such seaman or mariner, on the day on which he shall so absent himself, and if such seaman or mariner shall return to his duty within forty-eight hours, such seaman or mariner shall forfeit three days pay for every day which he shall so absent himself, to be deducted out of his wages; but if any seaman or mariner shall absent himself for more than forty-eight hours at one time, he shall forfeit all the wages due to him, and all his goods and chattels which were on board the said ship or vessel, or in any store where they may have been lodged at the time of his desertion, to the use of the owners of the ship or vessel, and moreover shall be liable to pay to him or them all damages which he or they may sustain by being obliged to hire other seamen or mariners in his or their place, and such damages shall be recovered with costs, in any court or before any justice or justices having jurisdiction of the recovery of debts to the value of ten dollars or upwards.

SEC. 6. *And be it [further] enacted*, That every seaman or mariner shall be entitled to demand and receive from the master or commander of the ship or vessel to which they belong, one third part of the wages which shall be due to him at every port where such ship or vessel shall unlade and deliver her cargo before the voyage be ended, unless the contrary be expressly stipulated in the contract: and as soon as the voyage is ended, and the cargo or ballast be fully discharged at the last port of delivery, every seaman or mariner shall be entitled to the wages which shall be then due

Seamen refusing to proceed to sea, after proceedings, if vessel found sea worthy, to be imprisoned.

Not to be discharged on Habeas Corpus, until damages be paid.

Penalty for harboring runaway seaman.

No sum exceeding one dollar to be recoverable for any debt from seamen during the voyage.

Mariner absenting himself from duty, penalty on, and how to be proceeded against.

Penalty.

Damages recoverable.

When, and at what port entitled to demand his wages.

(a) Desertion during the voyage, is, by the maritime law, a forfeiture of all the wages antecedently due. But a desertion to work this effect, must not be merely an absence without leave, or in disobedience of orders, but an intention to abandon the ship and the service. 1 Sumner's Rep. 373.

As to desertion, see the following cases. Emmerson v. Howland, 1 Mason's C. C. R. 45. Sims v. Mariners, 2 Adm. Decisions, 393. Wood v. The Nimrod, Gilpin's Rep. 86. Magee v. The Moss, Gilpin's Rep. 219.

How wages to be recovered if withheld.

All the seamen may join in the suit.

Contract to be produced by master.

Remedy at common law.

Mariner deserting at any port or place, how to be proceeded against and punished.

Proceedings.

1842, ch. 23.

Every ship or vessel outward bound, to be furnished with a medicine chest:

according to his contract; (a) and if such wages shall not be paid within ten days after such discharge, or if any dispute shall arise between the master and seamen or mariners touching the said wages, it shall be lawful for the judge of the district where the said ship or vessel shall be, or in case his residence be more than three miles from the place, or of his absence from the place of his residence, then, for any judge or justice of the peace, to summon the master of such ship or vessel to appear before him, to show cause why process should not issue against such ship or vessel, her tackle, furniture and apparel, according to the course of admiralty courts, to answer for the said wages: and if the master shall neglect to appear, or appearing, shall not show that the wages are paid, or otherwise satisfied or forfeited, and if the matter in dispute shall not be forthwith settled, in such case the judge or justice shall certify to the clerk of the court of the district, that there is sufficient cause of complaint whereon to found admiralty process, and thereupon the clerk of such court shall issue process against the said ship or vessel, and the suit shall be proceeded on in the said court, and final judgment be given according to the course of admiralty courts in such cases used; and in such suit all the seamen or mariners (having cause of complaint of the like kind against the same ship or vessel) shall be joined as complainants; and it shall be incumbent on the master or commander to produce the contract and log-book, if required, to ascertain any matters in dispute; otherwise the complainants shall be permitted to state the contents thereof, and the proof of the contrary shall lie on the master or commander; but nothing herein contained shall prevent any seaman or mariner from having or maintaining any action at common law for the recovery of his wages, or from immediate process out of any court having admiralty jurisdiction, wherever any ship or vessel may be found, in case she shall have left the port of delivery where her voyage ended, before payment of the wages, or in case she shall be about to proceed to sea before the end of the ten days next after the delivery of her cargo or ballast.

SEC. 7. *And be it [further] enacted*, That if any seaman or mariner, who shall have signed a contract to perform a voyage, shall, at any port or place, desert, or shall absent himself from such ship or vessel, without leave of the master, or officer commanding in the absence of the master, it shall be lawful for any justice of peace within the United States (upon the complaint of the master) to issue his warrant to apprehend such deserter, and bring him before such justice; and if it shall then appear by due proof, that he has signed a contract within the intent and meaning of this act, and that the voyage agreed for is not finished, altered, or the contract otherwise dissolved, and that such seaman or mariner has deserted the ship or vessel, or absented himself without leave, the said justice shall commit him to the house of correction or common gaol of the city, town or place, there to remain until the said ship or vessel shall be ready to proceed on her voyage, or till the master shall require his discharge, and then to be delivered to the said master, he paying all the cost of such commitment, and deducting the same out of the wages due to such seaman or mariner.

SEC. 8. *And be it [further] enacted*, That every ship or vessel belonging to a citizen or citizens of the United States, of the burthen of one hundred and fifty tons or upwards, navigated by ten or more persons in the whole, and bound on a voyage without the limits of the United States, shall be provided with a chest of medicines, put up by some apothecary of known reputation, and accompanied by directions for administering the same; and the said medicines shall be examined by the same or some other

(a) Wages are payable in ten days from the end of the voyage, but in some cases fifteen days are allowed for the discharge of the cargo and payment of the freight. *Edwards v. The Susan*, 1 Adm. Decisions, 165.

The end of the voyage is the period when wages are due. *Ibid*.

apothecary, once at least in every year, and supplied with fresh medicines in the place of such as shall have been used or spoiled; and in default of having such medicine chest so provided, and kept fit for use, the master or commander of such ship or vessel shall provide and pay for all such advice, medicine, or attendance of physicians, as any of the crew shall stand in need of in case of sickness, at every port or place where the ship or vessel may touch or trade at during the voyage, without any deduction from the wages of such sick seaman or mariner. (a)

Penalty on the master for default.

SEC. 9. *And be it [further] enacted*, That every ship or vessel, belonging as aforesaid, bound on a voyage across the Atlantic ocean, shall, at the time of leaving the last port from whence she sails, have on board, well secured under deck, at least sixty gallons of water, one hundred pounds of salted flesh meat, and one hundred pounds of wholesome ship-bread, for every person on board such ship or vessel, over and besides such other provisions, stores and live-stock as shall by the master or passengers be put on board, and in like proportion for shorter or longer voyages; and in case the crew of any ship or vessel, which shall not have been so provided, shall be put upon short allowance in water, flesh or bread, during the voyage, the master or owner of such ship or vessel shall pay to each of the crew, one day's wages beyond the wages agreed on, for every day they shall be so put to short allowance, to be recovered in the same manner as their stipulated wages. (b)

Act of March 2, 1805, ch. 28. Ships, &c. bound across the Atlantic, what supply of provisions and water shall be laid in.

Penalty for short allowance of provisions and water.

APPROVED, July 20, 1790.

STATUTE II.

CHAP. XXX.—*An Act imposing duties on the tonnage of ships or vessels.*

July 20, 1790.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That upon all ships or vessels which after the first day of September next, shall be entered in the United States from any foreign port or place, there shall be paid the several and respective duties following, that is to say: On ships or vessels of the United States at the rate of six cents per ton: on ships or vessels built within the United States after the twentieth day of July last, but belonging wholly or in part to subjects of foreign powers, at the rate of thirty cents per ton: on other ships or vessels at the rate of fifty cents per ton. (c)

Tonnage duty on ships or vessels of U. States,

on those of foreigners;

on all others.

SEC. 2. *And be it further enacted*, That the aforesaid duty of six cents per ton, shall be also paid upon every ship or vessel of the United States, which after the said first day of September next, shall be entered in a district in one state from a district in another state, other than an ad-

On ships or vessels of the U. States, trading between district and district.

(a) The act of Congress of July 20, 1790, for the government and regulation of seamen in the merchant service, has not changed the maritime law, except, perhaps, so far as respects medicines and medical advice, when there is a proper medicine chest, and medical directions on board the vessel. The charges for nursing and lodging are not affected by the act. *Harden v. Gordon et al.*, 2 Mason, 541.

The expense of curing a sick seaman, in the course of a voyage, is a charge on the ship by the maritime law. *Ibid.*

The onus probandi in respect to the sufficiency of the medicine chest, lies on the owner, in an action by the seamen for wages. *Ibid.*

A stipulation that the seamen shall pay for medical advice and medicine, without any condition that there shall be a suitable medicine chest, &c., is void as contrary to the act of Congress. *Ibid.*

When a seaman at a foreign port, contracts an ordinary disease, without any fault of his own, and remains on board a vessel which is properly provided with a medicine chest, the expense of a physician, if necessary for the safety of his life is to be deducted from his wages. *Holmes v. Hutchinson*, Gilpin's Rep. 448.

(b) In reference to the claims of seamen for "short allowance," it was decided that the navy rations furnish a rule by which the allowance to seamen shall be determined. That when the articles mentioned in the act of Congress can be procured, no substitute shall be allowed; but it is otherwise if they cannot be obtained. The ship *Washington*, 1 Adm. Decisions, 219.

The provisions of the act of Congress relative to short allowance, do not apply to seamen shipped while the ship is at a foreign port. *Ibid.*

(c) See act of March 3, 1815, obsolete; act of April 20, 1818, obsolete; act of March 3, 1819, obsolete.

joining state on the sea-coast, or on a navigable river, having on board goods, wares and merchandise taken in one state to be delivered in another state: *Provided*, That it shall not be paid on any ship or vessel having a license to trade between the different districts of the United States, or to carry on the bank or whale fisheries, whilst employed therein, more than once a year. (a)

On ships or vessels not of U. States, trading between district and district.

Payment of foreign tonnage heretofore exacted on certain vessels of the U. States, employed in coasting trade and fisheries.

Restitution to be made for.

Act of 1789, ch. 11. sec. 23.

See acts of 1799, ch. 22, sec. 63, 64, 1802, ch. 45, sec. 8.

Not demandable in future.

Repeal of former act.

1789, ch. 3.

STATUTE II.

July 22, 1790.

[Expired.] \$20,000 arising from imports and tonnage, appropriated.

1789, ch. 10.

SEC. 3. *And be it further enacted*, That upon every ship or vessel not of the United States, which after the said first day of September next, shall be entered in one district from another district, having on board goods, wares and merchandise taken in, in one district to be delivered in another district, there shall be paid at the rate of fifty cents per ton.

And whereas it is declared by the twenty-third section of the act, intituled "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes," "That if any vessel of the burthen of twenty tons or upwards, not having a certificate of registry or enrolment, and a license, shall be found trading between different districts, or be employed in the bank or whale fisheries, every such ship or vessel shall be subject to the same tonnage and fees as foreign ships or vessels," which, from the impracticability in some cases of obtaining licenses in due season, and from misapprehension in others, has operated to the prejudice of individuals; and it being proper that relief should be granted in cases where the strict operation of new laws may have occasioned hardship and inconvenience:

SEC. 4. *Be it therefore further enacted*, That in all cases in which the said foreign duty shall have been heretofore paid on ships or vessels of the United States, whether registered at the time of payment or afterwards, restitution thereof shall be made, and that no such foreign duty shall hereafter be demanded on the said ships or vessels.

SEC. 5. *And be it further enacted*, That the act, intituled "An act imposing duties on tonnage," shall, after the said first day of September next, be repealed, and shall thenceforth cease to operate, except as to the collection of the duties which shall have accrued prior to the said repeal, for which purpose the said act shall continue in force.

APPROVED, July 20, 1790.

CHAP. XXXI.—*An Act providing for holding a Treaty or Treaties to establish Peace with certain Indian tribes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the balance unexpended, of the sum of twenty thousand dollars, appropriated by the act, intituled "An act providing for the expenses which may attend negotiations or treaties with the Indian tribes, and the appointment of commissioners for managing the same," a farther sum, not exceeding twenty thousand dollars, arising from the duties on imports and tonnage, shall be, and the same is hereby appropriated for defraying the expenses of negotiating, and holding a treaty or treaties, and for promoting a friendly intercourse, and preserving peace with the Indian tribes.

APPROVED, July 22, 1790.

(a) The acts imposing duties on the tonnage of domestic ships or vessels, have been:

Act of July 20, 1790, chap. 30; act of March 2, 1799, chap. 23; act of May 1, 1802, chap. 45; act of April 27, 1816, chap. 107; act of January 14, 1817, chap. 3; act of March 1, 1817, chap. 31; act of May 31, 1830, chap. 219; act of August 30, 1842, chap. 270.

Tonnage duties on foreign ships.—Act of July 20, 1790, chap. 30; act of March 2, 1799, chap. 23; act of May 1, 1802, chap. 45; act of April 27, 1816, chap. 107; act of January 14, 1817, chap. 3; act of March 1, 1817, chap. 31, sec. 6; act of May 31, 1830, chap. 219; act of August 30, 1842, chap. 270.

CHAP. XXXII.—*An Act to amend the act for the establishment and support of Lighthouses, beacons, buoys, and public piers.*

STATUTE II.
July 22, 1790.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all expenses which shall accrue from and after the fifteenth day of August next, for the necessary support, maintenance and repairs of all lighthouses, beacons, buoys and public piers, within the United States, shall continue to be defrayed by the United States, until the first day of July, one thousand seven hundred and ninety-one, notwithstanding such lighthouses, beacons, buoys, and public piers, with the lands and tenements thereunto belonging, and the jurisdictions of the same, shall not in the mean time be ceded to or vested in the United States, by the state or states respectively, in which the same may be, and that the said time be further allowed to the states respectively to make such cessions.

APPROVED, July 22, 1790.

Expense of lighthouses, &c. to be defrayed until 1st July, 1791, although not ceded, and States allowed till that day to make cessions.

CHAP. XXXIII.—*An Act to regulate trade and intercourse with the Indian tribes.*(a)

STATUTE II.
July 22, 1790.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That no person shall be permitted to carry on any trade or intercourse with the Indian tribes, without a license for that purpose under the hand and seal of the superintendent of the department, or of such other person as the President of the United States shall appoint for that purpose; which superintendent, or other person so appointed, shall, on application, issue such license to any proper person, who shall enter into bond with one or more sureties, approved of by the superintendent, or person issuing such license, or by the President of the United States, in the penal sum of one thousand dollars, payable to the President of the United States for the time being, for the use of the United States, conditioned for the true and faithful observance of such rules, regulations and restrictions, as now are, or hereafter shall be made for the government of trade and intercourse with the Indian tribes. The said superintendents, and persons by them licensed as aforesaid, shall be governed in all things touching the said trade and intercourse, by such rules and regulations as the President shall prescribe. And no other person shall be permitted to carry on any trade or intercourse with the Indians without such license as aforesaid. No license shall be granted for a longer term than two years. *Provided nevertheless,* That the President may make such order respecting the tribes surrounded in their settlements by the citizens of the United States, as to secure an intercourse without license, if he may deem it proper.

Licenses to trade with the Indians, by whom to be granted,

and how to be obtained.

SEC. 2. *And be it further enacted,* That the superintendent, or person issuing such license, shall have full power and authority to recall all such licenses as he may have issued, if the person so licensed shall transgress any of the regulations or restrictions provided for the government of trade and intercourse with the Indian tribes, and shall put in suit such bonds as he may have taken, immediately on the breach of any condition in said bond: *Provided always,* That if it shall appear on trial, that the person from whom such license shall have been recalled, has not offended against any of the provisions of this act, or the regulations prescribed for the trade and intercourse with the Indian tribes, he shall be entitled to receive a new license.

May be recalled for certain transgressions.

SEC. 3. *And be it further enacted,* That every person who shall attempt to trade with the Indian tribes, or be found in the Indian country

Penalty for trading without license.

(a) See act of March 1, 1793, chap. 19. (Repealed.)

with such merchandise in his possession as are usually vended to the Indians, without a license first had and obtained, as in this act prescribed, and being thereof convicted in any court proper to try the same, shall forfeit all the merchandise so offered for sale to the Indian tribes, or so found in the Indian country, which forfeiture shall be one half to the benefit of the person prosecuting, and the other half to the benefit of the United States.

Sales of lands by Indians, in what cases valid.

SEC. 4. *And be it enacted and declared,* That no sale of lands made by any Indians, or any nation or tribe of Indians within the United States, shall be valid to any person or persons, or to any state, whether having the right of pre-emption to such lands or not, unless the same shall be made and duly executed at some public treaty, held under the authority of the United States.

Offences committed within the Indian territory, how to be punished.

SEC. 5. *And be it further enacted,* That if any citizen or inhabitant of the United States, or of either of the territorial districts of the United States, shall go into any town, settlement or territory belonging to any nation or tribe of Indians, and shall there commit any crime upon, or trespass against, the person or property of any peaceable and friendly Indian or Indians, which, if committed within the jurisdiction of any state, or within the jurisdiction of either of the said districts, against a citizen or white inhabitant thereof, would be punishable by the laws of such state or district, such offender or offenders shall be subject to the same punishment, and shall be proceeded against in the same manner as if the offence had been committed within the jurisdiction of the state or district to which he or they may belong, against a citizen or white inhabitant thereof.

Proceedings therein.

SEC. 6. *And be it further enacted,* That for any of the crimes or offences aforesaid, the like proceedings shall be had for apprehending, imprisoning or bailing the offender, as the case may be, and for recognizing the witnesses for their appearance to testify in the case, and where the offender shall be committed, or the witnesses shall be in a district other than that in which the offence is to be tried, for the removal of the offender and the witnesses or either of them, as the case may be, to the district in which the trial is to be had, as by the act to establish the judicial courts of the United States, are directed for any crimes or offences against the United States.

Act of Sep. 24, 1789.

Continuance of this act.

SEC. 7. *And be it further enacted,* That this act shall be in force for the term of two years, and from thence to the end of the next session of Congress, and no longer.

APPROVED, July 22, 1790.

STATUTE II.

August 4, 1790.

CHAP. XXXIV.—*An Act making provision for the [payment of the] Debt of the United States.*(a)

[Obsolete.]
Recital.

WHEREAS, justice and the support of public credit require, that provision should be made for fulfilling the engagements of the United States, in respect to their foreign debt, and for funding their domestic debt upon equitable and satisfactory terms:

Duties on imports and tonnage appropriated to pay interest on the foreign debt and future loans, reserving

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That reserving out of the monies which have arisen since the last day of December last past, and which shall hereafter arise from the duties on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels, the yearly sum of six hundred thousand

(a) The acts making provision for the debt of the United States, contracted during the war of the revolution, have been: Act of August 4, 1790, chap. 34; act of August 10, 1790, chap. 39; act of December 27, 1790, chap. 1; act of August 12, 1790, chap. 47; act of May 8, 1792, chap. 38; act of March 2, 1793, chap. 25; act of May 30, 1794, chap. 36; act of January 28, 1795, chap. 13; act of February 19, 1796, chap. 2; act of March 3, 1797, chap. 25; act of March 3, 1791, chap. 25.

dollars, or so much thereof as may be appropriated from time to time, towards the support of the government of the United States, and their common defence, the residue of the said monies, or so much thereof, as may be necessary, as the same shall be received in each year, next after the sum reserved as aforesaid, shall be, and is hereby appropriated to the payment of the interest which shall from time to time become due on the loans heretofore made by the United States in foreign countries; and also to the payment of interest on such further loans as may be obtained for discharging the arrears of interest thereupon, and the whole or any part of the principal thereof; to continue so appropriated until the said loans, as well those already made as those which may be made in virtue of this act, shall be fully satisfied, pursuant to the contracts relating to the same, any law to the contrary notwithstanding. *And provided*, That nothing herein contained, shall be construed to annul or alter any appropriation by law made prior to the passing of this act.

600,000 dollars annually for support of government.

And as new loans are and will be necessary for the payment of the aforesaid arrears of interest, and the instalments of the principal of the said foreign debt due and growing due, and may also be found expedient for effecting an entire alteration in the state of the same:

For payment of interest and instalments of foreign debt.

Sec. 2. Be it further enacted, That the President of the United States be, and he is hereby authorized, to cause to be borrowed on behalf of the United States, a sum or sums, not exceeding in the whole twelve million of dollars; and that so much of this sum as may be necessary to the discharge of the said arrears and instalments, and (if it can be effected upon terms advantageous to the United States) to the paying off the whole of the said foreign debt, be appropriated solely to those purposes: And the President is moreover further authorized to cause to be made such other contracts respecting the said debt as shall be found for the interest of the said States. *Provided nevertheless*, That no engagement nor contract shall be entered into which shall preclude the United States from reimbursing any sum or sums borrowed within fifteen years after the same shall have been lent or advanced.

President may make new loans and contracts.

And whereas it is desirable to adapt the nature of the provision to be made for the domestic debt to the present circumstances of the United States, as far as it shall be found practicable, consistently with good faith and the rights of the creditors; which can only be done by a voluntary loan on their part:

Sec. 3. Be it therefore further enacted, That a loan to the full amount of the said domestic debt be, and the same is hereby proposed; and that books for receiving subscriptions to the said loan be opened at the treasury of the United States, and by a commissioner to be appointed in each of the said states, on the first day of October next, to continue open until the last day of September following, inclusively; and that the sums which shall be subscribed thereto, be payable in certificates issued for the said debt, according to their specie value, and computing the interest upon such as bear interest to the last day of December next, inclusively; which said certificates shall be of these several descriptions, to wit:

Domestic debt to be loaned to its full amount, and subscriptions thereto, how to be made;

Those issued by the register of the treasury.

in what payable.

Those issued by the commissioners of loans in the several states, including certificates given pursuant to the act of Congress of the second of January, one thousand seven hundred and seventy-nine, for bills of credit of the several emissions of the twentieth of May, one thousand seven hundred and seventy-seven, and the eleventh of April, one thousand seven hundred and seventy-eight.

Those issued by the commissioners for the adjustment of the accounts of the quartermaster, commissary, hospital, clothing, and marine departments.

Those issued by the commissioners for the adjustment of accounts in the respective states.

Those issued by the late and present paymaster-general, or commissioner of army accounts.

Those issued for the payment of interest, commonly called indents of interest.

And in the bills of credit issued by the authority of the United States in Congress assembled, at the rate of one hundred dollars in the said bills, for one dollar in specie.

Subscribers paying in principal of domestic debt, what proportions of principal, rate of interest and terms of payment entitled to.

SEC. 4. *And be it further enacted*, That for the whole or any part of any sum subscribed to the said loan, by any person or persons, or body politic, which shall be paid in the principal of the said domestic debt, the subscriber or subscribers shall be entitled to a certificate, purporting that the United States owe to the holder or holders thereof, his, her, or their assigns, a sum to be expressed therein, equal to two thirds of the sum so paid, bearing an interest of six per centum per annum, payable quarter yearly, and subject to redemption by payments not exceeding in one year, on account both of principal and interest, the proportion of eight dollars upon a hundred of the sum mentioned in such certificate; and to another certificate purporting that the United States owe to the holder or holders thereof, his, her or their assigns, a sum to be expressed therein, equal to the proportion of thirty-three dollars and one third of a dollar upon a hundred of the sum so paid, which after the year one thousand eight hundred shall bear an interest of six per centum per annum, payable quarter yearly, and subject to redemption by payments not exceeding in one year, on account both of principal and interest, the proportion of eight dollars upon a hundred of the sum mentioned in such certificate: *Provided*, That it shall not be understood that the United States shall be bound or obliged to redeem in the proportion aforesaid; but it shall be understood only that they have a right so to do.

Subscribers paying in interest of domestic debt, what proportions of principal, rate of interest, and terms of payment entitled to.

SEC. 5. *And be it further enacted*, That for the whole or any part of any sum subscribed to the said loan by any person or persons, or body politic, which shall be paid in the interest of the said domestic debt, computed to the said last day of December next, or in the said certificates issued in payment of interest, commonly called indents of interest, the subscriber or subscribers shall be entitled to a certificate purporting that the United States owe to the holder or holders thereof, his, her or their assigns, a sum to be specified therein, equal to that by him, her or them so paid, bearing an interest of three per centum per annum, payable quarter yearly, and subject to redemption by payment of the sum specified therein, whenever provision shall be made by law for that purpose.

Commissioner to be appointed in each state to receive subscriptions, &c.

SEC. 6. *And be it further enacted*, That a commissioner be appointed for each state, to reside therein, whose duty it shall be to superintend the subscriptions to the said loan; to open books for the same; to receive the certificates which shall be presented in payment thereof; to liquidate the specie value of such of them as shall not have been before liquidated; to issue the certificates above mentioned in lieu thereof, according to the terms of each subscription; to enter in books to be by him kept for that purpose, credits to the respective subscribers to the said loan for the sums to which they shall be respectively entitled; to transfer the said credits upon the said books from time to time as shall be requisite; to pay the interest thereupon as the same shall become due, and generally to observe and perform such directions and regulations as shall be prescribed to him by the Secretary of the Treasury, touching the execution of his office.

SEC. 7. *And be it further enacted*, That the stock which shall be created pursuant to this act, shall be transferable only on the books of

the treasury, or of the said commissioners respectively, upon which the credit for the same shall exist at the time of transfer, by the proprietor or proprietors of such stock, his, her or their attorney: but it shall be lawful for the Secretary of the Treasury, by special warrant under his hand and the seal of the treasury, countersigned by the comptroller, and registered by the register, at the request of the respective proprietors, to authorize the transfer of such stock from the books of one commissioner to those of another commissioner, or to those of the treasury, and from those of the treasury to those of a commissioner.

SEC. 8. *And be it further enacted*, That the interest upon the said stock, as the same shall become due, shall be payable quarter yearly—that is to say: One fourth part thereof on the last day of March: one other fourth part thereof on the last day of June: one other fourth part thereof on the last day of September; and the remaining fourth part thereof on the last day of December in each year, beginning on the last day of March next ensuing; and payment shall be made wheresoever the credit for the said stock shall exist at the time such interest shall become due—that is to say: At the treasury, if the credit for the same shall then exist on the books of the treasury, or at the office of the commissioner upon whose books such credit shall then exist. But if the interest for one quarter shall not be demanded before the expiration of a third quarter, the same shall be afterwards demandable only at the treasury.

And as it may happen that some of the creditors of the United States may not think fit to become subscribers to the said loan:

SEC. 9. *Be it further enacted*, That nothing in this act contained shall be construed in any wise to alter, abridge or impair the rights of those creditors of the United States, who shall not subscribe to the said loan, or the contracts upon which their respective claims are founded; but the said contracts and rights shall remain in full force and virtue.

And that such creditors may not be excluded from a participation in the benefit hereby intended to the creditors of the United States in general, while the said proposed loan shall be depending, and until it shall appear from the event thereof what farther or other arrangements may be necessary respecting the said domestic debt:

SEC. 10. *Be it therefore further enacted*, That such of the creditors of the United States as may not subscribe to the said loan, shall nevertheless receive during the year one thousand seven hundred and ninety-one, a rate per centum on the respective amounts of their respective demands, including interest to the last day of December next, equal to the interest payable to subscribing creditors, to be paid at the same times, at the same places, and by the same persons as is herein before directed, concerning the interest on the stock which may be created in virtue of the said proposed loan. But as some of the certificates now in circulation have not heretofore been liquidated to specie value, as most of them are greatly subject to counterfeit, and counterfeits have actually taken place in numerous instances, and as embarrassment and imposition might, for these reasons, attend the payment of interest on those certificates in their present form, it shall therefore be necessary to entitle the said creditors to the benefit of the said payment, that those of them who do not possess certificates issued by the register of the treasury, for the registered debt, should produce previous to the first day of June next, their respective certificates, either at the treasury of the United States, or to some one of the commissioners to be appointed as aforesaid, to the end that the same may be cancelled, and other certificates issued in lieu thereof; which new certificates shall specify the specie amount of those in exchange for which they are given, and shall be otherwise of the like tenor with those heretofore issued by the said register of the treasury for the said registered debt, and shall be trans-

Stock created by this act, how transferable,

and interest thereon payable quarterly.

Non-subscribing creditors, their rights not to be impaired, and

to be paid a rate per cent. on the amount of their demands equal to the interest allowed to subscribing creditors.

All certificates in circulation, to be cancelled and new ones issued.

ferable on the like principles with those directed to be issued on account of the subscriptions to the loan hereby proposed.

Commissioners
their salaries,

SEC. 11. *And be it further enacted*, That the commissioners who shall be appointed pursuant to this act, shall respectively be entitled to the following yearly salaries, that is to say: The commissioner for the state of New Hampshire, six hundred and fifty dollars: The commissioner for the state of Massachusetts, fifteen hundred dollars: The commissioner for the state of Rhode Island and Providence Plantations, six hundred dollars: The commissioner for the state of Connecticut, one thousand dollars: The commissioner for the state of New York, fifteen hundred dollars: The commissioner for the state of New Jersey, seven hundred dollars: The commissioner for the state of Pennsylvania, fifteen hundred dollars: The commissioner for the state of Delaware, six hundred dollars: The commissioner for the state of Maryland, one thousand dollars: The commissioner for the state of Virginia, fifteen hundred dollars: The commissioner for the state of North Carolina, one thousand dollars: The commissioner for the state of South Carolina, one thousand dollars: The commissioner for the state of Georgia, seven hundred dollars: Which salaries shall be in full compensation for all services and expenses.

to take an oath
and enter into
bond.

SEC. 12. *And be it further enacted*, That the said commissioners, before they enter upon the execution of their several offices, shall respectively take an oath or affirmation for the diligent and faithful execution of their trust, and shall also become bound with one or more sureties to the satisfaction of the Secretary of the Treasury, in a penalty not less [than] five thousand, nor more than ten thousand dollars, with condition for their good behaviour in their said offices respectively.

State debts

And whereas a provision for the debts of the respective states by the United States, would be greatly conducive to an orderly, economical and effectual arrangement of the public finances:

assumed, to
amount of
\$21,500,000
and a loan pro-
posed, payable
in certificates of
the states,

SEC. 13. *Be it therefore further enacted*, That a loan be proposed to the amount of twenty-one million and five hundred thousand dollars, and that subscriptions to the said loan be received at the same times and places, and by the same persons, as in respect to the loan herein before proposed concerning the domestic debt of the United States. And that the sums which shall be subscribed to the said loan, shall be payable in the principal and interest of the certificates or notes, which prior to the first day of January last, were issued by the respective states, as acknowledgments or evidences of debts by them respectively owing, except certificates issued by the commissioners of army accounts in the state of North Carolina, in the year one thousand seven hundred and eighty-six.

not exceeding a
certain sum in
each.

Provided, That no greater sum shall be received in the certificates of any state than as follows; that is to say:

In those of New Hampshire, three hundred thousand dollars.

In those of Massachusetts, four million dollars.

In those of Rhode Island and Providence Plantations, two hundred thousand dollars.

In those of Connecticut, one million six hundred thousand dollars.

In those of New York, one million two hundred thousand dollars.

In those of New Jersey, eight hundred thousand dollars.

In those of Pennsylvania, two million two hundred thousand dollars.

In those of Delaware, two hundred thousand dollars.

In those of Maryland, eight hundred thousand dollars.

In those of Virginia, three million five hundred thousand dollars.

In those of North Carolina, two million four hundred thousand dol-
lars.

In those of South Carolina, four million dollars.

In those of Georgia, three hundred thousand dollars.

And provided, That no such certificate shall be received, which from the tenor thereof, or from any public record, act, or document, shall appear or can be ascertained to have been issued for any purpose, other than compensations and expenditures for services or supplies towards the prosecution of the late war, and the defence of the United States, or of some part thereof during the same.

What certificates shall not be received.

SEC. 14. *Provided also, and be it further enacted*, That if the total amount of the sums which shall be subscribed to the said loan in the debt of any state, within the time limited for receiving subscriptions thereto, shall exceed the sum by this act allowed to be subscribed within such state, the certificates and credits granted to the respective subscribers, shall bear such proportion to the sums by them respectively subscribed, as the total amount of the said sums shall bear to the whole sum so allowed to be subscribed in the debt of such state within the same. And every subscriber to the said loan shall, at the time of subscribing, deposit with the commissioner the certificates or notes to be loaned by him.

Subscriptions exceeding the sum allowed to any state, what proportion shall be paid.

SEC. 15. *And be it further enacted*, That for two thirds of any sum subscribed to the said loan, by any person or persons, or body politic, which shall be paid in the principal and interest of the certificates or notes issued as aforesaid by the respective states, the subscriber or subscribers shall be entitled to a certificate, purporting that the United States owe to the holder or holders thereof, or his, her or their assigns, a sum to be expressed therein, equal to two thirds of the aforesaid two thirds, bearing an interest of six per centum per annum, payable quarter yearly, and subject to redemption by payments, not exceeding in one year, on account both of principal and interest, the proportion of eight dollars upon a hundred of the sum mentioned in such certificate; and to another certificate, purporting that the United States owe to the holder or holders thereof, his, her or their assigns, a sum to be expressed therein, equal to the proportion of thirty-three dollars and one third of a dollar upon a hundred of the said two thirds of such sum so subscribed, which after the year one thousand eight hundred shall bear an interest of six per centum per annum, payable quarter yearly, and subject to redemption by payments, not exceeding in one year, on account both of principal and interest, the proportion of eight dollars upon a hundred of the sum mentioned in such certificate; and that for the remaining third of any sum so subscribed, the subscriber or subscribers shall be entitled to a certificate, purporting that the United States owe to the holder or holders thereof, his, her or their assigns, a sum to be expressed therein, equal to the said remaining third, bearing an interest of three per cent. per annum, payable quarter yearly, and subject to redemption by payment of the sum specified therein whenever provision shall be made by law for that purpose.

Subscribers to said loan, what proportion of principal, rate of interest, and terms of payment entitled to.

SEC. 16. *And be it further enacted*, That the interest upon the certificates which shall be received in payment of the sums subscribed towards the said loan, shall be computed to the last day of the year one thousand seven hundred and ninety-one, inclusively; and the interest upon the stock which shall be created by virtue of the said loan, shall commence or begin to accrue on the first day of the year one thousand seven hundred and ninety-two, and shall be payable quarter yearly, at the same time, and in like manner as the interest on the stock to be created by virtue of the loan above proposed in the domestic debt of the United States.

Interest, how to be computed, and payable quarter yearly.

SEC. 17. *And be it further enacted*, That if the whole sum allowed to be subscribed in the debt or certificates of any state as aforesaid, shall not be subscribed within the time for that purpose limited, such state shall be entitled to receive, and shall receive from the United States, an interest per centum per annum, upon so much of the said sum as

Sum allowed to any state, not being subscribed, the

state to receive interest on amount of deficiency.

shall not have been so subscribed, equal to that which would have accrued on the deficiency, had the same been subscribed in trust for the non-subscribing creditors of such state, who are holders of certificates or notes issued on account of services or supplies towards the prosecution of the late war, and the defence of the United States or of some part thereof, to be paid in like manner as the interest on the stock which may be created by virtue of the said loan, and to continue until there shall be a settlement of accounts between the United States and the individual states; and in case a balance shall then appear in favour of such state, until provision shall be made for the said balance.

But as certain states have respectively issued their own certificates, in exchange for those of the United States, whereby it might happen that interest might be twice payable on the same sums :

State certificates issued in lieu of those of the U. States, payment of interest on, suspended.

SEC. 18. *Be it further enacted*, That the payment of interest whether to states or to individuals, in respect to the debt of any state, by which such exchange shall have been made, shall be suspended, until it shall appear to the satisfaction of the secretary of the treasury, that certificates issued for that purpose by such state, have been re-exchanged or redeemed, or until those which shall not have been re-exchanged or redeemed, shall be surrendered to the United States.

States chargeable with amount of subscriptions.

SEC. 19. *And be it further enacted*, That so much of the debt of each state as shall be subscribed to the said loan, and the monies (if any) that shall be advanced to the same pursuant to this act, shall be a charge against such state, in account with the United States.

Farther appropriation of monies arising from the revenue laws to the purposes of this act;

SEC. 20. *And be it further enacted*, That the monies arising under the revenue laws, which have been or during the present session of Congress may be passed, or so much thereof as may be necessary, shall be and are hereby pledged and appropriated for the payment of the interest on the stock which shall be created by the loans aforesaid, pursuant to the provisions of this act, first paying that which shall arise on the stock created by virtue of the said first mentioned loan, to continue so pledged and appropriated, until the final redemption of the said stock, any law to the contrary notwithstanding, subject nevertheless to such reservations and priorities as may be requisite to satisfy the appropriations heretofore made, and which during the present session of Congress may be made by law, including the sums herein before reserved and appropriated: and to the end that the said monies may be inviolably applied in conformity to this act, and may never be diverted to any other purpose, an account shall be kept of the receipts and disposition thereof, separate and distinct from the product of any other duties, imposts, excises and taxes whatsoever, except such as may be hereafter laid, to make good any deficiency which may be found in the product thereof towards satisfying the interest aforesaid.

and faith of U. States pledged to make good deficiencies.

SEC. 21. *And be it further enacted*, That the faith of the United States be, and the same is hereby pledged to provide and appropriate hereafter such additional and permanent funds as may be requisite towards supplying any such deficiency, and making full provision for the payment of the interest which shall accrue on the stock to be created by virtue of the loans aforesaid, in conformity to the terms thereof respectively, and according to the tenor of the certificates to be granted for the same pursuant to this act.

Proceeds from sales of western lands, to form a sinking fund.

SEC. 22. *And be it further enacted*, That the proceeds of the sales which shall be made of lands in the western territory, now belonging, or that may hereafter belong to the United States, shall be, and are hereby appropriated towards sinking or discharging the debts, for the payment whereof the United States now are, or by virtue of this act may be holden, and shall be applied solely to that use until the said debts shall be fully satisfied.

APPROVED, August 4, 1790.

CHAP. XXXV.—*An Act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels.*

STATUTE II.
August 4, 1790.

[Obsolete.]

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

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the collection of the duties imposed by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels, there shall be established and appointed, districts, ports and officers, in manner following—to wit:

The state of New Hampshire shall be one district, to be called the district of Portsmouth, of which the town of Portsmouth shall be the sole port of entry; and the towns of Newcastle, Dover and Exeter, ports of delivery only: but all ships or vessels bound to or from either of the said ports of delivery, shall first come to, enter and clear at Portsmouth; and a collector, naval officer and surveyor for the said district shall be appointed, to reside at Portsmouth.

District and
ports in New
Hampshire.

In the state of Massachusetts shall be twenty districts and ports of entry—to wit: Newburyport, Gloucester, Salem and Beverly, as one; Marblehead, Boston and Charlestown, as one; Plymouth, Barnstable, Nantucket, Edgartown, New Bedford, Dighton, York, Biddeford and Pepperelborough, as one; Portland and Falmouth, as one; Bath, Wiscasset, Penobscot, Frenchman's Bay, Machias and Passamaquady. To the district of Newburyport shall be annexed the several towns or landing places of Almsbury, Salisbury and Haverhill, which shall be ports of delivery only; and a collector, naval officer and surveyor for the district shall be appointed, to reside at Newburyport. To the district of Gloucester shall be annexed the town of Manchester, as a port of delivery only; and a collector and surveyor shall be appointed, to reside at Gloucester. To the district of Salem and Beverly, shall be annexed the towns or landing places of Danvers and Ipswich, as ports of delivery only; and a collector, naval officer and surveyor for the district shall be appointed, to reside at Salem, and a surveyor to reside at each of the towns of Beverly and Ipswich. To the district of Marblehead shall be annexed the town of Lynn, as a port of delivery only; and a collector for the district shall be appointed, to reside at Marblehead. To the district of Boston and Charlestown shall be annexed the towns or landing places of Medford, Cohasset and Hingham, as ports of delivery only; and a collector, naval officer and surveyor shall be appointed, to reside at Boston. To the district of Plymouth shall be annexed the several towns or landing places of Scituate, Duxbury and Kingston, as ports of delivery only; and a collector for the district shall be appointed, to reside at Plymouth. To the district of Barnstable shall be annexed the several towns or landing places of Sandwich, Falmouth, Harwich, Welfleet, Provincetown and Chatham, as ports of delivery only; and a collector for the district shall be appointed, to reside at Barnstable. To the district of Nantucket the port of Sherburne shall be the sole port of entry and delivery within the same, and a collector shall be appointed, to reside at Sherburne. In the district of Edgartown a collector shall be appointed, to reside at Edgartown. To the district of New Bedford shall be annexed Westport, Rochester and Wareham, as ports of delivery only; and a collector for the district shall be appointed, to reside at New Bedford. To the district of Dighton shall be annexed Swansea and Freetown, as ports of delivery only; and a collector for the district shall be appointed, to reside at Dighton. To the district of York shall be annexed Kittery and Berwick, as ports of delivery only; and a collector for the district shall be appointed, to reside at York. To the district of Biddiford and Pepperelborough shall be annexed Scarborough, Wells, Kennebunk and Cape Porpoise, as ports of delivery only; and a

Districts and
ports in Massa-
chusetts.

Districts and
ports in Massa-
chusetts.

collector for the district shall be appointed, to reside at Biddeford. To the district of Portland and Falmouth shall be annexed North Yarmouth and Brunswick, as ports of delivery only; and a collector and surveyor shall be appointed for the district, to reside at Portland. To the district of Bath shall be annexed Hallowell, Pittstown and Topsham, as ports of delivery only; and a collector for the district shall be appointed, to reside at Bath. To the district of Wiscasset shall be annexed Bristol, Boothbay, Warren, Thomaston and Waldoborough, as ports of delivery only; and a collector for the district shall be appointed, to reside at Wiscasset. To the district of Penobscot shall be annexed Frankfort, Sedgwick Point and Deer Island, as ports of delivery only; and a collector for the district shall be appointed, to reside at Penobscot. To the district of Frenchman's Bay shall be annexed Union River, as a port of delivery only; and a collector for the district shall be appointed, to reside at Frenchman's Bay. For each of the districts of Machias and Passamaquady shall be appointed a collector, to reside at the said ports of Machias and Passamaquady, respectively. The district of Newburyshire shall include all the waters and shores from the state of New Hampshire to the north line of Ipswich. The district of Gloucester shall include all the waters and shores in the towns of Gloucester and Manchester. The district of Salem and Beverly shall include all the shores and waters within the towns of Ipswich, Beverly, Salem and Danvers. The district of Marblehead shall include all the waters and shores within the towns of Marblehead and Lynn. The district of Boston and Charlestown shall include all the waters and shores within the counties of Middlesex and Suffolk. The district of Plymouth shall include all the waters and shores within the county of Plymouth, excepting the towns of Wareham and Rochester. The district of Barnstable shall include all the shores and waters within the county of Barnstable. The district of Nantucket shall include the island of Nantucket. The district of Edgartown shall include all the waters and shores within the county of Duke's County. The district of New Bedford shall include all the waters and shores within the towns of New Bedford, Dartmouth, Westport, Rochester and Wareham, together with all the islands within the county of Bristol. The district of Dighton shall include all the waters and shores on Taunton river, and in the town of Rehoboth; and the collectors of the several districts within that part of the state of Massachusetts eastward of New Hampshire, shall agree, as soon as may be, upon a divisional line between their respective districts, and transmit the same to the comptroller of the treasury; and such districts so agreed upon, shall include all the shores, waters and islands within the same. And in case of disagreement between any of the said collectors, concerning such divisional line, the Secretary of the Treasury shall determine the same.

Districts, and
ports in Rhode
Island, &c.

In the state of Rhode Island and Providence Plantations, there shall be two districts—to wit: the district of Newport, and the district of Providence. The district of Newport shall comprehend all the waters, shores, bays, harbors, creeks and inlets, from the west line of the said state all along the sea coast, and northward up the Narraganset Bay, as far as the most easterly part of Kinnimicut Point at high water mark; and shall include the several towns, harbors, and landing places at Westerly, Charleston, South Kingstown, North Kingstown, East Greenwich, and all that part of Warwick southward of the latitude of said Kinnimicut Point; and also the towns, harbors and landing-places of Barrington, Warren, Bristol, Tiverton, Little Compton, and all the towns, harbors and landing-places of the island of Rhode Island, James Town, Prudence, New Shoreham, and every other island and place within the said state southward of the latitude of the said Kinnimicut Point. The district of Providence shall comprehend all the waters, shores, bays,

harbors, creeks and inlets within the said state, northward of the latitude of Kiunimicut Point. The town of Newport shall be the sole port of entry in the said district of Newport; and a collector, naval officer, and surveyor shall be appointed, to reside at the said town of Newport; and North Kingstown, East Greenwich, Barrington, Warren, Bristol, and Pawcatuck river in Westerly, shall be ports of delivery only; and a surveyor shall be appointed, to reside at each of the ports of North Kingstown, East Greenwich, Warren, Bristol, and Pawcatuck river, and the surveyor to reside at Warren shall be surveyor for the port of Barrington. The town of Providence shall be the sole port of entry in the said district of Providence, and Patuxet in the same district shall be a port of delivery only; and a collector, naval officer and surveyor shall be appointed, to reside at Providence, and a surveyor shall be appointed, to reside at Patuxet.

In the state of Connecticut shall be three districts, to wit: New London, New Haven, and Fairfield. The district of New London shall extend from the east line of the said state of Connecticut, to the west line of the town of Killingsworth, and north to the south line of the state of Massachusetts; and shall also include the several towns or landing places of Norwich, Stonington, Groton, Lyme, Saybrook, Haddam, East Haddam, Middletown, Chatham, Weathersfield, Glastenbury, Hartford, East Hartford, Windsor, East Windsor, and Killingsworth, as ports of delivery only; New London to be the sole port of entry; and a collector and surveyor for the district shall be appointed, to reside at New London; and a surveyor to reside at each of the ports of Stonington and Middletown. The district of New Haven shall extend from the west line of the district of New London, westerly to Ousatumnick river; to which shall be annexed the several towns or landing places of Guildford, Branford, Milford and Derby, as ports of delivery only; New Haven to be the sole port of entry; and a collector and surveyor for the district shall be appointed, to reside at New Haven. The district of Fairfield shall include all the ports and places in the said state of Connecticut west of the district of New Haven; to which shall be annexed the several towns or landing places of Norwalk, Stratford, Stamford, and Greenwich, as ports of delivery only; Fairfield to be the sole port of entry; and a collector for the district shall be appointed, to reside at Fairfield. And New London, New Haven, and Fairfield, shall severally be ports of entry.

Districts and ports in Connecticut.

In the state of New York shall be two districts—to wit: Sag Harbor on Nassau or Long Island, and the city of New York, each of which shall be a port of entry. The district of Sag Harbor shall include all bays, harbors, rivers and shores within the two points of land which are called Oyster Pond Point, and Montauk Point; and a collector for the district shall be appointed, to reside at Sag Harbor, which shall be the only place of delivery in the said district. The district of the city of New York shall include such part of the coasts, rivers, bays and harbors of the said state, not included in the district of Sag Harbor; and moreover the several towns or landing places of New Windsor, Newburgh, Poughkeepsie, Esopus, city of Hudson, Kinderhook, and Albany, as ports of delivery only; and a naval officer, collector and surveyor for the district shall be appointed, to reside at the city of New York; also two surveyors, one to reside at the city of Albany, and the other at the city of Hudson; and all ships or vessels bound to or from any port of delivery within the last named district, shall be obliged to come to, and enter or clear out at the city of New York.

Districts and ports in New York.

In the state of New Jersey shall be four districts—to wit: Perth Amboy, Burlington, Bridgetown, and Great Egg Harbor, which shall severally be ports of entry. The district of Perth Amboy shall comprehend all that part of the state of New Jersey, known by the name of

Districts and ports in New Jersey.

East New Jersey, (that part excepted which is hereafter included in the district of Burlington) together with all the waters thereof heretofore within the jurisdiction of the said state; in which district the towns or landing places of New Brunswick, Middletown Point, Elizabethtown, and Newark, shall be ports of delivery only; and a collector for the district shall be appointed, to reside at Perth Amboy. The district of Burlington shall comprehend that part of the said state known by the name of West New Jersey, which lies to the eastward and northward of the county of Gloucester, with all the waters thereof heretofore within the jurisdiction of the said state, including the river and inlet of Little Egg Harbor, with the waters emptying into the same, and the sea-coast, sound, inlets and harbors thereof, from Barnegat inlet to Brigantine inlets, in which district the landing places of Lamberton and Little Egg Harbor shall be ports of delivery only; and a collector shall be appointed for the district, to reside at Burlington, and a surveyor at Little Egg Harbor. The district of Bridgetown shall comprehend the counties of Gloucester, Salem, Cumberland, and Cape May, (such part of the counties of Gloucester and Cape May as shall be herein after included in the district of Great Egg Harbor, excepted,) and all the waters thereof heretofore within the jurisdiction of the said state; and the town of Salem and Port Elizabeth, on Maurice river, shall be ports of delivery only; and a collector shall be appointed, to reside at Bridgetown. The district of Great Egg Harbor shall comprehend the river of Great Egg Harbor, together with all the inlets, bays, sound, rivers and creeks, along the sea coast, from Brigantine inlet to Cape May; and a collector shall be appointed, to reside at Somers's Point, on the said river of Great Egg Harbor.

Districts and port in Pennsylvania.

The state of Pennsylvania shall be one district, and Philadelphia shall be the sole port of entry and delivery for the same; and a collector, naval officer and surveyor for the district shall be appointed, to reside at the said port of Philadelphia.

Districts and ports in Delaware.

The state of Delaware shall be one district, and the borough of Wilmington shall be the port of entry, to which shall be annexed Newcastle and Port Penn as ports of delivery only; and a collector for the district shall be appointed, to reside at the said port of Wilmington.

Districts and ports in Maryland.

In the state of Maryland shall be nine districts—to wit: Baltimore, Chester, Oxford, Vienna, Snowhill, Annapolis, Nottingham, Cedar Point, and Georgetown. The district of Baltimore shall include Patapsco, Susquehanna, and Elk rivers, and all the waters and shores on the west side of Chesapeake Bay, from the mouth of Magetty river to the south side of Elk river, inclusive, in which Havre de Grace and Elkton shall be ports of delivery only; and a collector, naval officer and surveyor shall be appointed for the said district, to reside at the town of Baltimore, which shall be the sole port of entry. The district of Chester shall include Chester river, and all the waters and shores on the eastern side of Chesapeake Bay, from the south side of Elk river to the north side of the Eastern Bay, and Wye river, inclusive; in which Georgetown on Sassafra river shall be a port of delivery only; and a collector for the district shall be appointed, to reside at Chester, which shall be the sole port of entry. The district of Oxford shall include all the waters and shores on the eastern side of Chesapeake Bay, from the north side of Wye river and the Eastern Bay, to the south side of Great Choptank river, inclusive; and Cambridge shall be a port of delivery only; and a collector for the district shall be appointed, to reside at Oxford, which shall be the sole port of entry. The district of Vienna shall include all the waters and shores on the eastern side of Chesapeake Bay, from the south side of Great Choptank river, to the south side of Hooper's Strait, Haynes's Point and Wicomico river, inclusive; and Salisbury shall be the port of delivery only; and a collector for the district shall

be appointed, to reside at Vienna, which shall be the sole port of entry. The district of Snowhill shall include all the waters and shores on the sea-coast, from the north line of Virginia to the south line of Delaware, together with all the waters and shores on the eastern side of Chesapeake Bay, from the south side of Wicomico river to the south side of Pocomoke river, inclusive, so far as the jurisdiction of the said state of Maryland extends; to which Siniuxent shall be a port of delivery for West India produce only; and a collector for the district shall be appointed, to reside at Snowhill, which shall be the sole port of entry. The district of Annapolis shall include Magetty river, and all the waters and shores from thence to Drum Point, on Patuxent river; and a collector for the district shall be appointed, to reside at Annapolis, which shall be the sole port of entry and delivery for the same. The district of Nottingham shall include all the waters and shores on the west side of Chesapeake Bay, to Drum Point, on the river Patuxent, together with the said river, and all the navigable waters emptying into the same, to which Benedict, Lower Marlborough, Town Creek, and Sylvey's Landing, shall be annexed as ports of delivery only; a collector for the district shall be appointed, to reside at Nottingham, and a surveyor at Town Creek; and Nottingham shall be the sole port of entry. The district of Cedar Point shall include all the waters of Potomac within the jurisdiction of the state of Maryland, from Point-look-out to Pomonky Creek, inclusive; to which Nanjemoy, Saint Mary's and Lewellensburg, shall be annexed as a port of delivery only; and a collector for the district shall be appointed, to reside at Cedar Point; also a surveyor to reside at each of the ports of Saint Mary's and Lewellensburg; and Cedar Point shall be the sole port of entry. The district of Georgetown shall include all the waters and shores from Pomonky Creek, on the north side of Potomac river, to the head of the navigable waters of the said river within the jurisdiction of the state of Maryland; to which Digges's landing and Carrolsburg shall be annexed as ports of delivery only; and a collector for the district shall be appointed, to reside at Georgetown, which shall be the sole port of entry.

In the state of Virginia shall be twelve districts—to wit: Hampton as one port; Norfolk and Portsmouth as one port; Bermuda Hundred and City Point as one port; Yorktown, Tappahannock, Yeocomico river, including Kinsale, Dumfries, including Newport, Alexandria, Foley Landing, Cherrystone, South Quay, and Louisville. The authority of the officers at Hampton shall extend over all the waters, shores, bays, harbors and inlets, between the south side of the mouth of York river, along the west shore of Chesapeake Bay to Hampton, and thence up James river to the west side of Chickahominy river; and a collector shall be appointed, to reside at Hampton, which shall be the sole port of entry. To the district of Norfolk and Portsmouth shall be annexed Suffolk and Smithfield as ports of delivery only; and the authority of the officers of the said district shall extend over all the waters, shores, bays, harbors and inlets comprehended within a line drawn from Cape Henry to the mouth of James river, and thence up James river to Jordan's point, and up Elizabeth river to the highest tide water thereof; and Norfolk and Portsmouth shall be the sole port of entry; and a collector, naval officer and surveyor for the district shall be appointed, to reside at Norfolk; also a surveyor to reside at each of the ports of Suffolk and Smithfield. To the district of Bermuda Hundred or City Point, shall be annexed Richmond, Petersburg, and Manchester, as ports of delivery only; and a collector and surveyor shall be appointed, to reside at Bermuda Hundred or City Point, which shall be the sole port of entry; also a surveyor for Petersburg to reside thereat, and a surveyor for Richmond and Manchester to reside at Richmond; and the authority of the officers of the said district shall extend over all the waters, shores, bays,

Districts and
ports in Vir-
ginia.

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nia.

harbors and inlets, comprehended between Jordan's Point and the highest tide water on James and Appamattox rivers. To the district of Yorktown shall be annexed West Point and Cumberland as ports of delivery only; and a collector for the district shall be appointed, to reside at Yorktown, which shall be the sole port of entry; also a surveyor for the two ports of delivery, to reside at West Point; and the authority of the officers of the said district shall extend over all the waters, shores, bays, harbors and inlets, comprehended between the point forming the south shore of the mouth of Rappahannock river, and the point forming the south shore of the mouth of York river, and thence up the said river to West Point, and thence up Pamunkey and Mattapony rivers to the highest navigable waters thereof. To the district of Tappahannock shall be annexed Urbanna, Port Royal and Fredericksburg (including Falmouth) as ports of delivery only; and a collector for the district shall be appointed, to reside at Tappahannock, which shall be the sole port of entry; also a surveyor for each of the ports of Urbanna, Port Royal, and Fredericksburg; and the authority of the officers of the said district shall extend over all the waters, shores, bays, harbors and inlets, comprehended between Smith's Point, at the mouth of Potomac river, and the point forming the south shore of the mouth of Rappahannock river, and thence up the last mentioned river to the highest tide water thereof. The district of Yeocomico river including Kinsale, shall extend from Smith's Point on the south side of Potomac river, to Boyd's Hole on the same river, including all the waters, shores, bays, rivers, creeks, harbors and inlets along the south shore of Potomac river to Boyd's Hole aforesaid; and Yeocomico including Kinsale, shall be the sole port of entry; and a collector shall be appointed to reside on Yeocomico river. The district of Dumfries including Newport, shall extend from Boyd's Hole to Cockpit Point on the south side of Potomac river; and a collector shall be appointed, to reside at Dumfries, which shall be the sole port of entry; and the authority of the officers of this district shall extend over all the waters, shores, bays, harbors and inlets comprehended between Boyd's Hole and Cockpit Point aforesaid. For the district of Alexandria shall be appointed a collector and surveyor, to reside at Alexandria, which shall be the sole port of entry; and the authority of the officers of the said district shall extend over all the waters, shores, bays, harbors and inlets on the south side of the river Potomac, from the last mentioned Cockpit Point to the highest tide water of the said river. For the district of Foley Landing shall be appointed a collector, who shall reside at Accomack Court House, and whose authority shall extend over all the waters, shores, bays, harbors and inlets of the county of Accomack. For the district of Cherrystone shall be appointed a collector, to reside at Cherrystone, whose authority shall extend over all the waters, shores, bays, harbors and inlets comprehended within Northampton county. For the district of South Quay a collector shall be appointed, to reside thereat, whose authority shall extend over all the waters, shores, bays, harbors and inlets in that part of Virginia, comprehended within the limits of the said state. For the district of Louisville a collector shall be appointed, to reside thereat, whose authority shall extend over all the waters, shores and inlets included between the rapids and the mouth of the Ohio river on the south side thereof.

Districts and
ports in North
Carolina.

In the state of North Carolina shall be five districts: one to be called the district of Wilmington, and to comprehend all the waters, shores, bays, harbors, creeks and inlets, from Little River inlet, inclusive, to New River inlet, inclusive; another to be called the district of Newbern, and to comprehend all the waters, shores, bays, harbors, creeks and inlets, from New River inlet, exclusive, to Ocracoke inlet, inclusive together with that part of Pampticoe sound which lies southward and westward of the shoal projecting from the mouth of Pampticoe river

towards the Royal Shoal, and southward of the said Royal Shoal. Another to be called the district of Washington, and to comprehend all that part of Pampticoe sound not included in the district of Newbern, as far north as the Marshes. Another to be called the district of Edenton, and to comprehend all the waters, bays, harbors, creeks and inlets, from the Marshes, inclusive, northward and westward, except those included in the district of Cambden. The other to be called the district of Cambden, and to comprehend North River, Pasquotank and Little Rivers, and all the waters, shores, bays, harbors, creeks and inlets, from the junction of Currituck and Albemarle sounds to the north extremity of Back Bay. That in the district of Wilmington, the town of Wilmington shall be a port of entry and delivery, and there shall be a collector, naval officer and surveyor, to reside at the said town of Wilmington. That in the district of Newbern, the town of Newbern shall be a port of entry and delivery, and the towns of Beaufort and Swansborough shall be ports of delivery only, and there shall be a collector to reside at Newbern, and a surveyor to reside at Beaufort, and one at Swansborough. That in the district of Washington, the town of Washington shall be the sole port of entry and delivery, and there shall be a collector to reside within the same. That in the district of Edenton, the town of Edenton shall be a port of entry and delivery, and Hertford, Murfreesborough, Princeton, Winton, Bennet's Creek, Plymouth, Windsor and Skewarkey, ports of delivery; and there shall be a collector to reside at the town of Edenton, and a surveyor at each of the ports of Hertford, Winton, Bennet's Creek, Plymouth, Windsor and Skewarkey; and one at Murfreesborough, for said port and for Princeton. That all ships or vessels intending to proceed to Plymouth, Windsor, Skewarkey, Winton, Bennet's Creek bridge, Murfreesborough, or Princeton, shall first come to and enter at the port of Edenton. That in the district of Cambden, Plankbridge on Sawyer's Creek, shall be the port of entry and delivery, and Nixonton, Indiantown, Newbiggin Creek, Currituck inlet, Pasquotank River bridge, ports of delivery; and there shall be a collector at Plankbridge on Sawyer's Creek, and a surveyor at each of the ports of Nixonton, Indiantown, Currituck inlet, Pasquotank River bridge, and Newbiggin Creek; and that the authority of the officers of each district shall extend over all the waters, shores, bays, harbors, creeks and inlets comprehended within such district. *Provided*, That any vessels coming in at Ocracoke inlet, that may be under the necessity of employing lighters before they pass the Royal Shoal, may be at liberty to enter at any port of entry connected with the waters of said inlet, to which such vessels are bound. And that any vessel coming in at the said inlet in ballast, with the purpose of loading without the Royal Shoal, shall be at liberty to enter at any port of entry connected with the waters of the said inlet.

Districts and
ports in North
Carolina.

In the state of South Carolina shall be three districts, to wit: Georgetown, Charleston, and Beaufort, each of which shall be a port of entry. The district of Georgetown shall include the shores, inlets and rivers, from the boundary of North Carolina to the point of Cape Romain. The district of Charleston shall include all the shores, inlets and rivers, from Cape Romain to Combahee river inclusive: and the district of Beaufort shall include the shores, inlets and rivers, from Combahee river to Back river in Georgia, comprehending also the shores, inlets and harbors formed by the different bars and sea islands lying within each district respectively. At the port of Charleston shall be a collector, naval officer and surveyor; and a collector at each of the other ports.

Districts and
ports in South
Carolina.

In the state of Georgia shall be four districts, to wit: Savannah, Sunbury, Brunswick, and Saint Mary's, each of which shall be a port of entry. The district of Savannah shall include Savannah river, and all the waters, shores, harbors, rivers, creeks, bays, and inlets, from the said

Districts and
ports in Georgia.

river to the north point of Ossabaw island, and Great Ogeeche rivers, inclusive; and a naval officer, collector and surveyor shall be appointed for the said district, to reside at Savannah. The district of Sunbury shall comprehend all the waters, shores, harbors, rivers, creeks, bays and inlets, south of the north point of Ossabaw island and Great Ogeeche river, exclusive; and north of the south point of Sapelo island, inclusive, and a collector for the said district shall be appointed, to reside at Sunbury. The district of Brunswick shall comprehend all the waters, shores, harbors, rivers, creeks, bays and inlets, from the south point of Sapelo island, exclusive, to the south point of Jekyl island, inclusive: Frederica shall be a port of delivery only; and a collector for the district shall be appointed, to reside at Brunswick. The district of Saint Mary's shall comprehend all the waters, shores, harbors, rivers, creeks, bays, and inlets, from the south point of Jekyl island, exclusive, to Saint Mary's river, inclusive; and a collector for the said district shall be appointed, to reside at Saint Mary's: and in each of the said districts it shall be lawful for the collector to grant a permit to unlade at any port or place within the district, and to appoint or put on board any ship or vessel for which a permit is granted, one or more searchers or inspectors as may be necessary for the security of the revenue.

SEC. 2. *And be it further enacted*, That it shall not be lawful to make entry of any ship or vessel which shall arrive from any foreign port or place within the United States, or of the cargo on board such ship or vessel, elsewhere than at one of the ports of entry herein before established, nor to unlade the said cargo, or any part thereof, elsewhere than at one of the ports of delivery herein established: *Provided always*, That every port of entry shall be also a port of delivery: *And provided further*, That none but ships or vessels of the United States shall be admitted to unlade at any other than the ports following—to wit: Portsmouth, in the state of New Hampshire: Portland and Falmouth, New Bedford, Dighton, Salem and Beverly, Gloucester, Newburyport, Marblehead, Sherburne, Boston and Charlestown, Plymouth, Bath, Frenchman's Bay, Wiscasset, Machias, and Penobscot, in the state of Massachusetts: Newport and Providence, in the state of Rhode Island and Providence Plantations: New London and New Haven, in the state of Connecticut: New York, in the state of New York: Perth Amboy, and Burlington, in the state of New Jersey: Philadelphia, in the state of Pennsylvania: Wilmington, New Castle and Port Penn, in the state of Delaware: Baltimore, Annapolis, Vienna, Oxford, Georgetown on Potomac, Chestertown, Town Creek, Nottingham, Cedar Point, Digges's Landing, Snowhill, and Carrolsburgh, in the state of Maryland: Alexandria, Kinsale, Newport, Tappahannock, Port Royal, Fredericksburg, Urbana, Yorktown, West Point, Hampton, Bermuda Hundred, City Point, Rocket's Landing, Norfolk, and Portsmouth, in the state of Virginia: Wilmington, Newbern, Washington, Edenton, and Plankbridge, in the state of North Carolina: Charleston, Georgetown, and Beaufort, in the state of South Carolina: and in either of the districts of Savannah, Sunbury, Brunswick, Frederica, and Saint Mary's, in the state of Georgia: or to make entry in any other district than in one in which they shall be so admitted to unlade: *And provided lastly*, That no ship or vessel arriving from the Cape of Good Hope, or from any place beyond the same, shall be admitted to make entry at any other than the ports following—to wit: Portsmouth, in the state of New Hampshire: Boston and Charlestown, Newburyport, Salem and Beverly, Gloucester, Portland and Falmouth, in the state of Massachusetts: Newport, and Providence, in the state of Rhode Island and Providence Plantations: New London, and New Haven, in the state of Connecticut: New York, in the state of New York: Perth Amboy, in the state of New Jersey: Philadelphia, in the state of Pennsylvania: Wilmington, in the state of

Ports of entry to be ports of delivery. Ports of delivery to which foreign vessels are restricted.

Ports of entry to which vessels arriving from the Cape of G. Hope or beyond it are restricted.

Delaware: Baltimore, Annapolis, and Georgetown, in the state of Maryland: Alexandria, Norfolk and Portsmouth, in the state of Virginia: Wilmington, Newbern, Washington, and Edenton, in the state of North Carolina: Charleston, Georgetown, and Beaufort, in the state of South Carolina: and Sunbury, and Savannah, in the state of Georgia: *Provided*, That nothing herein contained shall prevent the master or commander of any ship or vessel, from making entry with the collect in any district in which such ship or vessel may be owned, or from which she may have sailed on the voyage from which she shall then have returned.

SEC. 3. *And be it further enacted*, That the master or commander of every ship or vessel bound to a port of delivery only, in any of the following districts—to wit: Portland and Falmouth, Bath, Newburyport, New London, (except the port of Stonington, in the said district) Norfolk and Portsmouth, Bermuda Hundred and City Point, Yorktown, or Tappahannock, (except the port of Urbanna, in the said district) and Edenton, shall first come to at the port of entry of such district, with his ship or vessel, and there make report or entry, and pay, or secure to be paid, all legal duties, port fees and charges in manner by this act provided, before such ship or vessel shall proceed to her port of delivery; and that any ship or vessel bound to a port of delivery in any district other than those above mentioned, or to either of the ports of Stonington or Urbanna, may first proceed to her port of delivery, and afterwards make report or entry within the time by this act limited.

Ports of delivery to which vessels bound shall first come to at the port of entry.

SEC. 4. *And be it further enacted*, That the master or commander of every ship or vessel, if bound to the district of Nottingham, shall, before he pass by the port of Town Creek, and immediately after his arrival, deposit with the surveyor of the said port, a true manifest of the cargo on board such ship or vessel: if bound to the district of Tappahannock, shall, before he pass by the port of Urbanna, and immediately after his arrival, deposit with the surveyor for that port a like manifest: if bound to the district of Bermuda Hundred or City Point, shall, before he pass by Elizabeth River, and immediately after his arrival, deposit with the collector of the port of Norfolk and Portsmouth, or with the collector of the port of Hampton, a like manifest: and if bound to the district of South Quay, shall, before he pass by the port of Edenton, and immediately after his arrival, deposit with the collector of the port of Edenton, a like manifest. And the said surveyors and collectors respectively, shall, after registering the manifest, transmit the same, duly certified to have been so deposited, to the officer with whom the entries are to be made. And if the master or commander of any ship or vessel shall neglect or omit to deposit a manifest in manner aforesaid, and as the case shall require, he shall forfeit and pay five hundred dollars, to be recovered with costs of suit, one half to the use of the officer with whom such manifest ought to have been deposited, and the other half to the use of the collector of the district to which the said ship or vessel may be bound: *Provided*, That if manifests shall have been in either of the said cases previously delivered to any officer of the customs, pursuant to the provision herein after to be made in that behalf, the depositing of a manifest as aforesaid shall not be necessary: *And provided also*, That no master of any ship or vessel which was absent from the United States on the first day of May last, and which hath not since returned within the same, or of any ship or vessel not owned wholly or in part by a citizen or inhabitant of the United States, shall incur the said penalty, if he shall make oath or affirmation that he had no knowledge of or information concerning the regulation herein contained, unless it can be otherwise proved that he had such knowledge or information.

Districts to which vessels bound shall not pass certain ports without delivering a manifest.

Penalty for neglecting to deposit manifest.

SEC. 5. *And be it further enacted*, That all officers and persons to be appointed pursuant to this act, before they enter upon the duties of their

Officers to be appointed in pursuance of this act to take an oath;

penalty in default thereof.

Duties of the collector,

naval officer,

surveyor.

Further duties of surveyor and collector.

respective offices, shall severally take an oath diligently and faithfully to execute the duties of their said offices respectively, and to use their best endeavours to prevent and detect frauds in relation to the duties imposed by the laws of the United States; which oath, if taken by a collector, may be taken before any magistrate authorized to administer oaths within the district to which he belongs; but if taken by another, shall be taken before the collector of his district, and being certified under the hand and seal of the person by whom the same shall have been administered, shall, within three months thereafter be transmitted to the comptroller of the treasury; in default of taking which oath, the party failing shall forfeit and pay two hundred dollars, to be recovered with costs of suit, in any court of competent jurisdiction, to the use of the United States.

SEC. 6. *And be it further enacted,* That the several officers of the customs shall respectively perform the duties following—to wit: At such of the ports to which there shall be appointed a collector, naval officer and surveyor, the collector shall receive all reports, manifests and documents, to be made or exhibited on the entry of any ship or vessel, according to the regulations of this act; shall record in books to be kept for that purpose, all such manifests; shall receive the entries of all ships and vessels, and of the goods, wares and merchandise imported in them; shall, together with the naval officer, where there is one, or alone where there is none, estimate the amount of the duties payable thereupon, endorsing the said amount upon the respective entries; shall receive all monies paid for duties, and take all bonds for securing the payment thereof; shall grant all permits for the unloading and delivery of goods; shall employ proper persons as weighers, gaugers, measurers and inspectors at the several ports within his district; and shall provide at the public expense, and with the approbation of the principal officer of the treasury department, store-houses for the safe keeping of goods, and such scales, weights and measures as may be necessary. The naval officers shall receive copies of all manifests; shall, together with the collector, estimate the duties on all goods, wares and merchandise subject to duty, keeping a separate record thereof; and shall countersign all permits, clearances, certificates and debentures to be granted by the collector. The surveyor shall superintend and direct all inspectors, weighers, measurers and gaugers, within his district; shall visit and inspect the ships or vessels which arrive within his district, and shall have power to put on board each of them one or more inspectors; shall ascertain the proofs of distilled spirits, rating those which shall be of the proof of twenty-four degrees as of Jamaica proof; and shall examine whether the goods imported in any ship or vessel, and the deliveries thereof, are conformable to the entries of such goods and the permits for landing the same; and the said surveyor shall in all cases be subject to the control of the collector. And at such ports to which a collector and surveyor only are assigned, the said collector shall solely execute all the duties in which the co-operation of the naval officer is requisite at the ports where a naval officer shall be appointed, which he shall also do in case of the disability or death of the naval officer. And at the ports to which a collector only is assigned, such collector shall solely execute all the duties in which the co-operation of the naval officer is requisite as aforesaid: and shall also, as far as may be, perform all the duties prescribed to surveyors at the ports where such officers are established. And at ports to which surveyors only are assigned, every such surveyor shall perform all the duties herein before enjoined upon surveyors; and shall also receive and record the copies of all manifests which shall be transmitted to him by the collector; shall record all permits granted by such collector, distinguishing the gauge, weight, measure and quality of the goods specified therein: and shall take care that no goods be unladen or delivered from any ship or vessel without a pro-

per permit for that purpose. And at such ports of delivery only to which no surveyor is assigned, it shall be lawful for the collector of the district occasionally and from time to time to employ a proper person or persons to do the duties of a surveyor, who shall be entitled to the like compensation with inspectors, during the time they shall be employed. And the said collectors, naval officers and surveyors shall respectively attend in person at the ports to which they are respectively assigned; and shall keep fair and true accounts and records of all their transactions as officers of the customs, in such manner and form as may be directed by the proper department, or officer having the superintendance of the collection of the revenue of the United States; and shall at all times submit their books, papers and accounts to the inspection of such persons as may be appointed for that purpose. And the said collectors shall at all times pay to the order of the officer who shall be authorized to direct the payment thereof, the whole of the monies which they may respectively receive by virtue of this act (such monies as they are otherwise by this act directed to pay only excepted); and shall also once in every three months, or oftener if they shall be required, transmit their accounts for settlement to the officer or officers whose duty it shall be to make such settlement.

SEC. 7. *And be it further enacted*, That every collector, naval officer and surveyor, in cases of occasional and necessary absence, or of sickness, and not otherwise, may respectively exercise and perform their several powers, functions and duties, by deputy duly constituted under their hands and seals respectively, for whom in the execution of the trust they shall respectively be answerable.

SEC. 8. *And be it further enacted*, That in case of the disability or death of a collector, the duties and authorities vested in him shall devolve on his deputy, if any there be at the time of such disability or death (for whose conduct the estate of such disabled or deceased collector shall be liable): and in defect of a deputy, the said authorities and duties shall devolve upon the naval officer of the same district, if any there be; and if there be no naval officer, upon the surveyor of the port appointed for the residence of such disabled or deceased collector, if any there be; and if none, upon the surveyor of the port nearest thereto, and within the same district. And in every case of the death or disability of a surveyor, it shall be lawful for the collector of the district to nominate some fit person to perform his duties and exercise his authorities. And the authorities of the persons hereby empowered to act in the stead of those who may be disabled or dead, shall continue until successors shall be duly appointed, and ready to enter upon the execution of their respective offices.

SEC. 9. *And be it further enacted*, That from and after the first day of October next, no goods, wares or merchandise shall be brought into the United States from any foreign port or place, in any ship or vessel belonging in the whole or in part to a citizen or citizens, inhabitant or inhabitants of the United States, unless the master or person having the charge or command of such ship or vessel shall have on board a manifest or manifests in writing, signed by such master or other person, containing the name or names of the port or ports, place or places where the goods in such manifest or manifests mentioned, shall have been respectively taken on board, and the port or ports, place or places within the United States for which the same are respectively consigned or destined, and the name and built of such ship or vessel, and the true admeasurement or tonnage thereof according to the register of the same, together with the name of the master or other person having the command or charge of such ship or vessel, and the port or place to which such ship or vessel truly belongs, and a just and particular account of all the cargo so laden or taken on board, whether in packages or stowed

Collector may occasionally employ a surveyor.

Collectors, naval officers and surveyors to keep books.

Collectors to pay all monies received, and settle their accounts every three months.

Collectors, naval officers and surveyors may appoint deputies.

Duties of a deputy collector.

Collector may nominate a surveyor.

Masters of vessels from foreign ports, to have manifests of their cargo.

loose, together with the marks and numbers, in words at length, of the said packages respectively, with a description of each, as whether leaguer, pipe, butt, puncheon, hogshead, barrel, case, bale, pack, truss, chest, box, bundle, or other cask or package, describing the same by its usual name or denomination.

Forfeiture of the value of goods not included in said manifest.

SEC. 10. *And be it further enacted*, That if any goods, wares or merchandise shall, after the said first day of October next, be imported or brought into the United States, in any ship or vessel whatever, belonging in the whole or in part to a citizen or citizens, inhabitant or inhabitants of the United States, from any foreign port or place, without such manifest or manifests in writing, or shall not be included and described therein, or shall not agree therewith, in every such case the master or other person having the command or charge of such ship or vessel, shall forfeit a sum of money equal to the value of such goods, not included in such manifest or manifests: *Provided always*, That if it shall be made appear to the satisfaction of the collector, naval officer and surveyor, or the major part of them, where those offices are established at any port, or to the satisfaction of the collector alone, where either of the other of the said offices is not established, or to the satisfaction of the court in which a trial shall be had concerning such forfeiture, that no part of the cargo of such ship or vessel had been unshipped, after it was taken on board, except such as shall have been specified and accounted for in the report of the master or other person having the charge or command of such ship or vessel, and that the manifest or manifests had been lost or mislaid, without fraud or collusion, or that the same was or were defaced by accident, or incorrect by mistake, in every such case the forfeiture aforesaid shall not be incurred.

Restitution of them if the manifests are lost.

Masters of vessels to deliver manifests to the officer who shall first go on board,

SEC. 11. *And be it further enacted*, That every master or other person having the charge or command of any ship or vessel belonging in the whole or in part to a citizen or citizens, inhabitant or inhabitants of the United States, laden with goods as aforesaid, and bound to any port or place in the United States, shall on his arrival within four leagues of the coast thereof, or within any of the bays, harbors, ports, rivers, creeks or inlets thereof, upon demand, produce such manifest or manifests in writing, which such master or other person is herein before required to have on board his said ship or vessel, to such officer or officers of the customs, as shall first come on board his said ship or vessel, for his or their inspection, and shall deliver to such officer or officers a true copy or copies thereof (which copy or copies shall be provided and subscribed by the said master or other person having the command or charge of such ship or vessel); and that the officer or officers to whom the original manifest or manifests shall have been so produced, shall respectively certify upon the back thereof, that the same was or were produced, and the day and year on which the same was or were so produced, and that such copy or copies as aforesaid, was or were to him or them delivered, and shall likewise certify upon the back of such copy or copies, the day and year on which the same was or were delivered, and shall forthwith transmit such copy or copies to the respective collectors of the several districts, to which the goods by such manifest or manifests shall appear respectively to be consigned; and that the said master or other person so having the charge or command of any such ship or vessel, shall in like manner produce to the officer or officers of the customs who shall first come on board such ship or vessel upon her arrival within the limits of any district of the United States, in which the cargo or any part thereof is intended to be discharged or landed, for his or their inspection, such manifest or manifests as aforesaid, and shall also deliver to him or them a true copy or copies thereof, (such copy or copies also to be provided and subscribed by the said master or other person having the charge or command of such ship or vessel) the production of which

the delivery of which shall be certified thereon by such officer;

said manifest or manifests, and the delivery of which said copy or copies thereof shall also be certified by the said officer or officers of the customs who shall so first come on board the said ship or vessel on her arrival within the limits of any such district, upon the back of the said original manifest or manifests, with the particular day and year when such manifest or manifests was or were produced to such officer or officers, and when he or they so received the said copy or copies thereof; and such officer or officers is and are hereby required forthwith to transmit or cause to be transmitted, the said copy or copies of the said manifest or manifests to the collector of that district, and the said master or person having the charge or command of the said ship or vessel, shall afterwards produce and deliver the said original manifest or manifests to the said collector. *Provided always*, That nothing herein contained shall be construed to require of such master or other person having the charge or command of such ship or vessel, the delivery of more than one copy of each manifest to the officer or officers aforesaid, who shall first come on board of such ship or vessel, within four leagues of the coast of the United States aforesaid, and one other copy to such officer or officers as shall first come on board, within the limits of any district for which the cargo of such ship or vessel or some part thereof shall be consigned or destined; or shall be construed to require the delivery of any such copy to any other officer; but it shall be sufficient in respect to any such other officer, to produce and show to him the said original manifest or manifests, and the certificate or certificates thereupon.

and another manifest to the officer of the district to which he is bound.

SEC. 12. *And be it further enacted*, That if the master or other person having the charge or command of any ship or vessel laden as aforesaid, and bound to any port or place in the United States, shall not, upon his arrival within four leagues of the coast thereof, or within the limits of any district thereof, where the cargo of such ship or vessel or any part thereof is intended to be discharged, produce such manifest or manifests in writing, to the proper officer or officers upon demand thereof, and also deliver such copy or copies thereof as aforesaid according to the directions of this act in each case, or shall not give an account of the destination of such ship or vessel, which he is hereby required to do, upon request of such officer or officers, or shall give a false account of the said destination, in order to evade the production of the said manifest or manifests, the said master or other person having the charge or command of such ship or vessel, shall forfeit for every such refusal, neglect or offence, a sum not exceeding five hundred dollars. And if such officer or officers first coming on board, in each case within the distance or limits aforesaid, shall neglect or refuse to certify on the back of such manifest or manifests, the production thereof, and the delivery of such copy or copies respectively, as are herein before directed to be delivered to such officer or officers; every such officer, so neglecting or refusing, shall forfeit and pay the sum of five hundred dollars.

Penalty on neglect thereof.

SEC. 13. *And be it further enacted*, That if after the arrival of any ship or vessel so laden with goods as aforesaid, and bound to the United States, within the limits of any of the districts of the United States, or within four leagues of the coast thereof, any part of the cargo of such ship or vessel shall be unladen for any purpose whatever, from out of such ship or vessel as aforesaid, within the limits or distance aforesaid, before such ship or vessel shall come to the proper place for the discharge of her cargo or some part thereof, and shall be there duly authorized by the proper officer or officers of the customs to unlade the same, the master or other person having the charge or command of such ship or vessel, and the mate or other person next in command, shall respectively forfeit and pay the sum of one thousand dollars; and the goods, wares and merchandise so unladen and unshipped, shall be forfeited and lost, except in the case of some unavoidable accident, necessity or dis-

Penalty on the officer for refusing or neglecting to certify manifests.

Penalty for unloading goods without authority :

forfeiture thereof;

except in cases of accident or distress.

tress of weather; of which unavoidable accident, necessity or distress, the master or other person having the charge or command of such ship or vessel, shall give notice to, and together with two or more of the mariners on board such ship or vessel, shall make proof upon oath before the collector or other chief officer of the customs of the district, within the limits of which such accident, necessity or distress shall happen, or before the collector or other chief officer of the first district of the United States within the limits of which such ship or vessel shall afterwards arrive, if the said accident, necessity or distress shall have happened not within the limits of any district, but within four leagues of the coast of the United States, (which oath the said collector or other chief officer is hereby authorized and required to administer.)

Masters of vessels receiving goods, except in such cases, to forfeit treble their value and vessels.

SEC. 14. *And be it further enacted,* That if any goods, wares or merchandise so unladen from on board of any such ship or vessel, shall be put or received into any other ship, vessel or boat, except in the case of such accident, necessity or distress as aforesaid, to be notified and proved as aforesaid, the said master or other person having the charge or command of the ship, vessel or boat into which the said goods shall be so put and received, and every other person aiding and assisting therein, shall forfeit treble the value of the said goods; and the said ship, boat or vessel shall also be forfeited and lost.

Masters of vessels to incur a penalty for sailing from any district after arriving, if they do not enter, except in cases of distress:

SEC. 15. *And be it further enacted,* That if any ship or vessel which shall have arrived within the limits of any district of the United States from any foreign port or place, shall depart or attempt to depart from the same, unless to proceed on her way to some more interior district to which she may be bound, before report or entry shall have been made by the master or other person having the charge or command of such ship or vessel, with the collector of some district of the United States, the said master or other person having such charge or command shall forfeit and pay the sum of four hundred dollars. And it shall be lawful for any collector, naval officer, surveyor, or commander of any of the cutters herein after mentioned, to arrest and bring back, or cause to be arrested and brought back, such ship or vessel, to such port of the United States to which it may be most conveniently done. *Provided,* That if it shall be made to appear by the oath of the said master or other person having the charge or command of such ship or vessel, and of the person next in command, or other sufficient proof to the satisfaction of the collector of the district within which such ship or vessel shall afterwards come, or to the satisfaction of the court in which the prosecution for such penalty may be had, that the said departure, or attempt to depart, was occasioned by distress of weather, pursuit or duress of enemies, or other necessity, the said penalty shall not be incurred.

To make an entry within 24 hours;

SEC. 16. *And be it further enacted,* That within twenty-four hours after the arrival of any ship or vessel from any port or place, at any port of the United States established by law, at which an officer of the customs resides, or within any harbor, inlet or creek thereof, if the hours of business at the office of the chief officer of the customs at such port will permit, or as soon thereafter as the said hours will permit, the master or other person having the charge or command of such ship or vessel, shall repair to the said office, and shall make report to the said chief officer of the arrival of the said ship or vessel; and within forty-eight hours after such arrival, shall make a further report to the collector of the district in which such port may be, of the name, burthen and lading of such ship or vessel, whether in packages or stowed loose, and of the particular marks, numbers and contents of each package, and the place or places, person or persons to or for which or whom they are respectively consigned or destined, also of the place or places where she took in her lading, of what country built, from what foreign port or place she last sailed, who was master or commander of her during the voyage,

and a report of his cargo within 48 hours;

who is at the time of such report master or commander of her, and (if a vessel of the United States) who are owners of her; unless the whole of such information required on the second report as aforesaid, shall have been given at the time of making the first report, in which case it shall not be necessary to make a further report. And in the cases in which the master or person having the charge or command of any ship or vessel herein before required to have on board at the time of her departure from such foreign port or place for the United States, a manifest or manifests of the lading of such ship or vessel, or of any part thereof, the said master or person having the said charge or command shall, at the time of making the said report, deliver the said manifest or manifests to the collector to whom the said report shall be made, and shall declare to the truth of such manifest or manifests, as the same ought to be, in conformity to the directions of this act. And the said master or person having the charge or command of any such ship or vessel, shall in each case declare that no part of her lading, since her departure from the said foreign port or place from which she shall be so reported to have last sailed, has been landed or unladed, or otherwise removed from on board of her, except as he shall then specify, together with the cause, time, place and manner; and shall further declare, that in case he shall afterwards discover or know of any goods, wares or merchandise, other than those by him then reported, he will forthwith thereafter make report thereof to the said collector: which report and declarations respectively shall be in writing, signed by the party making the same, and shall be attested by his oath, to the best of his knowledge and belief; and the said collector is hereby authorized and required to administer the same. And if the said master or person having the charge or command of any such ship or vessel shall neglect or omit to make the said reports, or either of them, and declaration or declarations, or to deliver the said manifest or manifests, or to take the said oath, as the case may require, he shall for every such offence forfeit and pay the sum of one thousand dollars.

SEC. 17. *Provided always, and be it further enacted,* That it shall not be necessary for the master or person having the charge or command of any ship or vessel of war, or of any ship or vessel employed by any prince or state, as a public packet for the conveyance of letters and dispatches, and not permitted by the laws of such prince or state to be employed in the transportation of goods, wares or merchandise in the way of trade, to make such report and entry as aforesaid.

SEC. 18. *And be it further enacted,* That it shall be lawful for the said ship or vessel to proceed with any goods, wares or merchandise brought in her which shall be reported by the said master or other person having the charge or command of the said ship or vessel, to be destined for any foreign port or place from the district within which such ship or vessel shall first arrive, to such foreign port or place, without paying or securing the payment of any duties upon such of the said goods, wares or merchandise, as shall be actually re-exported in the said ship or vessel accordingly; any thing herein contained to the contrary notwithstanding. *Provided always,* That the said master or person having the charge or command of the said ship or vessel shall first give bond with one or more sureties, in a sum equal to the amount of the duties upon the said goods, wares and merchandise, as the same shall be estimated by the collector to whom the said report shall be made, to the satisfaction of the said collector, with condition that the said goods, wares or merchandise, or any part thereof, shall not be landed within the United States, unless due entry thereof shall have been first made, and the duties thereupon paid or secured according to law, which bond shall be cancelled in like manner as bonds herein after directed to be given for obtaining drawbacks of duties. *Provided nevertheless,* That such bond shall not

and deliver a manifest thereof to the collector.

To make report on oath of what he may have landed since he sailed from the port where he loaded.

Penalty on refusal or neglect.

Masters of foreign ships of war or packets not to make report and entry.

Master of vessel after arriving and entering may proceed to a foreign port;

after giving bond that his cargo shall not be landed in the United States without first entered.

Bond not to be required when vessels put in from distress.

Duties to be paid only in such districts where goods are landed.

Collector to furnish the master of a vessel bound to another district with a copy of his report;

which he is to show to collector of that district within 24 hours after his arrival;

and to give bond that the residue of his goods shall be entered and delivered in such districts as reported to be destined to.

Penalty on neglect thereof.

Owner or consignee to make

be required in respect to the goods on board of any ship or vessel which shall have put into the United States from necessity, to be made appear in manner herein after prescribed.

SEC. 19. *And be it further enacted*, That it shall be lawful for any ship or vessel in which any goods, wares or merchandise shall be brought into the United States from any foreign port or place, to proceed with the same from district to district within the United States, in order to the landing or delivery thereof; and the duties on such of the said goods only as shall be landed in any district, shall be paid or secured to be paid within such district.

SEC. 20. *And be it further enacted*, That before any ship or vessel shall depart from the district in which she shall first arrive, for another district, with goods, wares or merchandise brought in such ship or vessel from a foreign port or place, the duties whereof shall not have been paid or secured, the master or person having the charge or command of such ship or vessel, shall obtain from the collector of the district from which she shall be about to depart (who is hereby required to grant the same) a copy of the report made by such master or person having the charge or command of such ship or vessel, certified by the said collector, together with a certificate of the quantity and particulars of the goods which shall appear to him to have been landed within his district.

And within twenty-four hours after the arrival of such ship or vessel within any other district, the said master or person having the charge or command of such ship or vessel shall make report or entry to or with the collector of such other district, producing and showing the said certified copy of his said first report, together with a certificate from each collector of any other district within which any of the goods, wares or merchandise brought in such ship or vessel shall have been before landed, of the quantity and particulars of such of the said goods, wares and merchandise as shall have been so landed in each district respectively; except in the state of Georgia, where such report shall be made within forty-eight hours: *Provided always*, That the master or person having the charge or command of the said ship or vessel shall first give bond with one or more sureties to the satisfaction of the collector of the district within which the said ship or vessel shall first arrive, in a sum equal to the amount of the duties on the residue of the said goods, according to such estimate as the said collector shall form thereof, with condition that the said residue of the said goods shall be duly entered and delivered in such other district or districts of the United States, for which the same shall have been reported to be destined. And the said bond shall be cancelled or discharged by the production of a certificate or certificates from the collector or collectors of the district or districts for which the said goods shall have been reported, testifying the due entry and delivery of the said goods in such district or districts, or upon due proof to the satisfaction of the collector by whom the said bond shall have been taken, that such entry and delivery were prevented by some unavoidable accident or casualty, and that if the whole or any part of the said goods shall not have been lost, that the same has been duly entered and delivered within the United States. And if the master or person having charge or command of any such ship or vessel, shall fail by his neglect or fault to obtain the said copy of his said report from the collector of the district from which he shall be so about to depart, or of any certificate which he ought to obtain as aforesaid, or shall neglect to produce and show the same to the collector of any other district to which the said ship or vessel shall afterwards proceed, within the time for that purpose herein before specified, he shall forfeit and pay for every such neglect or omission five hundred dollars.

SEC. 21. *And be it further enacted*, That the owner or owners, consignee or consignees of any goods, wares or merchandise on board of

any such ship or vessel, or in case of his, her or their absence or sickness, his, her or their known factor or agent, in his, her or their names, within fifteen days after report of the master or person having the charge or command of such ship or vessel to the collector of the district for which such goods, wares or merchandise shall be destined, shall make entry thereof with the said collector, and shall specify in such entry the particular marks, numbers and contents of each package or parcel whereof they shall consist, or if in bulk, the quantity and quality, together with the nett prime cost thereof; and shall also produce to the said collector, if any such there be, the original invoice or invoices, or other documents in lieu thereof, and bill or bills of lading; all which shall be done upon the oath of the person by whom such entry shall be made, according to the best of his or her knowledge and belief; who shall thereby also declare that if he or she shall afterwards discover or know of any other goods, wares or merchandises imported in such ship or vessel, belonging or consigned to the person or persons by whom or on whose behalf such entry shall have been made, he or she will forthwith make known the same, in order to the due entry thereof, and the payment or securing the payment of the duties thereupon: *Provided always*, That where the particulars of any such goods, wares, or merchandise shall be unknown, in lieu of the entry herein before directed to be made, an entry thereof shall be made and received according to the circumstances of the case, the party making the same, declaring upon oath all that he or she knows or believes concerning the quantity and particulars of the said goods, and that he or she has no other knowledge or information concerning the same; which entry, as well the first as the last, shall be made in writing, and shall be subscribed by the party making the same.

entry of goods imported upon oath.

And in order to ascertain what articles ought to be exempted from duty, as the sea stores of a ship or vessel,

SEC. 22. *Be it further enacted*, That the master or person having the charge or command of such ship or vessel, shall particularly specify the said articles in the report to be by him made as aforesaid, designating them as the sea stores of the said ship or vessel; and in the said oath to be taken by such master or other person, he shall declare that the articles so specified as sea stores are truly such, and were bona fide put on board the said ship or vessel for the use of the officers, crew and passengers thereof, and were not brought, and are not intended by way of merchandise or for sale; whereupon the said articles shall be free from duty: *Provided always*, That if it shall appear to the collector to whom such report shall be made, together with the naval officer, where there is one, or alone where there is none, that the quantities of the said articles so reported as sea stores are excessive, it shall be lawful for the said collector, jointly with the said naval officer, or alone as the case may be, in his or their discretion, to estimate the amount of the duty on such excess; which shall be forthwith paid by the said master or person having the command or charge of the said ship or vessel to the said collector, on pain of forfeiting the value of such excess. And if any of the said articles shall be landed for the purpose of being sold, or to be otherwise used than as the sea stores of the ship or vessel in which they were brought, all such as shall be so landed shall be forfeited, and the master or commander of such ship or vessel being privy thereto, shall moreover forfeit and pay treble the value of the articles so landed.

Sea stores exempt from duty.

Excess thereof to be valued, and duties paid.

Penalty for landing and selling them.

And also to ascertain what articles ought to be exempted from duty, as the clothes, books, household furniture, tools or implements of the trade or profession of persons arriving within the United States:

SEC. 23. *Be it further enacted*, That due entry thereof, as of other goods, wares and merchandise, but separate and distinct from that of any other goods, wares or merchandise imported from a foreign port or

Other articles exempt from duty, to be en-

tered distinctly upon oath by owner,

place, shall be made with the collector of the district in which the said articles are intended to be landed by the owner thereof, his or her agent, who shall make oath before the said collector, according to the best of his or her knowledge or belief, touching the person to whom the said articles shall belong, and his calling or occupation, the arrival or expected arrival of the said person within the United States, and that the said articles are truly intended for the use of the said owner solely, or jointly with his or her family, as the case may be, and are not directly nor indirectly imported or intended for sale; which oath shall be in writing, endorsed upon the said entry, and subscribed by the party making the same. And in case the said party shall be other than the owner of the said articles, he or she shall give bond with one or more sureties to the satisfaction of the said collector, in a sum equal to what would be the amount of the duties on the said articles if imported subject to duty, with condition that in a certain time therein to be specified, not exceeding one year, a like oath as above directed shall be made by the said owner, and if not made before the said collector, shall be produced to him duly authenticated; whereupon a permit shall and may be granted for landing the said articles. And a copy of every such entry, and of the oath endorsed thereupon, shall be transmitted to the Secretary of the Treasury for his information.

and if by any other, the oath of the owner to be produced within one year,

and transmitted with the entry to Secretary of Treasury.

And whereas by the letter of the act, intituled "An act for laying a duty on goods, wares and merchandises imported into the United States," articles of the growth or manufacture of the United States, exported to foreign countries, and brought back to the United States, are subject to duty on their importation into the said states; and whereas it was not the intention of Congress that they should be so subject to duty:

Duties paid on articles of the growth and manufacture of the U. States, exported and brought back to be refunded,

SEC. 24. *Be it therefore further enacted*, That in every case in which a duty may have been heretofore paid on goods, wares or merchandises of the growth or manufacture of the United States, exported to a foreign country, and brought back to the said states, the amount thereof shall be repaid to the person or persons by whom the same shall have been paid, or to his, her or their representatives; and that in every case in which such duty may have accrued, but may not have been paid, the same be remitted, and that no such duty shall hereafter be demanded: *Provided*, That the regulations herein after prescribed for ascertaining the identity of such goods, wares or merchandise, be observed and complied with, and that as well in respect to those heretofore imported, as far as may be practicable, as to those hereafter to be imported.

And also to ascertain the identity of articles of the growth, product or manufacture of the United States, which having been exported to any foreign port or place, shall be brought back to the said states:

and to ascertain their identity, they are to be entered in the same manner as other articles imported.

SEC. 25. *Be it further enacted*, That report and entry thereof shall be made as in other cases of goods, wares and merchandise imported from a foreign port or place, and proof by oath of the person or persons having knowledge of the facts, shall be made to the satisfaction of the collector of the district, with whom such entry shall be, jointly with the naval officer, if there be a naval officer, or alone if there be no naval officer, that the said articles had been exported from the United States, as of their growth, product or manufacture, and of the time when, by whom, in what ship or vessel, and for what port or place they were so exported; and if the said collector shall be other than the collector of the district from which the said articles shall have been exported, a certificate of the latter shall be produced to the former, testifying the exportation thereof in conformity to the proof aforesaid; whereupon a permit shall and may be granted for landing the same: *Provided*, That if the said certificate cannot be immediately produced, and if the proof otherwise required shall be made, and if bond shall be given, with one or more sureties to the satisfaction of the collector of the district within

which the said articles are intended to be landed, in a sum equal to what the duties would be on the said articles, if they were not of the growth, product or manufacture of the United States; with condition that the said certificate shall be produced within the term of four months, it shall be lawful for the said collector to grant a permit for the landing of the said articles, in like manner as if the said certificate had been produced.

SEC. 26. *And be it further enacted,* That the oaths to be taken upon making of any of the reports or entries aforesaid, whether by the master, or other person having the charge or command of any ship or vessel, or the owner or consignee of any goods, wares or merchandise, his or her factor or agent, shall be administered by the collector or officer to whom report or entry shall be made, and where there shall be a naval officer, in the presence of such naval officer, who shall attend for that purpose, and shall be reduced to writing, and shall be subscribed by the person administering the same, and by the said naval officer, if any shall be present: and the said collector, jointly with the said naval officer, where there is a naval officer, or alone where there is none, shall, according to the best of his or their judgment or information, make a gross estimate of the amount of the duties on the goods, wares or merchandise to which the entry of any owner or consignee, his or her factor or agent shall relate, which estimate shall be endorsed upon such entry, and signed by the officer or officers making the same. And the amount of the said duties according to the said estimate, having been first paid or secured, pursuant to the provisions of this act, the said collector shall grant a permit to land the goods, wares or merchandise, whereof such entry shall have been made, and then and not otherwise it shall be lawful to land the said goods.

Oaths to be administered on entries by officers of customs;

who shall make an estimate of the amount of the duties thereon.

SEC. 27. *And be it further enacted,* That no goods, wares or merchandise brought in any ship or vessel from any foreign port or place, shall be unladen or delivered from such ship or vessel, within the United States, but in open day—that is to say; between the rising and setting of the sun, except by special license from the chief officer of the port for that purpose, nor at any time without a permit from the collector for such unloading or delivery: and if any goods, wares or merchandise shall be unladen or delivered from any such ship or vessel, contrary to the directions aforesaid, or any of them, the master or person having the command or charge of such ship or vessel, and every other person who shall knowingly be concerned or aiding therein, or in removing, storing, or otherwise securing the said goods, wares or merchandise, shall forfeit and pay the sum of four hundred dollars for each offence; and shall be disabled from holding any office of trust or profit under the United States, for a term not exceeding seven years; and it shall be the duty of the collector of the district, to advertise the names of all such persons in a newspaper, printed in the state in which he resides, within twenty days after each respective conviction. And all goods, wares or merchandise so unladen or delivered, shall become forfeited, and may be seized by any of the officers of the customs; and where the value thereof according to the highest market price of the same, shall amount to four hundred dollars, the vessel, tackle, apparel and furniture, shall be subject to like seizure and forfeiture.

Penalty for unloading goods unless in open day and with a permit.

and goods to be forfeited.

SEC. 28. *And be it further enacted,* That no goods, wares or merchandise brought in any ship or vessel from any foreign port or place, requiring to be weighed or gauged in order to ascertain the duties thereupon, shall be removed from any wharf or place upon which the same may be landed or put, before the same shall have been weighed or gauged, by or under the direction of a proper officer for that purpose; and if any such goods, wares or merchandise shall be removed from such wharf or place, unless with consent of the proper officer, before

Goods removed before being weighed or gauged, also to be forfeited.

the same shall have been so weighed or gauged, the same shall be forfeited, and may be seized by any officer of the customs.

Goods to be stored by the collector until the duties thereon are ascertained.

SEC. 29. *And be it further enacted*, That all goods, wares or merchandise of which entry shall have been made, without specification of particulars, shall be conveyed to some warehouse or store-house, to be designated by the collector, in the parcels or packages containing the same, under the care of some proper officer, until the particulars thereof shall be examined and ascertained; agreeably to which the duties thereupon shall be finally adjusted and satisfied. And in every case, if the amount of the duties estimated, or secured to be paid, shall exceed or fall short of the true amount of the duties on the goods, wares or merchandise imported, as the same shall be finally ascertained, the difference shall be made good, or allowed where there shall be an excess, by return of the money, if paid, or credit on the bond which shall [have] been given for the same, if not paid; and where shall be a deficiency, by payment of such deficiency to the said collector.

Inspectors to be put on board of vessels until they are unladen,

SEC. 30. *And be it further enacted*, That it shall be lawful for the collector of any district at which any ship or vessel may arrive, and for the surveyor of any port where any such ship or vessel may be, to put and keep on board such ship or vessel, while remaining within such district, or in going from one district to another, one or more inspectors to examine the cargo or contents of such ship or vessel, and to superintend the delivery thereof, or of so much thereof as shall be delivered within the United States; and to perform such other duties according to law, as they shall be directed by the said collector or surveyor to perform for the better securing the collection of the duties: *Provided*, That collectors only shall have power to put on board ships or vessels, inspectors to go from one district to another. And the said inspector or inspectors shall make known to the person having the charge or command of such ship or vessel, the duties he or they is or are so to perform; and shall suffer no goods, wares or merchandise to be landed or unladen from such ship or vessel, without a proper permit for that purpose; and shall enter in a book to be by him or each of them kept, the name or names of the person or persons in whose behalf such permit was granted, together with the particulars therein specified, and the marks, numbers, kinds and descriptions of the respective packages which shall be unladen pursuant thereto. And the wages or compensation of such inspector or inspectors in going from one district to another, shall be defrayed by the master or person having the charge of the vessel in which they respectively go.

their duties,

and wages.

Officers of the customs and revenue cutters to go on board of vessels,

to demand manifests and search.

SEC. 31. *And be it further enacted*, That it shall be lawful for all collectors, naval officers, surveyors, inspectors, and the officers of the revenue cutters herein after mentioned, to go on board of ships or vessels in any part of the United States, or within four leagues of the coast thereof, if bound to the United States, whether in or out of their respective districts, for the purposes of demanding the manifests aforesaid, and of examining and searching the said ships or vessels; and the said officers respectively shall have free access to the cabin, and every other part of a ship or vessel: and if any box, trunk, chest, cask, or other package, shall be found in the cabin, steerage or fore-castle of such ship or vessel, or in any other place separate from the residue of the cargo, it shall be the duty of the said officer to take a particular account of every such box, trunk, cask or package, and the marks, if any there be, and a description thereof; and if he shall judge proper to put a seal or seals on every such box, chest, trunk, cask or package; and such account and description shall be by him forwarded to the collector of the district to which such ship or vessel is bound. And if upon her arrival at the port of her entry, the boxes, trunks, chests, casks or packages so described, or any of them shall be missing, or if the seals put thereon

be broken, the master or commander of such ship or vessel shall forfeit and pay for every such box, trunk, chest, cask or package so missing, or of which the seals shall be broken, two hundred dollars. And it shall also be lawful for the inspectors who may be put on board of any ship or vessel, to secure after sunset in each evening, the hatches and other communications with the hold of such ship or vessel, with locks or other proper fastenings, which fastenings shall not be opened, broken or removed, until the morning following, or after the rising of the sun, and in presence of the inspector or inspectors by whom the same shall have been affixed, except by special license from the chief officer of the port. And if the said locks or other fastenings, or any of them, shall be broken or removed during the night, or before the said rising of the sun, or without the presence of the said inspector or inspectors, the master or person having the charge or command of such ship or vessel, shall forfeit and pay the sum of two hundred dollars.

SEC. 32. *And be it further enacted,* That when the delivery of goods, wares or merchandise from on board of any such ship or vessel at any port shall have been completed, the accounts or entries which shall have been kept or made thereof by the officer or officers who shall have been charged with superintending the said deliveries, shall be reported to the collector of the district, who, together with the naval officer, where there is one, or alone where there is none, shall compare the said accounts and entries with the entry or entries which shall have been made by the owner or owners, consignee or consignees, his, her or their factor or agent. And if any difference shall appear, the same shall be noted by endorsement on such entry or entries, specifying the particulars thereof; and if no difference shall appear, it shall be noted by like endorsement, that the deliveries have corresponded with the entry; which endorsement or memorandum shall in each case be subscribed by the officer or officers by whom such comparison shall have been made, and by the officer or officers under whose inspection the said deliveries shall have been executed.

SEC. 33. *And be it further enacted,* That if at the expiration of fifteen working days after the time within which the report of the master or person having the charge or command of any ship or vessel, is required to be made to the collector of a district as aforesaid, there shall be found on board any goods, wares or merchandise, other than shall have been reported for some other district or a foreign port or place, the said inspector or inspectors shall take possession thereof, and deliver the same to the order of the collector of the district, taking his receipt therefor, and giving a certificate thereof to the master or person having such charge or command of such ship or vessel, describing the packages and their marks and numbers. And the said goods shall be kept with due and reasonable care at the charge and risk of the owner or owners for a term of nine months; and if within that time no claim be made for the same, the said collector shall procure an appraisal thereof by two or more reputable merchants, to be certified under their hands, and to remain with him, and shall afterwards cause the said goods to be sold at public auction, and retaining the duties and charges thereon, shall pay the overplus, if any there be, into the treasury of the United States, there to remain for the use of the owner or owners, who shall upon due proof of his, her or their property, be entitled to receive the same; and the receipt or certificate of the collector shall exonerate the master or commander from all claim of the owner. *Provided,* That where any entry shall have been duly made of such goods, the same shall not be appraised; and that where such goods are of a perishable nature, they shall be sold forthwith. *Provided further,* That the said limitation of fifteen days shall not extend to ships or vessels laden with salt or coal; but if the said master or owner of any such ship or vessel

Packages missing subjecting the master to a penalty.

Hatches of respective vessels to be secured after sunset,

and forfeiture for opening them in the night.

Report of the cargo delivered to be compared with the entry thereof,

and result to be endorsed on the entry.

Goods to be taken by the collector 15 days after report made by master of vessel,

who shall keep them 9 months, and if not then claimed, to have them appraised and sold at auction, and pay the net proceeds into the treasury of the United States;

such goods not to be appraised if entered, but sold if of a perishable nature. Limitation of 15 days not to extend to vessels laden with salt or coal,

and the extra wages of the inspectors to be paid by the master.

requires longer time to discharge her cargo, the wages or compensation of the inspector for every day's attendance exceeding the said fifteen days, shall be paid by the said master or owner. And if by reason of the delivery of a cargo in different districts, more than the said term of fifteen working days shall in the whole be spent therein, the wages or compensation of the inspector or inspectors who may be employed on board of any ship or vessel, in respect to which the said term may be so exceeded, shall for every day of such excess be paid by the said master or owner.

Packages reported missing, or disagreement of the report with the cargo, subjecting the master to penalty.

SEC. 34. *And be it further enacted*, That if any package whatever, which shall have been reported as aforesaid, shall be wanting and not found on board such ship or vessel, or if the goods on board the said ship or vessel shall otherwise not agree with the report of the master or other person having the charge or command of any such ship or vessel; in every such case he shall forfeit and pay the sum of five hundred dollars. *Provided nevertheless*, That if it shall be made to appear to the satisfaction of the collector, naval officer and surveyor, or the major part of them, where those officers are established at any port, or to the satisfaction of the collector alone where either of the said other officers is not established, or in case of trial for the said penalty, to the satisfaction of the court, that no part of the cargo of such ship or vessel has been unshipped since it was taken on board, except as shall have been specified in the said report, or that the said disagreement is by accident or mistake; in such case the penalty aforesaid shall not be inflicted.

Allowances for the drafts and tare of articles.

SEC. 35. *And be it further enacted*, That the following allowances shall be made for the drafts and tare of the articles subject to duty by weight—that is to say: For draught on any quantity of one hundred weight, or one hundred and twelve pounds, and under, one pound; on any quantity above one, and not exceeding two hundred weight, two pounds; on any quantity above two, and not exceeding three hundred weight, three pounds; on any quantity above three, and not exceeding ten hundred weight, four pounds; on any quantity above ten, and not exceeding eighteen hundred weight, seven pounds; on any quantity above eighteen hundred weight, nine pounds: For tare, on every whole chest of bohea tea, seventy pounds; on every half chest, thirty-six pounds; on every quarter chest, twenty pounds; on every chest of hyson or other green tea, the gross weight of which shall be seventy pounds or upwards, twenty pounds; on every box of other tea, not less than fifty, or more than seventy pounds gross, eighteen pounds; on all other boxes of tea, according to the invoice thereof; on coffee in bags, two per cent., in bales, three per cent., in casks, twelve per cent.; on pepper in bales, five per cent., in casks, twelve per cent.; on sugars, other than loaf sugar, in casks, twelve per cent., in boxes, fifteen per cent.; on all other goods, according to the invoice thereof. *Provided always*, That where the original invoices of any of the said articles are produced, and the tare or tares appear therein, it shall be lawful, with the consent of the importer or importers, consignee or consignees, to estimate the said tare or tares according to such invoice.

Allowance for leakages.

SEC. 36. *And be it further enacted*, That there shall be an allowance for leakage of two per cent. on the quantity which shall appear by the gauge to be contained in any cask of liquors subject to duty by the gallon.

Goods damaged during a voyage, or not accompanied with an invoice, to be appraised to ascertain the duties.

SEC. 37. *And be it further enacted*, That if any goods, wares or merchandise, on which duties are payable, shall receive damage during the voyage, or shall not be accompanied with the original invoice of their cost, it shall be lawful for the collector (and upon the request of the party he is required) to appoint one merchant, and the owner or consignee to appoint another, who being sworn or affirmed by the collector, well and truly to appraise such goods, shall appraise or value them

accordingly, and the duties upon such goods shall be estimated agreeably to such appraisement or valuation: And in respect to such damaged articles as are charged with a specific duty, by number, weight or measure, the said appraisers shall certify what in their judgment would have been their value, in case they had not been so damaged, and there shall be an abatement in the duty in proportion to the difference in value. *Provided*, That if the owner or owners, consignee or consignees of such goods not accompanied with an original invoice, shall choose to wait the receipt thereof, in such case the said collector shall take into his custody the said goods, and shall keep or cause the same to be kept with due and reasonable care, at the expense and risk of the party or parties, until the said invoice shall arrive, or until the said party or parties shall consent to the valuation thereof.

SEC. 38. *And be it further enacted*, That if any ship or vessel from any foreign port or place, compelled by distress of weather or other necessity, shall put into any port or place of the United States, not being destined for the same; and if the master or person having charge or command of such ship or vessel, together with the mate or person next in command, shall, within twenty-four hours after her arrival, make protest in the usual form upon oath before a notary public, or other person duly authorized, or before the collector of the district where the said ship or vessel shall so arrive, who is hereby empowered to administer the same, setting forth the cause and circumstances of such distress or necessity, and shall within forty-eight hours after such arrival, make report to the said collector, of the said ship or vessel and her cargo as in other cases. And if it shall be made appear to the said collector, by the certificate of the wardens of the port, or other officers usually charged with, and accustomed to ascertaining the condition of ships and vessels arriving in distress, if any such there be, or by the certificate of any two reputable merchants, to be named for that purpose by the said collector, if no such wardens or other officers there be, that there is a necessity for unloading the said ship or vessel, the said collector shall grant a permit for that purpose, and shall appoint an inspector or inspectors to oversee such unloading. And all goods so unladen shall be stored under the direction of the said collector; who, upon request of the master or other person having charge or command of such ship or vessel, or of the owner thereof, shall grant a license to dispose of such part of the said cargo as may be of a perishable nature (if any there be) or as may be necessary to defray the expenses attending such ship or vessel, and her cargo: *Provided*, That the duties thereupon be first paid. And the said goods, or the remainder thereof, may afterwards be reladen on board the said ship or vessel, and the said ship or vessel may proceed with the same to the place of her destination, free from any other charge than for the storing and safe-keeping of the said goods.

SEC. 39. *And be it further enacted*, That the ad valorem rates of duty upon goods, wares and merchandise at the place of importation, shall be estimated by adding twenty per cent. to the actual cost thereof, if imported from the Cape of Good Hope, or from any place beyond the same; and ten per cent. on the actual cost thereof if imported from any other place or country, exclusive of charges.

SEC. 40. *And be it further enacted*, That all foreign coins and currencies shall be estimated according to the following rates: Each pound sterling of Great Britain at four dollars and forty-four cents; each livre tournois of France at eighteen cents and an half; each florin or guilder of the United Netherlands, at thirty-nine cents; each mark banco of Hamburg, at thirty-three cents and one-third; each rix dollar of Denmark, at one hundred cents; each rial of plate of Spain, at ten cents; each milree of Portugal at one dollar and twenty-four cents; each pound sterling of Ireland, at four dollars ten cents; each tale of China at one

and the latter kept by the collector until the invoice arrives, if the owner chooses.

Ships or vessels compelled by distress to make entry and protest,

and collector may grant a permit to unload their cargoes,

which shall be stored under his direction, and the perishable part sold by his license,

the duties being first paid, and the residue reladen.

Rule for estimating the ad valorem rates of duty at the place of importation.

Rates of foreign coin and currency.

dollar forty-eight cents; each pagoda of India, at one dollar ninety-four cents; each rupee of Bengal, at fifty-five cents and an half; and all other denominations of money in value as near as may be to the said rates.

Duties how to
be paid or se-
cured.

SEC. 41. *And be it further enacted*, That all duties on goods, wares and merchandise imported, shall be paid or secured to be paid, before a permit shall be granted for landing the same. And where the amount thereof on goods imported in any ship or vessel, on account of one person only, or of several persons jointly interested, shall not exceed fifty dollars, the same shall be immediately paid; but where the said amount shall exceed fifty dollars, the same may, at the option of the proprietor or proprietors, consignee or consignees, be either immediately paid or secured by bond, with condition for the payment thereof, if accruing upon articles of the produce of the West Indies, in four months; if accruing on Madeira wines, in twelve months; if accruing upon any other goods, wares or merchandise, other than teas imported from China, in six months; which bond, at the like option of the said proprietor or proprietors, consignee or consignees, shall either include one or more sureties, to the satisfaction of the collector of the district where the said duties shall accrue, or shall be accompanied with a deposit in the custody of the said collector, of so much of the said goods as shall in his judgment be a sufficient security for the amount of the duties for which such bond shall have been given, and the charge of the safe keeping and sale of the goods so deposited; which deposit shall and may be accepted in lieu of the said surety or sureties, and shall be kept by the said collector, with due and reasonable care, at the expense and risk of the party or parties on whose account the same shall have been made, until the sum specified in such bond shall have become due, at which time if such sum shall not be paid, so much of the said deposited goods as may be necessary, shall be sold at public sale, and the proceeds thereof, after deducting the charges of keeping and sale, shall be applied to the payment of such sum, rendering the overplus and the residue of the said goods, if any there be, to the person or persons by whom such deposit shall have been made, or to his, her or their representatives. *Provided*, That no person whose bond for the payment of duties is due and unsatisfied, shall be allowed a future credit for duties, until such bond shall be fully paid or discharged.

Teas imported
from China may
be deposited in
custody of col-
lector on cer-
tain conditions.

SEC. 42. *Provided always, and be it further enacted*, That all teas imported from China may, at the option of the proprietor or consignee thereof, be deposited in the custody of the collector with whom the same shall be entered, or the duties thereon secured by bond, with one or more sureties, to the satisfaction of the collector, with condition for the payment of such duties within twelve months; and in case of depositing such teas, they shall be kept at the charge of the person or persons depositing the same. And the collector shall deliver such teas, or part thereof, from time to time, to the person or persons depositing the same, or to his or their order, on payment of the duties for such part as may be so delivered, and not otherwise; and in case the whole of the duties shall not be paid within eighteen months from the time of the entry made, it shall be the duty of the said collector to sell at public auction so much of the said teas as shall be sufficient to pay the duties then due, together with the charges of sale and safe keeping, and to return the overplus to the person or persons who shall have deposited such teas, or his, her or their representatives; and for such teas as have been imported from China in the present year, the owner or consignee thereof shall be entitled to deposit the same, or to give bond, payable in like manner, and under like regulations, as are herein before directed for teas which shall hereafter be imported, notwithstanding the duties on such teas may have been already secured to be paid.

SEC. 43. *And be it further enacted*, That the duties imposed by law

on the tonnage of any ship or vessel, shall be paid to the collector by the master or person having the charge or command of such ship or vessel, within ten days after his report to the said collector, and before such ship or vessel shall be permitted to clear out; the register of which ship or vessel shall at the time of entry be lodged in the office of the collector, and there remain until such clearance. And if any ship or vessel shall leave, or attempt to leave any district of the United States, without paying the said duties, the master or person having the charge or command of the same shall forfeit and pay five hundred dollars.

Duties on tonnage to be paid within ten days after report has been made.

SEC. 44. *And be it further enacted*, That to ascertain the tonnage of any ship or vessel, the surveyor, or such other person as shall be appointed by the collector of the district to measure the same, shall, if the said ship or vessel be double decked, take the length thereof from the fore part of the main stem to the after part of the stern post above the upper deck; the breadth thereof at the broadest part above the main wales, half of which breadth shall be accounted the depth of such vessel, and shall then deduct from the length three fifths of the breadth, multiply the remainder by the breadth, and the product by the depth, and shall divide this last product by ninety-five, the quotient whereof shall be deemed the true contents or tonnage of such ship or vessel. And if such ship or vessel be single decked the said surveyor or other person shall take the length and breadth as above directed, in respect to a double decked ship or vessel, shall deduct from the said length three fifths of the breadth, and taking the depth from the under side of the deck plank to the ceiling in the hold, shall multiply and divide as aforesaid, and the quotient shall be deemed the tonnage of such ship or vessel.

Mode of ascertaining the tonnage of any vessel.

SEC. 45. *And be it further enacted*, That where any bond for the payment of duties shall not be satisfied on the day it became due, the collector shall forthwith cause a prosecution to be commenced for the recovery of the money thereon, by action or suit at law, in the proper court having cognizance thereof; and in all cases of insolvency, or where any estate in the hands of executors or administrators shall be insufficient to pay all the debts due from the deceased, the debt due to the United States, on any such bond, shall be first satisfied.

Bond for duties, how to be prosecuted.

SEC. 46. *And be it further enacted*, That if any goods, wares or merchandise, of which entry shall have been made in the office of a collector, shall not be invoiced according to the actual cost thereof at the place of exportation, with design to evade the duties thereupon, or any part thereof, all such goods, wares or merchandise, or the value thereof, to be recovered of the person making entry, shall be forfeited. And in every case in which the said collector shall suspect that any such goods, wares or merchandise, are not invoiced at a sum equal to that for which they have usually been sold in the place or country from whence they were imported, it shall be the duty of such collector to take the said goods, wares and merchandise into his possession, and retain the same, with reasonable care, at the risk and expense of the owner or owners, consignee or consignees thereof, until their value at the time and place of importation shall be ascertained by two reputable merchants, to be chosen and appointed as in the case of damaged goods, or goods not accompanied with an invoice; and until the duties arising according to such valuation shall be first paid, or secured to be paid, as required by this act in other cases of importation: *Provided*, That in case of a prosecution for the forfeiture aforesaid, such appraisement shall not be construed to exclude other proof upon the trial, of the actual and real cost of the said goods at the said place of exportation.

Goods entered and not truly invoiced, to be forfeited.

How to be ascertained.

SEC. 47. *And be it further enacted*, That it shall be lawful for the collector or other officer of the customs, after entry made of any goods, wares or merchandise, on suspicion of fraud, to open and examine in

Officer sus-
pecting fraud
may examine
packages.

the presence of two or more reputable merchants, any package or packages thereof; and if upon examination they shall be found to agree with the entries, the officer making such seizure shall cause the same to be repacked, and delivered to the owner or claimant forthwith; and the expense of such examination shall be paid by the said collector or other officer, and allowed in the settlement of his accounts; but if any of the packages so examined shall be found to differ in their contents from the entry, then the goods, wares or merchandise contained in such package or packages shall be forfeited: *Provided*, That the said forfeiture shall not be incurred, if it shall be made appear to the satisfaction of the collector and naval officer of the district where the same shall happen, if there be a naval officer, and if there be no naval officer, to the satisfaction of the said collector, or of the court in which a prosecution for the forfeiture shall be had, that such difference proceeded from accident or mistake, and not from an intention to defraud the revenue.

Dutiable goods
concealed, how
to be searched
for and secured.

SEC. 48. *And be it further enacted*, That every collector, naval officer and surveyor, or other person specially appointed by either of them for that purpose, shall have full power and authority to enter any ship or vessel in which they shall have reason to suspect any goods, wares or merchandise subject to duty shall be concealed; and therein to search for, seize and secure any such goods, wares or merchandise. And if they shall have cause to suspect a concealment thereof in any particular dwelling-house, store, building or other place, they or either of them shall, upon application on oath to any justice of the peace, be entitled to a warrant to enter such house, store or other place (in the daytime only) and there to search for such goods, and if any shall be found, to seize and secure the same for trial: and all such goods, wares and merchandise, on which the duties shall not have been paid or secured, shall be forfeited.

Collector to
take custody of
goods seized.

SEC. 49. *And be it further enacted*, That all goods, wares and merchandise which shall be seized by virtue of this act, shall be put into and remain in the custody of the collector or such other person as he shall appoint for that purpose, until such proceedings shall be had as by this act are required, to ascertain whether the same have been forfeited or not; and if it shall be adjudged that they are not forfeited they shall be forthwith restored to the owner or owners, claimant or claimants thereof. And if any person or persons shall conceal or buy any goods, wares or merchandise, knowing them to be liable to seizure by this act, such person or persons shall, on conviction thereof, forfeit and pay a sum double the value of the goods so concealed or purchased.

Penalty for
concealing or
buying goods
subject to duty.

SEC. 50. *And be it further enacted*, That it shall be the duty of the several officers of the customs to make seizure of, and secure any ship or vessel, goods, wares or merchandise, which shall be liable to seizure by virtue of this act, as well without as within their respective districts.

Officers may
make seizure in
any district.

SEC. 51. *And be it further enacted*, That if any officer or other person, executing or aiding and assisting in the seizure of goods, shall be sued or molested for any thing done in virtue of the powers given by this act, or by virtue of a warrant granted by any judge or justice pursuant to law, such officer or other person may plead the general issue, and give this act and the special matter in evidence; and if in such suit the plaintiff be nonsuited, or judgment pass against him, the defendant shall recover double cost; and in actions, suits or information to be brought, where any seizure shall be made pursuant to this act, if the property be claimed by any person, in every such case the *onus probandi* shall be upon such claimant. And if any person shall forcibly resist, prevent or impede any officer of the customs, or their deputies, or any person assisting them in the execution of their duty, such person so offending, shall for every offence be fined in a sum not exceeding four hundred dollars.

Officers sued
or molested may
plead this act.

SEC. 52. *And be it further enacted*, That every collector, naval officer and surveyor shall, within three months after he enters upon the execution of his office, give bond with one or more sufficient sureties, to be approved of by the comptroller of the treasury of the United States, and payable to the said United States, with condition for the true and faithful discharge of the duties of his office according to law—that is to say: The collector of Philadelphia, in the sum of sixty thousand dollars: the collector of New York, fifty thousand dollars: the collector of Boston and Charlestown, forty thousand dollars: the collectors of Baltimore, and Charleston, thirty thousand dollars each: the collector of Norfolk and Portsmouth, fifteen thousand dollars: the collectors of Portsmouth in New Hampshire, of Salem and Beverly, Wilmington in the state of Delaware, Annapolis, Georgetown in Maryland, Bermuda Hundred and City-point, Alexandria, Wilmington, Newbern and Edenton in the state of North Carolina, Newport and Providence in the state of Rhode Island and Providence Plantations, ten thousand dollars each: the collectors of Newburyport, Gloucester, Marblehead, Plymouth, Nantucket, Portland and Falmouth, New London, New Haven, Fairfield, Perth Amboy, Yorktown, Dumfries, Washington and Cambden, Georgetown in South Carolina, Beaufort, and Savannah, each five thousand dollars: and all the other collectors in the sum of two thousand dollars each. The naval officers for the ports of Boston and Charlestown, New York, Philadelphia, Baltimore, and Charleston, ten thousand dollars each; and all the other naval officers in the sum of two thousand dollars each. The surveyors of the ports of Boston and Charlestown, New York, Philadelphia, Baltimore, and Charleston, five thousand dollars each; and all other surveyors one thousand dollars each. Which bonds shall be filed in the office of the said comptroller, and be by him severally put in suit for the benefit of the United States, upon any breach of the condition thereof. And as no provision has been heretofore specially made concerning the officers of the customs who may have been heretofore appointed in and for the states of North Carolina, and Rhode Island and Providence Plantations; the said officers respectively shall, within four months after the passing of this act, give bond with proper surety or sureties, in conformity to the provision aforesaid.

Collectors, naval officers and surveyors to enter into bonds for performance of duty.

SEC. 53. *And be it further enacted*, That there shall be allowed and paid to the collectors, naval officers and surveyors to be appointed pursuant to this act, the fees and per centage following—that is to say: To each collector for every entrance of any ship or vessel of one hundred tons burthen or upwards, two dollars and an half; for every clearance of any ship or vessel of one hundred tons burthen and upwards, two dollars and an half; for every entrance of any ship or vessel under the burthen of one hundred tons, one dollar and an half; for every clearance of a ship or vessel under one hundred tons burthen, one dollar and an half; for every permit to land goods, twenty cents; for every bond taken officially, forty cents; and for every permit to load goods for exportation, which are entitled to a drawback, thirty cents; for every official certificate, twenty cents; for every bill of health, twenty cents; for every other official document (registers excepted) required by the owner or master of any vessel not before enumerated, twenty cents: and where a naval officer is appointed to the same port, the said fees shall be equally divided between the collector and the said naval officer, the latter paying one-third of the expense of necessary stationery and of the rent of an office to be provided by the collector, at the place assigned for his residence, and as conveniently as may be for the trade of the district: and all fees shall, at the option of the collector, be either received by him or by the naval officer, the party receiving to account monthly with the other for his proportion or share thereof. To each

Their fees of office and per centage.

Fees of collectors, naval officers and surveyors.

Inspectors,
measurers,
weighers and
gaugers, their
pay and fees.

surveyor for the admeasurement of every ship or vessel of one hundred tons and under, one cent per ton; for the admeasurement of every ship or vessel, above one hundred tons, and not exceeding two hundred tons, one hundred and fifty cents; for the admeasurement of every ship or vessel, above two hundred tons, two hundred cents; for all other services by this act to be performed by such surveyor, on board any ship or vessel of one hundred tons and upwards, and having on board goods, wares and merchandise subject to duty, three dollars; for the like services on board any ship or vessel of less than one hundred tons burthen, having on board goods, wares and merchandise subject to duty, one and an half dollar; on all vessels not having on board goods, wares and merchandise subject to duty, two-thirds of a dollar; all which fees shall be paid by the master or owner of the ship or vessel in which the said services shall be performed, to the surveyor by whom they shall be performed, if performed by one only, for his sole benefit, but if performed by more than one, to him who shall have the first agency, to be divided in equal parts between him and the other or others by whom the said services shall be performed. To each inspector there shall be allowed for every day he shall be actually employed in aid of the customs, a sum not exceeding one dollar and twenty-five cents, to be paid by the collector out of the revenue, and charged to the United States. To the measurers, weighers and gaugers respectively, to be paid by the collector out of the revenue, for the measurement of every one hundred bushels of grain, thirty cents; for the measurement of every one hundred bushels of salt, forty cents; for the measurement of every one hundred bushels of coal, fifty cents; for the weighing of every one hundred and twelve pounds, two cents; for the gauging and marking of every cask (to be marked in durable characters with his own name and the quantity) eight cents; for computing the contents of, and (if requested by the party) marking cases containing distilled spirits and wines, three cents per case; for counting the number of bottles of cider, beer, ale or porter, one cent per dozen; and in proportion for any greater or less quantity. There shall moreover be allowed to the collectors of the districts of New York and Philadelphia, three-fourths of one per centum on the amount of all monies by them respectively received on account of duties; and to the collector of each of the other districts by this act established, one per centum on the amount of all monies by them respectively received on the said account of duties.

Pay and fees
of inspectors,
&c.

And whereas the allowances aforesaid will not afford an adequate compensation to the officers herein after mentioned, by reason of the small proportion of business done at the ports to which they respectively belong, although the said officers are necessary to the accommodation of the inhabitants, the facility of commerce, and the security of the revenue. Therefore,

Special allow-
ance to revenue
officers of cer-
tain ports.

SEC. 54. *Be it further enacted*, That in addition to the fees and emoluments which shall accrue to the said officers from the provisions aforesaid, they shall severally have and be entitled to the respective allowances following, to wit: The collector of the districts of Saint Mary's in the State of Georgia, Brunswick, Beaufort, South Quay, Cherrystone, Folly Landing, Annapolis, Yeocomico, Saint Mary's, Oxford, Sagg Harbor, Passamaquody, the yearly sum of one hundred dollars each. The collectors of the districts of Sunbury and Penobscot in Massachusetts, the yearly sum of sixty dollars each. The collectors of the districts of Hampton, Snowhill, Bridgetown, Burlington, Frenchman's Bay, and Edgartown, the yearly sum of fifty dollars each. The surveyors of the ports of Fredericksburg, Smithfield, Port Royal, Suffolk, West Point, Richmond, Petersburg and Little Egg Harbor, the yearly sum of eighty dollars each. The surveyors of the ports of Swansborough, Urbanna,

Town Creek, Albany, Hudson, Stonington, East Greenwich, and Gloucester, fifty dollars each.

SEC. 55. *And be it further enacted*, That every collector, naval officer, and surveyor, shall cause to be affixed and constantly kept in some public and conspicuous place of his office, a fair table of the rates of fees and duties demandable by law, and shall give a receipt for the fees he shall receive, specifying the particulars; and in case of failure therein, shall forfeit and pay one hundred dollars, to be recovered with costs, in any court having cognizance thereof, to the use of the informer; and if any officer of the customs shall demand or receive any greater or other fee, compensation or reward, for executing any duty or service required of him by law, he shall forfeit and pay two hundred dollars for each offence, recoverable in manner aforesaid for the use of the party grieved.

Collectors, naval officers and surveyors to set up table of fees.

Penalty for demanding greater or other fees.

SEC. 56. *And be it further enacted*, That all the duties and fees to be collected by virtue of this act, shall be payable in gold or silver coin, at the following rates—that is to say: The gold coins of France, England, Spain and Portugal, and all other gold coins of equal fineness, at eighty-nine cents for every penny weight: The Mexican dollar at one hundred cents; the crown of France at one dollar and eleven cents; the crown of England at one dollar and eleven cents; all silver coin of equal fineness, at one dollar and eleven cents per ounce; and cut silver of equal fineness, at one dollar and six cents per ounce.

Rates of coin for receiving duties and fees.

SEC. 57. *And be it further enacted*, That all the drawbacks allowed by law on the exportation of goods, wares and merchandise imported, shall be paid or allowed by the collector at whose office the said goods, wares and merchandise were originally entered, and not otherwise, retaining one per centum for the benefit of the United States. And that the allowances on dried and pickled fish of the fisheries of the United States, and on salted provisions of the United States, shall be paid by the collector of the district from which the same shall be exported, without any deduction or abatement.

Drawbacks, where payable,

SEC. 58. *Provided always, and be it further enacted*, That in order to entitle the exporter or exporters of any goods, wares or merchandise, to the benefit of the said drawbacks or allowances, he or she shall, previous to putting or lading the same on board of any ship or vessel for exportation, give twenty-four hours notice at least to the collector of the district from which the same are about to be exported, of his, her or their intention to export the same, and of the particulars thereof, and of the casks, cases, chests, boxes and other packages or parcels containing the same, or of which the same consists, and of their respective marks, numbers and contents, and if imported articles, of the ship or ships, vessel or vessels in which the person or persons for or by whom, and the place or places from which they were imported. And in respect to the said imported articles proof shall be made to the satisfaction of the said collector, by the oaths of the person or persons (including the said exporter or exporters) through whose hands the said articles shall have passed, according to the best of their knowledge and belief, respecting the due importation of the said articles according to law, and in conformity to such notice of their identity, and of the payment or securing the payment of the duties thereupon. And in respect to the said dried and pickled fish and salted provisions, proof shall be made to the satisfaction of the said collector, according to the circumstances of the case, that the same, if fish, are of the fisheries of the United States; if salted provisions, were salted within the United States. And the said collector shall inspect or cause to be inspected, the goods, wares or merchandise so notified for exportation; and if they shall be found to correspond with the notice and proof concerning the same, the said collector shall grant a permit for lading the same on board the ship or vessel named in such notice, which lading shall be performed under the

and how to be allowed.

superintendence of the officer by whom the same shall have been so inspected. And the said exporter or exporters shall also make oath that the said goods so noticed for exportation, and laden on board the said ship or vessel, are truly intended to be exported to the place whereof notice shall have been given, and are not intended to be relanded within the United States; and shall give bond, with one or more sureties to the satisfaction of the said collector, in a sum equal to the amount of the drawbacks or allowances on such goods, with condition that the said goods, or any part thereof shall not be relanded in any port or place within the limits of the United States as settled by the late treaty of peace.

Exportation of goods entitled to drawback, how to be proved.

And provided further, That the said drawbacks or allowances shall not be paid until at least six months after the exportation of the said goods, and until the said exporter or exporters shall produce to the collector with whom such outward entry is made, a certificate in writing of two reputable merchants at the foreign port or place in which the same were landed, together with the oath of the master and mate of the vessel in which they were exported, certifying the delivery thereof. But in case any vessel shall be cast away, or meet with such unavoidable accidents as to prevent the landing such goods, a protest in due form of law, made by the master and mate, or some of the seamen, or in case no such protest can be had, then the oath of the exporter or exporters, or one of them, shall be received in lieu of the other proofs herein directed, unless there shall be good reason to suspect the truth of such oath, in which case it shall and may be lawful for the collector to require such further proof as the nature of the case may demand.

No drawback allowed, unless it amounts to twenty dollars;

Provided lastly, That no goods, wares or merchandise imported, shall be entitled to a drawback of the duties paid or secured to be paid thereon, unless such duties shall amount to twenty dollars at least; nor unless they shall be exported in the same casks, cases, chests, boxes or other packages, and from the district or port into which they were originally imported.

nor on pickled fish, &c. except it amount to three dollars.

SEC. 59. And be it further enacted, That the sums allowed to be paid by law on the exportation of dried or pickled fish, and of salted provisions, shall not be paid unless the same shall amount to three dollars at least upon one entry.

Goods entitled to drawback or allowance, to be forfeited if landed after entry made.

SEC. 60. And be it further enacted, That if any goods, wares or merchandise, entered for exportation, with intent to draw back the duties, or to obtain any allowance given by law on the exportation thereof, shall be landed in any port or place within the limits of the United States as aforesaid, all such goods, wares and merchandise, shall be subject to seizure and forfeiture, together with the ship or vessel from which such goods shall be landed, and the vessels or boats used in landing the same; and all persons concerned therein, shall on indictment and conviction thereof, suffer imprisonment for a term not exceeding six months. And for discovery of frauds, and seizure of goods, wares and merchandise, relanded contrary to law, the several officers established by this act, shall have the same powers, and in case of seizure the same proceedings shall be had, as in the case of goods, wares and merchandise imported contrary to law: And for measuring, weighing or gauging goods for exportation, the same fees shall be allowed as in like cases upon the importation thereof.

Collectors may give further credit on bonds in cases of exportation.

SEC. 61. And be it further enacted, That if any goods, the duties upon which shall have been secured by bond, shall be re-exported by the importer or importers thereof, and if the said bond shall become due before the expiration of the time herein before limited for payment of the drawback upon such goods, it shall be lawful for the collector of the district from which the said goods shall have been exported, to give farther credit for so much of the sum due upon such bond, as shall be equal to

the amount of the said drawback, until the expiration of the said time limited for payment thereof.

And the better to secure the collection of the said duties,

SEC. 62. *Be it further enacted*, That the President of the United States be empowered to cause to be built and equipped, so many boats or cutters, not exceeding ten, as may be necessary to be employed for the protection of the revenue, the expense whereof shall not exceed ten thousand dollars, which shall be paid out of the product of the duties on goods, wares and merchandise, imported into the United States, and on the tonnage of ships or vessels.

President may order cutters to be built.

SEC. 63. *And be it further enacted*, That there shall be to each of the said boats or cutters, one master, and not more than three mates, first, second, and third, four mariners and two boys; and that the compensations and allowances to the said officers, mariners and boys respectively, shall be, to the master thirty dollars per month, and the subsistence of a captain in the army of the United States; to a first mate twenty dollars per month, to a second mate sixteen dollars per month, to a third mate fourteen dollars per month, and to every mate the subsistence of a lieutenant in the said army; to each mariner eight dollars per month, to each boy four dollars per month; and to each mariner and boy the same ration of provisions which is or shall be allowed to a soldier in the said army. The said allowances for subsistence to be paid in provisions or money at the contract prices, at the option of the Secretary of the Treasury.

How to be officered and manned.

Pay of officers, &c.

SEC. 64. *And be it further enacted*, That the officers of the said boats or cutters, shall be appointed by the President of the United States, and shall respectively be deemed officers of the customs, and shall have power and authority to go on board of every ship or vessel which shall arrive within the United States, or within four leagues of the coast thereof, if bound for the United States, and to search and examine the same and every part thereof, and to demand, receive and certify the manifests herein before required to be on board of certain ships or vessels, and to affix and put proper fastenings on the hatches and other communications with the holds of ships or vessels, and to remain on board the said ships or vessels until they arrive at their places of destination.

and to be appointed by the President.

Their duty.

SEC. 65. *And be it further enacted*, That the collectors of the respective districts may, with the approbation of the Secretary of the Treasury, provide and employ such small open row and sail boats in each district, together with the requisite number of persons to serve in them, as shall be necessary for the use of the surveyors and inspectors in going on board of ships and vessels and otherwise, for the better detection of frauds; the expense of which shall be defrayed out of the product of duties.

Collectors may employ row boats.

SEC. 66. *And be it further enacted*, That if any officer of the customs shall directly or indirectly take or receive any bribe, reward or recompense for conniving, or shall connive at any false entry of any ship or vessel, or of any goods, wares or merchandise, and shall be thereof convicted, every such officer shall forfeit and pay a sum not less than two hundred, nor more than two thousand dollars for each offence; and any person giving or offering any bribe, recompense or reward for any such deception, collusion or fraud, shall forfeit and pay a sum not less than two hundred, nor more than two thousand dollars for each offence. And in all cases where an oath is by this act required from a master or other person having command of a ship or vessel, or from an owner or consignee of goods, wares and merchandise, his or her factor or agent, if the person so swearing shall swear falsely, such person shall, on indictment and conviction thereof, be punished by fine or imprisonment, or both, in the discretion of the court before whom the conviction shall

Penalty on officers receiving a bribe, or conniving at a false entry.

On masters of vessels or others who shall take a false oath.

be had, so as the fine shall not exceed one thousand dollars, and the term of imprisonment shall not exceed twelve months.

Mode of prosecuting and recovering penalties and forfeitures.

SEC. 67. *And be it further enacted,* That all penalties accruing by any breach of this act, shall be sued for and recovered with costs of suit, in the name of the United States of America, in any court proper to try the same, and the trial of any fact which may be put in issue, shall be within the judicial district in which any such penalty shall have accrued, and the collector, within whose district the seizure shall be made, is hereby authorized and directed to cause suits for the same to be commenced and prosecuted to effect, and to receive, distribute and pay the sum or sums recovered, after first deducting all necessary costs and charges, according to law. And that all ships or vessels, goods, wares or merchandise, which shall become forfeited by virtue of this act, shall be seized, libelled and prosecuted as aforesaid, in the proper court having cognizance thereof; which court shall cause fourteen days notice to be given of such seizure and libel, by causing the substance of such libel, with the order of the court thereon, setting forth the time and place appointed for trial, to be inserted in some newspaper, published near the place of seizure, and also by posting up the same in the most public manner for the space of fourteen days, at or near the place of trial, for which advertisement a sum not exceeding ten dollars shall be paid; and proclamation shall be made in such manner as the court shall direct; and if no person shall appear to claim such ship or vessel, goods, wares or merchandise, the same shall be adjudged to be forfeited; but if any person shall appear before such judgment of forfeiture, and claim any such ship or vessel, goods, wares or merchandise, and shall give bond to defend the prosecution thereof, and to respond the cost in case he shall not support his claim, the court shall proceed to hear and determine the cause according to law: And upon the prayer of any claimant to the court, that any ship or vessel, goods wares or merchandise so seized and prosecuted, or any part thereof should be delivered to such claimant, it shall be lawful for the court to appoint three proper persons to appraise such ship or vessel, goods, wares or merchandise, who shall be sworn in open court for the faithful discharge of their duty; and such appraisalment shall be made at the expense of the party on whose prayer it is granted; and on the return of such appraisalment, if the claimant shall, with one or more sureties, to be approved of by the court, execute a bond in the usual form, to the United States, for the payment of a sum, equal to the sum at which the ship or vessel, goods, wares or merchandise, so prayed to be delivered, be appraised, the court shall by rule, order such ship or vessel, goods, wares or merchandise, to be delivered to the said claimant, and the said bond shall be lodged with the proper officer of the court; and if judgment shall pass in favour of the claimant, the court shall cause the said bond to be cancelled; but if judgment shall pass against the claimant, as to the whole or any part of such ship or vessel, goods, wares or merchandise, and the claimant shall not within twenty days thereafter, pay into the court the amount of the appraised value of such ship or vessel, goods, wares or merchandise so condemned, with the costs, the bond shall be put in suit. And when any prosecution shall be commenced on account of the seizure of any ship or vessel, goods, wares or merchandise, and judgment shall be given for the claimant or claimants; if it shall appear to the court before whom such prosecution shall be tried, that there was a reasonable cause of seizure, the same court shall cause a proper certificate or entry to be made thereof, and in such case the claimant shall not be entitled to costs, nor shall the person who made the seizure, or the prosecutor be liable to action, suit or judgment, on account of such seizure or prosecution. *Provided,* That the ship or vessel, goods, wares or merchandise be, after judgment, forthwith returned to such claimant or claimants, his, her or

their agents: *And provided*, That no action or prosecution shall be maintained in any case under this act, unless the same shall have been commenced, within three years next after the penalty of forfeiture was incurred.

SEC. 68. *And be it further enacted*, That all ships, vessels, goods, wares or merchandise, which shall be condemned by virtue of this act, shall be sold by the proper officer of the court in which such condemnation shall be had, to the highest bidder at public auction, by order of such court, and at such place as the court may appoint, giving at least fifteen days notice (except in case of perishable goods) in one or more of the public newspapers of the place where such sale shall be, or if no paper is published in such place, in one or more of the papers published in the nearest place thereto, for which advertising a sum not exceeding five dollars shall be paid.

Vessels or goods condemned, how to be sold.

SEC. 69. *And be it further enacted*, That all penalties, fines and forfeitures, recovered by virtue of this act, (and not otherwise appropriated) shall, after deducting all proper costs and charges, be disposed of as follows: One moiety shall be for the use of the United States, and paid into the treasury thereof; the other moiety shall be divided into equal parts, and paid to the collector and naval officer of the district, and surveyor of the port wherein the same shall have been incurred, or to such of the said officers as there may be in the said district; and in districts where only one of the aforesaid officers shall have been established, the said moiety shall be given to such officer: *Provided nevertheless*, That in all cases where such penalties, fines and forfeitures shall be recovered in pursuance of information given to such collector, by any person other than the naval officer or surveyor of the district, the one half of such moiety shall be given to the informer, and the remainder thereof shall be disposed of between the collector, naval officer and surveyor or surveyors, in manner aforesaid.

Appropriation of fines, penalties and forfeitures.

SEC. 70. *And be it further enacted*, That no goods, wares or merchandise of foreign growth or manufacture, subject to the payment of duties, shall be brought into the United States from any foreign port or place in any other manner than by sea, nor in any ship or vessel of less than thirty tons burthen, except within the district of Louisville, nor shall be landed or unladen at any other place than is by this act directed, under the penalty of seizure and forfeiture of all such vessels, and of the goods, wares or merchandise brought in, landed or unladen, in any other manner. And all goods, wares and merchandise brought into the United States by land, contrary to this act, shall be forfeited, together with the carriages, horses and oxen that shall be employed in conveying the same; provided nothing herein shall be construed to extend to household furniture and clothing, belonging to any person or persons actually removing into any part of the United States, for the purpose of becoming an inhabitant or inhabitants thereof.

Dutiable goods of foreign growth or manufacture brought into the United States, except by sea and in certain vessels, subject to forfeiture.

SEC. 71. *And be it further enacted*, That all matters by this act directed to be done to or by the collector of a district, shall and may be done to and by the person who, in the cases specified in this act, is or may be authorized to act in the place or stead of the said collector.

Collectors may act by deputies.

SEC. 72. *And be it further enacted*, That wherever an oath is required by this act, persons conscientiously scrupulous shall be permitted to affirm.

Affirmation may be taken instead of an oath.

SEC. 73. *And be it further enacted*, That the master or person having the charge or command of a ship or vessel bound to a foreign port or place, shall deliver to the collector of the district from which such ship or vessel shall be about to depart, a manifest of the cargo on board the same, and shall make oath or affirmation to the truth thereof, whereupon the said collector shall grant a clearance for the said ship or vessel, and her cargo, but without specifying the particulars thereof, unless

Vessels bound to foreign ports to deliver manifests of their cargoes.

Penalty for neglect of clearance.

Former acts repealed.

Exceptions.

Declaration respecting the ruble of Russia.

Act of July 31, 1789, ch. 5, sec. 10. Act of Sept. 29, 1789, ch. 22.

required by the said master or person having said charge or command. And if any ship or vessel bound to a foreign port or place, shall depart on her voyage to such foreign port or place without such clearance, the said master or person having the said charge or command, shall forfeit and pay the sum of two hundred dollars for such offence.

SEC. 74. *And be it further enacted*, That after the first day of October next, the act, intituled "An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares and merchandises imported into the United States," and also all other acts or parts of acts coming within the purview of this act, shall be repealed, and thenceforth cease to operate, except as to the continuance of the officers appointed in pursuance of the said act; except also as to the recovery and receipt of such duties on goods, wares and merchandise, and on the tonnage of ships or vessels, as shall have accrued, and as to the payment of drawbacks and allowances in lieu thereof, upon the exportation of goods, wares or merchandise which shall have been imported, and as to the recovery and distribution of fines, penalties and forfeitures which shall have been incurred before or upon the said day, subject nevertheless to the alterations contained and expressed in this present act.

And whereas by the act, intituled "An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares and merchandises imported into the United States," it was declared that the ruble of Russia should be rated at one hundred cents, and by the act, intituled "An act to explain and amend an act, intituled 'An act for registering and clearing vessels, regulating the coasting trade, and for other purposes,'" that part of the said first mentioned act which so rated the ruble of Russia was repealed and made null and void. And whereas it is doubted whether the said repeal can operate with respect to duties incurred prior thereto, as was intended by Congress:

SEC. 75. *Therefore be it enacted and declared*, That the said repeal shall be deemed to operate in respect to all duties which may have arisen or accrued prior thereto.

APPROVED, August 4, 1790.

STATUTE II.

August 4, 1790.

CHAP. XXXVI.—*An Act to continue in force for a limited time, an act intituled "An act for the temporary establishment of the Post-Office."*

[Expired.]

Former act declared in force till the next session, March 4, 1791.

1791, ch. 23.
1789, ch. 16.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the act passed the last session of Congress, intituled "An act for the temporary establishment of the post-office," be, and the same hereby is continued in force until the end of the next session of Congress, and no longer.

APPROVED, August 4, 1790.

STATUTE II.

August 5, 1790.

CHAP. XXXVIII.—*An Act to provide more effectually for the settlement of the Accounts between the United States and the individual States.*

[Expired.]

Board of three commissioners to be appointed. Act of August 6, 1789, ch. 6.

1792, ch. 5.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That a board, to consist of three commissioners, be, and hereby is established to settle the accounts between the United States, and the individual states; and the determination of a majority of the said commissioners on the claims submitted to them, shall be final and conclusive; and they shall have power to employ such number of clerks as they may find necessary.

SEC. 2. *And be it further enacted*, That the said commissioners shall respectively take an oath or affirmation before the chief justice of the

Who are to take an oath;

United States, or one of the associate or district judges, that they will faithfully and impartially execute the duties of their office. And they shall each of them be entitled to receive at the rate of two thousand two hundred and fifty dollars per annum, payable quarter yearly at the treasury of the United States, for their respective services. their salary.

SEC. 3. *And be it further enacted*, That it shall be the duty of the said commissioners to receive and examine all claims which shall be exhibited to them before the first day of July, one thousand seven hundred and ninety-one, and to determine on all such as shall have accrued for the general or particular defence during the war, and on the evidence thereof, according to the principles of general equity (although such claims may not be sanctioned by the resolves of Congress, or supported by regular vouchers), so as to provide for the final settlement of all accounts between the United States and the states individually; but no evidence of a claim heretofore admitted by a commissioner of the United States for any state or district, shall be subject to such examination; nor shall the claim of any citizen be admitted as a charge against the United States in the account of any state, unless the same was allowed by such state before the twenty-fourth day of September, one thousand seven hundred and eighty-eight. Mode of procedure in examining claims.

SEC. 4. *And be it further enacted*, That it shall be the duty of the said commissioners to examine and liquidate to specie value, on principles of equity, the credits and debits of the states already on the books of the treasury for bills of credit subsequent to the eighteenth of March, one thousand seven hundred and eighty. To liquidate to specie value credits and debits of certain states.

SEC. 5. *And be it further enacted*, That the commissioners shall debit each state with all advances which have been, or may be made to it by the United States, and with the interest thereon to the last day of the year one thousand seven hundred and eighty-nine, and shall credit each state for its disbursements and advances on the principles contained in the third section of this act, with interest to the day aforesaid, and having struck the balance due to each state, shall find the aggregate of all the balances, which aggregate shall be apportioned between the states agreeably to the rule herein after given; and the difference between such apportionments, and the respective balances, shall be carried in a new account to the debit or credit of the states respectively, as the case may be. On the final settlement, aggregate of all the balances to be apportioned between the states.

SEC. 6. *And be it further enacted*, That the rule for apportioning to the states the aggregate of the balances first above mentioned, shall be the same that is prescribed by the constitution of the United States, for the apportionment of representation and direct taxes, and according to the first enumeration which shall be made. The rule of apportionment.

SEC. 7. *And be it further enacted*, That the states who shall have balances placed to their credit on the books of the treasury of the United States, shall, within twelve months after the same shall have been so credited, be entitled to have the same funded upon the same terms with the other part of the domestic debt of the United States; but the balances so credited to any state shall not be transferable. Creditor states to have their balances funded.

SEC. 8. *And be it further enacted*, That the clerks employed, or to be employed by the said commissioners, shall receive like salaries as clerks employed in the treasury department. Salaries of the clerks.

SEC. 9. *And be it further enacted*, That the powers of the said commissioners shall continue until the first day of July, one thousand seven hundred and ninety-two, unless the business shall be sooner accomplished. Continuance of the commissioners' powers.

APPROVED, August 5, 1790.

STATUTE II.

August 10, 1790.

[Obsolete.]

Recital.
Act of July 4,
1789, ch. 2.CHAP. XXXIX.—*An Act making further provision for the payment of the debts of the United States.*

WHEREAS, by an act, intituled "An act for laying a duty on goods, wares and merchandises imported into the United States," divers duties were laid on goods, wares and merchandise so imported, for the discharge of the debts of the United States, and the encouragement and protection of manufactures: And whereas the support of government and the discharge of the said debts, render it necessary to increase the said duties:

From and after the first of December next, the present duties on certain specified articles to cease, and other duties imposed in lieu thereof.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the last day of December next, the duties specified and laid in and by the act aforesaid, shall cease and determine; and that upon all goods, wares and merchandise (not herein particularly excepted) which after the said day shall be brought into the United States, from any foreign port or place, there shall be levied, collected and paid the several and respective duties following, that is to say: Madeira wine of the quality of London particular, per gallon, thirty-five cents; other Madeira wine, per gallon, thirty cents; Sherry wine, per gallon, twenty-five cents; other wines, per gallon, twenty cents; distilled spirits, if more than ten per cent. below proof, according to Dycas's hydrometer, per gallon, twelve cents; if more than five, and not more than ten per cent. below proof, according to the same hydrometer, per gallon, twelve and an half cents; if of proof, and not more than five per cent. below proof, according to the same hydrometer, per gallon, thirteen cents; if above proof, but not exceeding twenty per cent. according to the same hydrometer, per gallon, fifteen cents; if of more than twenty, and not more than forty per cent. above proof, according to the same hydrometer, per gallon, twenty cents; if of more than forty per cent. above proof, according to the same hydrometer, per gallon, twenty-five cents; molasses, per gallon, three cents; beer, ale and porter in casks, per gallon, five cents; beer, ale and porter in bottles, per dozen, twenty cents. Teas from China and India, in ships or vessels of the United States, bohea, per pound, ten cents; souchong and other black teas, per pound, eighteen cents; hyson, per pound, thirty-two cents; other green teas, per pound, twenty cents: Teas from Europe, in ships or vessels of the United States, bohea, per pound, twelve cents; souchong and other black teas, per pound, twenty-one cents; hyson, per pound, forty cents; other green teas, per pound, twenty-four cents: Teas from any other place, or in any other ships or vessels, bohea, per pound, fifteen cents; souchong and other black teas, per pound, twenty-seven cents; hyson, per pound, fifty cents; other green teas, per pound, thirty cents; coffee, per pound, four cents; cocoa, per pound, one cent; loaf sugar, per pound, five cents; brown sugar, per pound, one and an half cent; other sugar, per pound, two and an half cents; candles of tallow, per pound, two cents; candles of wax or spermaceti, per pound, six cents; cheese, per pound, four cents; soap, per pound, two cents; pepper, per pound, six cents; pimento, per pound, four cents; manufactured tobacco, per pound, six cents; snuff, per pound, ten cents; indigo, per pound, twenty-five cents; cotton, per pound, three cents; nails and spikes, per pound, one cent; bar and other lead, per pound, one cent; steel unwrought, per one hundred and twelve pounds, seventy-five cents; hemp, per one hundred and twelve pounds, fifty-four cents; cables, per one hundred and twelve pounds, one hundred cents; tarred cordage, per one hundred and twelve pounds, one hundred cents; untarred cordage and yarn, per one hundred and twelve pounds, one hundred and fifty cents; twine and pack thread, per one hundred and twelve pounds, three hundred cents; salt, per bushel, twelve cents; malt, per bushel, ten cents; coal,

per bushel, three cents; boots, per pair, fifty cents; shoes, slippers and goloshoes, made of leather, per pair, seven cents; shoes and slippers, made of silk or stuff, per pair, ten cents; wool and cotton cards, per dozen, fifty cents; playing cards, per pack, ten cents; all China ware, looking glasses, window and other glass, and all manufactures of glass, (black quart bottles excepted) twelve and an half per centum ad valorem; marble, slate and other stones, bricks, tiles, tables, mortars and other utensils of marble or slate, and generally all stone and earthen ware, blank books, writing paper, and wrapping paper, paper hangings, pasteboards, parchment and vellum, pictures and prints, painters' colors, including lampblack, except those commonly used in dyeing, gold, silver and plated ware, gold and silver lace, jewellery and paste work, clocks and watches, shoe and knee buckles, grocery, (except the articles before enumerated) namely, cinnamon, cloves, mace, nutmegs, ginger, anniseed, currants, dates, figs, plums, prunes, raisins, sugar candy, oranges, lemons, limes, and generally all fruits and comfits, olives, capers and pickles of every sort, oil, gun-powder, mustard in flour, ten per centum ad valorem; cabinet wares, buttons, saddles, gloves of leather, hats of beaver, felt, wool, or a mixture of any of them, millinery ready made, castings of iron, and slit and rolled iron, leather tanned or tawed, and all manufactures of which leather is the article of chief value, except such as are herein otherwise rated, canes, walking sticks and whips, clothing ready made, brushes, anchors, all wares of tin, pewter, or copper, all or any of them, medicinal drugs, except those commonly used in dyeing, carpets and carpeting, all velvets, velverets, satins and other wrought silks, cambrics, muslins, muslinets, lawns, laces, gauzes, chintzes, and colored calicoes, and nankeens, seven and an half per centum ad valorem. All goods, wares and merchandise imported directly from China or India in ships or vessels not of the United States, teas excepted, twelve and an half per centum ad valorem. All coaches, chariots, phaetons, chaises, chairs, solos or other carriages, or parts of carriages, fifteen and an half per centum ad valorem; and five per centum ad valorem upon all other goods, wares and merchandise, except bullion, tin in pigs, tin plates, old pewter, brass teutenague, iron and brass wire, copper in plates, saltpetre, plaister of Paris, wool, dyeing woods, and dyeing drugs, raw hides and skins, undressed furs of every kind, the sea stores of ships or vessels, the clothes, books, household furniture, and the tools or implements of the trade or profession of persons who come to reside in the United States, philosophical apparatus, specially imported for any seminary of learning, all goods intended to be re-exported to a foreign port or place, in the same ship or vessel in which they shall be imported, and generally, all articles of the growth, product or manufactures of the United States.

SEC. 2. *And be it further enacted*, That an addition of ten per centum shall be made to the several rates of duties above specified and imposed, in respect to all goods, wares and merchandise, which, after the said last day of December next, shall be imported in ships or vessels not of the United States, except in the cases in which an additional duty is herein before specially laid on any goods, wares, or merchandises, which shall be imported in such ships or vessels.

SEC. 3. *And be it further enacted*, That all duties which shall be paid or secured to be paid by virtue of this act, shall be returned or discharged in respect to all such goods, wares or merchandise, whereupon they shall have been so paid, or secured to be paid, as, within twelve calendar months after payment made or security given, shall be exported to any foreign port or place, except one per centum on the amount of the said duties, which shall be retained as an indemnification for whatever expense may have accrued concerning the same.

SEC. 4. *And be it further enacted*, That there shall be allowed and

Also on certain other articles certain rates per centum ad valorem.

Also an additional duty of ten per centum on all the rates of duty before specified.

Drawback for goods exported within twelve months.

Bounty on exportation of dried or pickled fish, and salted provisions.

paid on dried and pickled fish, of the fisheries of the United States, and on other provisions salted within the said states, which, after the said last day of December next, shall be exported therefrom to any foreign port or place, in lieu of a drawback of the duty on the salt which shall have been expended thereupon, according to the following rates—namely: Dried fish, per quintal, ten cents; pickled fish and other salted provisions, per barrel, ten cents.

Duties or drawback on a specific quantity of goods, to apply in proportion as to other quantities.

SEC. 5. *And be it further enacted*, That where duties by this act are imposed, or drawbacks allowed on any specific quantity of goods, wares and merchandise, the same shall be deemed to apply in proportion to any quantity, more or less, than such specific quantity.

Duties accruing within a certain time remitted.

SEC. 6. *And be it further enacted*, That all the duties which, by virtue of the act, intituled "An act for laying a duty on goods, wares and merchandises imported into the United States," accrued between the time specified in the said act for the commencement of the said duties, and the respective times when the collectors entered upon the duties of their respective offices in the several districts, be, and they are hereby remitted and discharged, and that in any case in which they may have been paid to the United States, restitution thereof shall be made.

Act of July 4, 1789, ch. 2.

Continuance of the duty by this act imposed.

SEC. 7. *And be it further enacted*, That the several duties imposed by this act shall continue to be collected and paid, until the debts and purposes for which they are pledged and appropriated, shall be fully discharged: *Provided*, That nothing herein contained shall be construed to prevent the legislature of the United States from substituting other duties or taxes of equal value to any or all of the said duties and imposts.

APPROVED, August 10, 1790.

STATUTE II.

August 10, 1790.

Act of June 9, 1794, ch. 62.

[Repealed.]

CHAP. XL.—*An Act to enable the Officers and Soldiers of the Virginia Line on continental Establishment, to obtain Titles to certain Lands lying northwest of the River Ohio, between the Little Miami and Sciota.*(a)

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the act of Congress of the seventeenth of July, one thousand seven hundred and eighty-eight, relative to certain locations and surveys made by, or on account of the Virginia troops on continental establishment upon lands between the Little Miami and Sciota rivers, northwest of the Ohio, be, and the same is hereby repealed.(b)

(a) The acts relative to Virginia land warrants, and the regulations and locations thereof, have been: Act of August 10, 1790, chap. 40; act of June 9, 1794, chap. 62; act of May 13, 1800, chap. 59; act of April 26, 1802, chap. 30; act of March 2, 1807, chap. 21; act of March 16, 1810, chap. 23; act of June 26, 1812, chap. 109; act of November 3, 1814, chap. 2; act of February 22, 1815, chap. 48; act of April 11, 1818, chap. 43; act of February 9, 1821, chap. 10; act of May 20, 1826, chap. 138; act of April 23, 1830, chap. 73; act of May 30, 1830, chap. 215; act of July 13, 1832, cl ap. 205; act of March 2, 1833; act of March 31, 1832, chap. 157; act of July 7, 1838, chap. 116.

(b) Under the reserve contained in the cession act of Virginia, and under the act of Congress of August 10, 1790, and of June 9, 1794, the whole country lying between the Sciota and Little Miami rivers, was subjected to the military warrants, to satisfy which the reserve was made. *Doddridge v. Thompson*, 9 Wheat. 469; 5 Cond. Rep. 645.

The reservation made by the law of Virginia of 1783, ceding to Congress the territory northwest of the river Ohio, is not a reservation of the whole tract of country between the rivers Sciota and Little Miami. It is a reservation of only so much as may be necessary to make up the deficiency of good lands set apart for the officers and soldiers of the Virginia line on the continental establishment, on the southeast side of the Ohio. The residue of the lands are ceded to the United States, as a common fund for those States who were, or might become members of the Union, to be disposed of for that purpose. *Jackson v. Clarke et al.*, 1 Peters, 635.

Although the military rights constituted the primary claim upon the trust, that claim was according to the intention of the parties so to be satisfied as still to keep in view the interests of the Union, which were also a vital object of the trust. This was only to be effected by prescribing the time in which the lands to be appropriated by those claimants, were to be separated from the general mass, so as to enable the government to apply the residue to the general purposes of the trust. *Ibid.*

If the right existed in Congress to prescribe a time within which military warrants should be located, the right to connect conditions to its extension, follows as a necessary consequence. *Ibid.*

And whereas the agents for such of the troops of the state of Virginia, who served on the continental establishment in the army of the United States, during the late war, have reported to the executive of the said state, that there is not a sufficiency of good land on the south-easterly side of the river Ohio, according to the act of cession from the said state to the United States, and within the limits assigned by the laws of the said state, to satisfy the said troops for the bounty lands due to them, in conformity to the said laws: to the intent therefore that the difference between what has already been located for the said troops, on the south-easterly side of the said river, and the aggregate of what is due to the whole of the said troops, may be located on the north-westerly side of the said river, and between the Sciota and Little Miami rivers, as stipulated by the said state:

SEC. 2. *Be it further enacted*, That the secretary of the department of war shall make return to the executive of the state of Virginia of the names of such of the officers, non-commissioned officers and privates of the line of the said state, who served in the army of the United States, on the continental establishment, during the late war, and who, in conformity to the laws of the said state, are entitled to bounty lands; and shall also in such return state the aggregate amount in acres due to the said line by the laws aforesaid.

SEC. 3. *And be it further enacted*, That it shall and may be lawful for the said agents to locate to and for the use of the said troops, between the rivers Sciota and Little Miami, such a number of acres of good land as shall, together with the number already located between the said two rivers, and the number already located on the south-easterly side of the river Ohio, be equal to the aggregate amount, so to be returned as aforesaid by the secretary of the department of war.

SEC. 4. *And be it further enacted*, That the said agents, as soon as may be after the locations, surveys and allotments are made and completed, shall enter in regular order, in a book to be by them provided for that purpose, the bounds of each location and survey between the said two rivers, annexing the name of the officer, non-commissioned officer or private originally entitled to each; which entries being certified by the said agents or the majority of them, to be true entries, the book containing the same shall be filed in the office of the Secretary of State.

SEC. 5. *And be it further enacted*, That it shall be lawful for the President of the United States to cause letters patent to be made out in such words and form as he shall devise and direct, granting to such person so originally entitled to bounty lands, to his use, and to the use of his heirs or assigns, or his or their legal representative or representatives, his, her or their heirs or assigns, the lands designated in the said entries: *Provided always*, That before the seal of the United States shall be affixed to such letters patent, the secretary of the department of war shall have indorsed thereon that the grantee therein named, was originally entitled to such bounty lands, and that he has examined the bounds thereof with the book of entries filed in the office of the Secretary of State, and finds the same truly inserted; and every such letters patent shall be countersigned by the Secretary of State, and a minute of the date thereof, and of the name of the grantee shall be entered of record in his office, in a book to be specially provided for the purpose.

SEC. 6. *And be it further enacted*, That it shall be the duty of the Secretary of State, as soon as may be after the letters patent shall

Recital.

Secretary at war to make return to the executive of Virginia of those entitled to bounty lands.

Agents to locate certain tracts for the use of the troops;

and to enter in a book the bounds of each location and survey.

President to cause letters patent to be made out to those entitled to bounty lands.

Under the peculiar system of the Virginia land law, as it has been settled in Kentucky, and in the Virginia military district in Ohio, by usages adapted to the circumstances of the country, many principles have been established which are unknown to the common law. A long course of adjudication has fixed those principles, and they are to be considered as the settled rules by which those military titles are to be governed. *Galt v. Galloway*, 4 Peters, 334.

Secretary of State to transmit the same to the executive of the state of Virginia, to be by them delivered to each grantee; or in case of his death, or that the right of the grantees shall have been legally transferred before such delivery, then to his legal representative or representatives, or to one of them.

Act of June 9, 1794, ch. 62.
Letters patent obtained without fees.

SEC. 7. *And be it further enacted,* That no fees shall be charged for such letters patent and record, to the grantees, their heirs or assigns, or to his or their legal representative or representatives.

APPROVED, August 10, 1790.

STATUTE II.

August 10, 1790.

CHAP. XLI.—*An Act authorizing the Secretary of the Treasury to finish the Lighthouse on Portland Head, in the District of Maine.*

\$1500 appropriated.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be appropriated and paid out of the monies arising from the duties on imports and tonnage, a sum not exceeding fifteen hundred dollars, for the purpose of finishing the lighthouse on Portland Head, in the district of Maine; and that the Secretary of the Treasury, under the directions of the President of the United States, be authorized to cause the said lighthouse to be finished and completed accordingly.

APPROVED, August 10, 1790.

STATUTE II.

August 11, 1790.

CHAP. XLII.—*An Act to alter the Times for holding the Circuit Courts of the United States in the Districts of South Carolina and Georgia, and providing that the District Court of Pennsylvania shall in future be held at the city of Philadelphia only.*

[Obsolete.]
1794, ch. 64.
Circuit courts when and where to be held.

South Carolina 1789, ch. 20, sec. 5.

Georgia 1789, ch. 20, sec. 5.

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the circuit courts of the United States in the districts of South Carolina and Georgia, shall for the future be held as follows, to wit: In the district of South Carolina on the twenty-fifth day of October next, at Charleston, and in each succeeding year at Columbia, on the twelfth day of May, and in Charleston on the twenty-fifth day of October; in the district of Georgia on the fifteenth day of October next, at Augusta, and in each succeeding year at Savannah, on the twenty-fifth day of April, and at Augusta on the fifteenth day of October; except when any of those days shall happen to be Sunday, in which case the court shall be held on the Monday following. And all process that was returnable under the former law at Charleston, on the first day of October next, and at Augusta on the seventeenth day of October, shall now be deemed returnable respectively at Charleston on the twenty-fifth day of October next, and at Augusta on the fifteenth day of October next; any thing in the former law to the contrary notwithstanding.

SEC. 2. *And be it further enacted,* That so much of the act, entitled "An act to establish the judicial courts of the United States," as directs that the district court for the district of Pennsylvania shall be held at Yorktown in the said state, be repealed; and that in future the district court for Pennsylvania be held in the city of Philadelphia.

APPROVED, August 11, 1790.

STATUTE II.

August 11, 1790.

CHAP. XLIII.—*An Act declaring the assent of Congress to certain acts of the states of Maryland, Georgia, and Rhode Island and Providence Plantations.*

1792, ch. 10.
[Expired.]

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 declared to the operation of the acts of the

several states herein after mentioned, so far as the same relate to the levying a duty on the tonnage of ships and vessels for the purposes therein mentioned until the tenth day of January next—that is to say: an act of the General Assembly of the state of Rhode Island and Providence Plantations, at their session held in January, one thousand seven hundred and ninety, intituled “An act to incorporate certain persons by the name of the River Machine Company, in the town of Providence, and for other purposes therein mentioned;” and also, an act of the General Assembly of the state of Maryland, at their session in April, one thousand seven hundred and eighty-three, intituled “An act appointing wardens for the port of Baltimore-town in Baltimore county;” as also, another act of the General Assembly of the same state, passed at their session in November, one thousand seven hundred and eighty-eight, intituled “A supplement to the act intituled, An act appointing wardens for the port of Baltimore-town in Baltimore county;” and also, an act of the state of Georgia, “for levying and appropriating a duty on tonnage, for the purpose of clearing the river Savannah, and removing the wrecks and other obstructions therein.”

APPROVED, August 11, 1790.

Act of May 13, 1796.

[Expired.]
Certain acts of several states, that relate to the tonnage of vessels declared to be in operation till the tenth of January next.

The act of August 11, 1790, ch. 45, is inserted among the private laws.

STATUTE II.

August 12, 1790.

[Obsolete.]

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be appropriated to the purposes herein after mentioned, to be paid out of the monies arising from the duties on goods, wares and merchandise imported, and on the tonnage of ships or vessels, the following sums—to wit: The sum of thirty-eight thousand eight hundred and ninety-two dollars and seventy-five cents, towards discharging certain debts contracted by Abraham Skinner, late commissary of prisoners, on account of the subsistence of the officers of the late army while in captivity: The sum of forty thousand dollars, towards discharging certain debts contracted by colonel Timothy Pickering, late quartermaster general, and which sum was included in the amount of a warrant drawn in his favour by the late superintendent of the finances of the United States, and which warrant was not discharged: The sum of one hundred and four thousand three hundred and twenty-seven dollars and twenty-two cents, for the several purposes specified in an estimate accompanying the report of the Secretary of the Treasury of the fifth instant, including one thousand dollars for defraying the expenses of certain establishments for the security of navigation of the like nature with those mentioned in the act, intituled “An act for the establishment and support of light-houses, beacons, buoys and public piers,” but not particularly specified therein: The sum of one hundred and eighty-one dollars and forty-two cents, for reimbursing the Secretary at War an advance by him made on account of George Morgan White Eyes, over and above the sum heretofore appropriated on account of the said George Morgan White Eyes: The sum of six hundred and thirty-two dollars and eighty cents, for the services and expenses of Isaac Guion, employed by direction of the President of the United States, in relation to the resolution of Congress of the twenty-sixth of August last: The sum of forty-one dollars and forty-seven cents, for reimbursing the treasurer of the United States the costs by him paid on a protested bill: The sum of two hundred and fifty dollars, for the salary of an interpreter of the French language, employed in the department of state: The sum of three hundred and twenty-six dollars and six cents, for sundry expenditures by Richard Phillips, on account of the household of the late President of Congress, and for certain unsatisfied claims against the same: The sum of seven

Sum granted to A. Skinner, and

T. Pickering;

and for purposes estimated in a report of the Secretary of the Treasury.

hundred and fifty dollars, towards compensating the late loan officer of Pennsylvania, for his services in relation to the re-exchange of certificates granted by the state of Pennsylvania, in lieu of certificates of the United States; which several sums so included in the said sum of one hundred and four thousand three hundred and twenty-seven dollars and twenty-two cents, are hereby authorized and granted: And the farther sum of fifty thousand dollars, towards discharging such demands on the United States, not otherwise provided for, as shall have been ascertained and admitted in due course of settlement at the treasury, and which are of a nature according to the usage thereof, to require payment in specie.

APPROVED, August 12, 1790.

STATUTE II.

August 12, 1790.

CHAP. XLVII.—*An Act making Provision for the Reduction of the Public Debt.*

Act of March,
3, 1791, ch. 25.
Act of May 8,
1792, ch. 38.
Recital.

It being desirable by all just and proper means, to effect a reduction of the amount of the public debt, and as the application of such surplus of the revenue as may remain after satisfying the purposes for which appropriations shall have been made by law, will not only contribute to that desirable end, but will be beneficial to the creditors of the United States, by raising the price of their stock, and be productive of considerable saving to the United States:

The surplus of
the product of
duties on goods
and tonnage to
December next,
to be applied to
the purchase of
the public debt.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all such surplus of the product of the duties on goods, wares and merchandise imported, and on the tonnage of ships or vessels to the last day of December next, inclusively, as shall remain after satisfying the several purposes for which appropriations shall have been made by law to the end of the present session, shall be applied to the purchase of the debt of the United States, at its market price, if not exceeding the par or true value thereof.

By whose di-
rection purcha-
ses are to be
made; and

SEC. 2. *And be it further enacted,* That the purchases to be made of the said debt, shall be made under the direction of the President of the Senate, the Chief Justice, the Secretary of State, the Secretary of the Treasury, and the Attorney General for the time being; and who, or any three of whom, with the approbation of the President of the United States, shall cause the said purchases to be made in such manner, and under such regulations as shall appear to them best calculated to fulfill the intent of this act: *Provided,* That the same be made openly, and with due regard to the equal benefit of the several states: *And provided further,* That to avoid all risk or failure, or delay in the payment of interest stipulated to be paid for and during the year one thousand seven hundred and ninety-one, by the act, intituled "An act making provision for the debt of the United States," such reservations shall be made of the said surplus as may be necessary to make good the said payments, as they shall respectively become due, in case of deficiency in the amount of the receipts into the treasury during the said year, on account of the duties on goods, wares and merchandise imported, and the tonnage of ships or vessels, after the last day of December next.

in what man-
ner.

The account
of purchasing to
be settled as
other public ac-
counts.

SEC. 3. *And be it further enacted,* That accounts of the application of the said monies shall be rendered for settlement as other public accounts, accompanied with returns of the amount of the said debt purchased therewith, at the end of every quarter of a year, to be computed from the time of commencing the purchases aforesaid: and that a full and exact report of the proceedings of the said five persons, or any three of them, including a statement of the disbursements and purchases made under their direction, specifying the times thereof, the prices at which, and the parties from whom the same may be made, shall be laid

Report of pro-
ceedings to be
laid before Con-
gress.

before Congress, within the first fourteen days of each session which may ensue the present, during the execution of their said trust.

SEC. 4. *And be it further enacted*, That the President of the United States be, and he is hereby authorized to cause to be borrowed, on behalf of the United States, a sum or sums not exceeding in the whole two millions of dollars, at an interest not exceeding five per cent., and that the sum or sums so borrowed, be also applied to the purchase of the said debt of the United States, under the like direction, in the like manner, and subject to the like regulations and restrictions with the surplus aforesaid: *Provided*, That out of the interest arising on the debt to be purchased in manner aforesaid, there shall be appropriated and applied a sum not exceeding the rate of eight per centum per annum on account both of principal and interest towards the repayment of the two millions of dollars so to be borrowed.

APPROVED, August 12, 1790.

President authorized to borrow two millions of dollars,

to be applied to the purchase of the debt.

Act of May 8, 1792, ch. 38, sec. 7.

Act of March 3, 1795, ch. 45, sec. 7.

RESOLUTIONS.

I. RESOLVED *by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be requested to cause to be forthwith transmitted to the executives of the states of Virginia and North Carolina, a complete list of the officers, non-commissioned officers and privates of the lines of those states respectively, who are entitled to receive arrears of pay due for services in the years one thousand seven hundred and eighty-two, and one thousand seven hundred and eighty-three, annexing the particular sum that is due to each individual, with a request to the executives of the said states, to make known to the claimants in the most effectual manner, that the said arrears are ready to be discharged on proper application.

June 7, 1790.

That the President of the United States be requested to cause the Secretary of the Treasury to take the necessary steps for paying (within the said states respectively) the money appropriated by Congress, on the twenty-ninth day of September, one thousand seven hundred and eighty-nine, for the discharging the arrears of pay due to the troops of the lines of the said states respectively.

That the Secretary of the Treasury, in cases where the payment has not been made to the original claimant in person, or his representative, be directed to take order for making the payment to the original claimant, or to such person or persons only as shall produce a power of attorney, duly attested by two justices of the peace of the county in which such person or persons reside, authorizing him or them to receive a certain specified sum: except where certificates or warrants have been issued under authority of the United States for any of the said arrears of pay, and the same shall be produced by the claimant or claimants.

APPROVED, June 7, 1790.

II. RESOLVED *by the Senate and House of Representatives of the United States of America in Congress assembled*, That all treaties made, or which shall be made and promulgated, under the authority of the United States, shall, from time to time, be published and annexed to their code of laws, by the Secretary of State.

APPROVED, June 14, 1790.

III. RESOLVED *by the Senate and House of Representatives of the United States of America in Congress assembled*, That the clerks in the office of the commissioner of army accounts are entitled to receive, for their services, a sum not exceeding five hundred dollars, to be paid in the same manner, and at the same rate, as the salary allowed to the clerks in the department of treasury: and that the auditor and comptroller be authorized to adjust the accounts of the clerks in the said office, upon the same principles as those of the treasury department, agreeably to the appropriation by law.

APPROVED, August 2, 1790.

IV. RESOLVED *by the Senate and House of Representatives of the United States of America in Congress assembled*, That the expense of procuring seals for the supreme, circuit, and district courts of the United States, shall be defrayed out of the money appropriated, by an act of the present session, for defraying the contingent charges of government.

APPROVED, August 2, 1790.

V. RESOLVED *by the Senate and House of Representatives of the United States of America in Congress assembled*, That all surveys of lands in the Western Territory, made under the direction of the late geographer, Thomas Hutchins, agreeable to contracts for part of the said lands made with the late board of treasury, be returned to, and perfected by, the Secretary of the Treasury, so as to complete the said contracts: and that the said secretary be, and is hereby, authorized to direct the making and completing any other surveys that remain to be made, so as to comply on the part of the United States with the several contracts aforesaid, in conformity to the terms thereof.

APPROVED, August 12, 1790.

ACTS OF THE FIRST CONGRESS

OF THE

UNITED STATES,

Passed at the third session, which was begun and held at the City of Philadelphia, in the State of Pennsylvania, on Monday, the sixth day of December, 1790, and ended on the third day of March, 1791.

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

STATUTE III.

Dec. 27, 1790.

CHAPTER I.—*An Act supplementary to the act intitled "An act making further provision for the payment of the debts of the United States."*

[Obsolete.]
Recital.

WHEREAS no express provision has been made for extending the act, intituled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels," to the collection of the duties imposed by the said "Act making further provision for the payment of the debts of the United States," doubts concerning the same may arise: (a)—Therefore, *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the act, intituled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels," doth and shall extend to, and be in force for the collection of the duties specified and laid in and by the act, intituled "An act making further provision for the payment of the debts of the United States," as fully and effectually, as if every regulation, restriction, penalty, provision, clause, matter and thing therein contained, had been inserted in and re-enacted by the act last aforesaid.

Provisions of the act for collection of duties, extended to the act making further provision for the payment of the debts of the United States.

APPROVED, December 27, 1790.

STATUTE III.

Jan. 7, 1791.

CHAP. II.—*An Act to provide for the unloading of ships or vessels, in cases of obstruction by ice.*

[Obsolete.]

Act of March 2, 1799, ch. 22, sec. 85.

In cases of obstruction by ice, collector may receive entry at any other place within his district.

WHEREAS it sometimes happens, that ships or vessels are obstructed by ice in their passage to the ports of their destination, and it is necessary that provision should be made for unloading such ships or vessels:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in all cases where a ship or vessel shall be prevented by ice from getting to the port at which her cargo is intended to be delivered, it shall be lawful for the collector of the district, in which such ship or vessel may be so obstructed, to receive the report and entry of any such ship or vessel, and with the consent of the naval officer (where there is one) to grant a permit or permits for unloading or landing the goods, wares or merchandise imported in such ship or vessel at any place within his district, which shall appear to him to be most convenient and proper.

(a) Act of August 4, 1790, chap. 35; act of August 10, 1790, chap. 39; act of August 12, 1790, chap. 47; act of May 8, 1792, chap. 38; act of May 30, 1794, chap. 36; act of January 28, 1795, chap. 13; act of February 19, 1796, chap. 2; act of March 3, 1797, chap. 14.

SEC. 2. *And be it further enacted*, That the report and entry of such ship or vessel, and of her cargo, or any part thereof, and all persons concerned therein, shall be under and subject to the same rules, regulations, restrictions, penalties and provisions, as if the said ship or vessel had arrived at the port of her destination, and had there proceeded to the delivery of her cargo.

Under the usual regulations in other countries.

APPROVED, January 7, 1791.

STATUTE III.

CHAP. III.—*An Act to continue an act intituled "An act declaring the assent of Congress to certain acts of the States of Maryland, Georgia, and Rhode Island and Providence Plantations," so far as the same respects the States of Georgia and Rhode Island and Providence Plantations.*

Jan. 10, 1791.

[Expired.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act passed the last session of Congress, intituled "An act declaring the assent of Congress to certain acts of the states of Maryland, Georgia, and Rhode Island and Providence Plantations," shall be continued, and is hereby declared to be in full force, so far as the same respects the states of Georgia, and Rhode Island and Providence Plantations, for the farther term of one year, and from thence to the end of the then next session of Congress, and no longer.

1792, ch. 10.

1790, ch. 43.

APPROVED, January 10, 1791.

STATUTE III.

CHAP. IV.—*An Act declaring the consent of Congress, that a new State be formed within the jurisdiction of the Commonwealth of Virginia, and admitted into this Union, by the name of the State of Kentucky.*

Feb. 4, 1791.

WHEREAS the legislature of the commonwealth of Virginia, by an act entitled "An act concerning the erection of the district of Kentucky into an independent state," passed the eighteenth day of December, one thousand seven hundred and eighty-nine, have consented, that the district of Kentucky, within the jurisdiction of the said commonwealth, and according to its actual boundaries at the time of passing the act aforesaid, should be formed into a new state: And whereas a convention of delegates, chosen by the people of the said district of Kentucky, have petitioned Congress to consent, that, on the first day of June, one thousand seven hundred and ninety-two, the said district should be formed into a new state, and received into the Union, by the name of "The State of Kentucky:"

Recital.
Reference to the act of the legislature of Virginia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, and it is hereby enacted and declared*, That the Congress doth consent, that the said district of Kentucky, within the jurisdiction of the commonwealth of Virginia, and according to its actual boundaries, on the eighteenth day of December, one thousand seven hundred and eighty-nine, shall, upon the first day of June, one thousand seven hundred and ninety-two, be formed into a new State, separate from and independent of, the said commonwealth of Virginia.

Consent of Congress that a part of Virginia within certain boundaries, shall become a new state, June 1, 1792.

SEC. 2. *And be it further enacted and declared*, That upon the aforesaid first day of June, one thousand seven hundred and ninety-two, the said new State, by the name and style of the State of Kentucky, shall be received and admitted into this Union, as a new and entire member of the United States of America.

When and by what name admitted into the Union.

APPROVED, February 4, 1791.

STATUTE III.

Feb. 9, 1791.

CHAP. V.—*An Act declaring the consent of Congress to a certain act of the state of Maryland.*

[Expired.]
Consent to an
act of Maryland.

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, made and passed at a session begun and held at the city of Annapolis, on the first Monday in November last, intituled "An act to empower the wardens of the port of Baltimore to levy and collect the duty therein mentioned," until the tenth day of January next, and from thence until the end of the then next session of Congress, and no longer.

Limitation.
Act of March
13, 1792.

APPROVED, February 9, 1791.

STATUTE III.

Feb. 11, 1791.

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

[Expired.]
Appropriations
of money for,
the civil list;

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be appropriated the several sums, and for the several purposes following, to wit: A sum not exceeding two hundred and ninety-nine thousand two hundred and seventy-six dollars and fifty-three cents, for defraying the expenses of the civil list, as estimated by the Secretary of the Treasury, in the statement, number one, accompanying his report to the House of Representatives of the sixth instant, including the contingencies of the several executive officers, and of the two Houses of Congress, which are hereby authorized and granted: a sum not exceeding fifty thousand seven hundred and fifty-six dollars and fifty-three cents, for satisfying the several objects specified in the statement, number two, accompanying the report aforesaid, all such whereof, as may not have been heretofore provided for by law, being hereby authorized: and a sum not exceeding three hundred and ninety thousand one hundred and ninety-nine dollars and fifty-four cents, for the use of the department of war, pursuant to the statement, number three, accompanying the report aforesaid, including therein the sum of one hundred thousand dollars, for defraying the expenses of an expedition lately carried on against certain Indian tribes; and the sum of eighty-seven thousand four hundred and sixty-three dollars and sixty cents, being the amount of one year's pensions to invalids, together with the contingencies of the said department, which are hereby authorized: Which several sums shall be paid out of the funds following, namely, The sum of six hundred thousand dollars, which, by the act, intituled "An act making provision for the debt of the United States," is reserved yearly for the support of the government of the United States, and their common defence; the amount of such surpluses as may remain in the treasury, after satisfying the purposes for which appropriations were made, by the acts respectively, intituled "An act making appropriations for the service of the present year," passed the twenty-ninth day of September, one thousand seven hundred and eighty-nine; "An act making appropriations for the support of government for the year one thousand seven hundred and ninety," passed the twenty-sixth day of March, one thousand seven hundred and ninety; "An act making certain appropriations therein mentioned," passed the twelfth day of August, one thousand seven hundred and ninety, and the product, during the present year, of such duties as shall be laid in the present session of Congress.

certain specified
purposes;

department of
war;

pensions to in-
valids; and

out of what
funds payable.

1790, ch. 34.

1789, ch. 23.

1790, ch. 4.

1790, ch. 46.

APPROVED, February 11, 1791.

CHAP. VII.—*An Act for the admission of the State of Vermont into this Union.*

STATUTE III.
Feb. 18, 1791.

THE state of Vermont having petitioned the Congress to be admitted a member of the United States, *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, and it is hereby enacted and declared,* That on the fourth day of March, one thousand seven hundred and ninety-one, the said state, by the name and style of "The State of Vermont," shall be received and admitted into this Union, as a new and entire member of the United States of America.

State of Vermont to be admitted into the Union, 4th March, 1791.

APPROVED, February 18, 1791.

STATUTE III.
Feb. 18, 1791.

CHAP. VIII.—*An Act to continue in force, for a limited time, an act passed at the first Session of Congress, intituled "An act to regulate processes in the Courts of the United States," (a)*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an act passed on the twenty-ninth day of September, in the year one thousand seven hundred and eighty-nine, intituled, "An act to regulate processes in the courts of the United States," shall be, and the same hereby is continued in force, until the end of the next session of Congress, and no longer.

[Repealed.]
1792, ch. 36.
Former act declared to be in force till the end of next session of Congress.
1789, ch. 21.

APPROVED, February 18, 1791.

STATUTE III.
Feb. 25, 1791.

CHAP. IX.—*An Act regulating the number of Representatives to be chosen by the States of Kentucky and Vermont.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That until the Representatives in Congress shall be apportioned according to an actual enumeration of the inhabitants of the United States, the states of Kentucky and Vermont shall each be entitled to choose two Representatives.

[Obsolete.]
Kentucky and Vermont entitled to two representatives.
Act of April 14, 1792, ch. 23.

APPROVED, February 25, 1791.

STATUTE III.
Feb. 25, 1791.

CHAP. X.—*An Act to incorporate the subscribers to the Bank of the United States. (b)*

WHEREAS it is conceived that the establishment of a bank for the United States, upon a foundation sufficiently extensive to answer the purposes intended thereby, and at the same time upon the principles which afford adequate security for an upright and prudent administration thereof, will be very conducive to the successful conducting of the national finances; will tend to give facility to the obtaining of loans, for the use of the government, in sudden emergencies; and will be productive of considerable advantages to trade and industry in general: Therefore,

[Expired.]
Preamble.

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a bank of the United States shall be established; the capital stock whereof shall not exceed ten millions of dollars, divided into twenty-five thousand shares, each share being four hundred dollars; and that subscriptions,

Establishment of a Bank of the U. States, and amount and division of its stock, and time of subscribing.

(a) Act of September 29, 1789; act of May 8, 1792, chap. 36, sec. 8.

(b) The acts relating to a Bank of the United States in addition to this act, have been: Act of March 2, 1791, chap. 11; act of June 27, 1798; act of March 23, 1804.

Authorizing the establishing of offices of discount and deposit in any of the territories of the United States: Act of March 23, 1804. See acts, 1812, chap. 43; act of April 10, 1816; act of March 3, 1817; act of March 3, 1819; act of April 11, 1836; act of April 20, 1836; act of June 15, 1836; act of June 23, 1836; resolution March 3, 1837.

Act of March 2, 1791, ch. 11.	towards constituting the said stock, shall, on the first Monday of April next, be opened at the city of Philadelphia, under the superintendance of such persons, not less than three, as shall be appointed for that purpose by the President of the United States (who is hereby empowered to appoint the said persons accordingly); which subscriptions shall continue open, until the whole of the said stock shall have been subscribed. ^(a)
By whom to be subscribed.	SEC. 2. <i>And be it further enacted,</i> That it shall be lawful for any person, co-partnership, or body politic, to subscribe for such or so many shares, as he, she, or they shall think fit, not exceeding one thousand, except as shall be hereafter directed relatively to the United States; and that the sums, respectively subscribed, except on behalf of the United States, shall be payable one fourth in gold and silver, and three fourths in that part of the public debt, which, according to the loan proposed in the fourth and fifteenth sections of the act, entitled "An act making provision for the debt of the United States," shall bear an accruing interest, at the time of payment, of six per centum per annum, and shall also be payable in four equal parts, in the aforesaid ratio of specie to debt, at the distance of six calendar months from each other; the first whereof shall be paid at the time of subscription.
Proportions of gold and silver and the public debt to be subscribed, and	
when to be paid.	
Subscribers to be a body politic.	SEC. 3. <i>And be it further enacted,</i> That all those, who shall become subscribers to the said bank, their successors and assigns, shall be, and are hereby created and made a corporation and body politic, by the name and style of <i>The President, Directors and Company, of the Bank of the United States</i> ; and shall so continue, until the fourth day of March, one thousand eight hundred and eleven: And by that name, shall be, and are hereby made able and capable in law, to have, purchase, receive, possess, enjoy, and retain to them and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects of what kind, nature or quality soever, to an amount, not exceeding in the whole fifteen millions of dollars, including the amount of the capital stock aforesaid; and the same to sell, grant, demise, aliene or dispose of; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of record, or any other place whatsoever: And also to make, have, and use a common seal, and the same to break, alter and renew, at their pleasure; and also to ordain, establish, and put in execution, such by-laws, ordinances and regulations, as shall seem necessary and convenient for the government of the said corporation, not being contrary to law, or to the constitution thereof (for which purpose, general meetings of the stockholders shall and may be called by the directors, and in the manner herein after specified), and generally to do and execute all and singular acts, matters and things, which to them it shall or may appertain to do; subject nevertheless to the rules, regulations, restrictions, limitations and provisions herein after prescribed and declared.
By what name and how long to continue.	
Powers.	
Limitation of stock.	
To have a seal,	
and establish by-laws.	
Number, and time of electing directors.	SEC. 4. <i>And be it further enacted,</i> That, for the well ordering of the affairs of the said corporation, there shall be twenty-five directors; of whom there shall be an election on the first Monday of January in each year, by the stockholders or proprietors of the capital stock of the said corporation, and by plurality of the votes actually given; and those who shall be duly chosen at any election, shall be capable of serving as directors, by virtue of such choice, until the end or expiration of the

(a) Congress has power to incorporate a bank; and the act of April 10, 1816, to incorporate the subscribers to the Bank of the United States, is a law made in pursuance of the constitution. *McCulloch v. The State of Maryland*, 4 Wheat. 316; 4 Cond. Rep. 466.

The Bank of the United States has constitutionally a right to establish branches or offices of discount and deposit within any state. *Ibid.*

A state cannot tax the Bank of the United States, and any attempt by the officers or courts of the state to enforce a law laying a tax upon the property of the Bank, may be restrained by injunction. *Osborne v. The Bank of the United States*, 9 Wheat. 738; 5 Cond. Rep. 741.

Monday of January next ensuing the time of such election, and no longer. And the said directors, at their first meeting after each election, shall choose one of their number as President.

SEC. 5. *Provided always, and be it further enacted,* That, as soon as the sum of four hundred thousand dollars, in gold and silver, shall have been actually received on account of the subscriptions to the said stock, notice thereof shall be given, by the persons under whose superintendence the same shall have been made, in at least two public gazettes printed in the city of Philadelphia; and the said persons shall, at the same time in like manner, notify a time and place within the said city, at the distance of ninety days from the time of such notification, for proceeding to the election of directors; and it shall be lawful for such election to be then and there made; and the persons, who shall then and there be chosen, shall be the first directors, and shall be capable of serving, by virtue of such choice, until the end or expiration of the Monday in January next ensuing the time of making the same, and shall forthwith thereafter commence the operations of the said bank, at the said city of Philadelphia. *And provided further,* That, in case it should at any time happen, that an election of directors should not be made upon any day when pursuant to this act it ought to have been made, the said corporation shall not, for that cause, be deemed to be dissolved; but it shall be lawful, on any other day, to hold and make an election of directors in such manner as shall have been regulated by the laws and ordinances of the said corporation. *And provided lastly,* That, in case of the death, resignation, absence from the United States, or removal of a director by the stockholders, his place may be filled up, by a new choice, for the remainder of the year.

SEC. 6. *And be it further enacted,* That the directors for the time being shall have power to appoint such officers, clerks, and servants under them, as shall be necessary for executing the business of the said corporation, and to allow them such compensation, for their services respectively, as shall be reasonable; and shall be capable of exercising such other powers and authorities, for the well governing and ordering of the affairs of the said corporation, as shall be described, fixed, and determined by the laws, regulations, and ordinances of the same.

SEC. 7. *And be it further enacted,* That the following rules, restrictions, limitations and provisions, shall form and be fundamental articles of the constitution of the said corporation, viz.

I. The number of votes to which each stockholder shall be entitled, shall be according to the number of shares he shall hold, in the proportions following: That is to say, for one share, and not more than two shares, one vote: for every two shares above two, and not exceeding ten, one vote: for every four shares above ten, and not exceeding thirty, one vote: for every six shares above thirty, and not exceeding sixty, one vote: for every eight shares above sixty, and not exceeding one hundred, one vote: and for every ten shares above one hundred, one vote:—But no person, co-partnership, or body politic shall be entitled to a greater number than thirty votes. And after the first election, no share or shares shall confer a right of suffrage, which shall not have been holden three calendar months previous to the day of election. Stockholders actually resident within the United States, and none other, may vote in elections by proxy.

II. Not more than three fourths of the directors in office, exclusive of the president, shall be eligible for the next succeeding year: but the director, who shall be president at the time of an election, may always be re-elected.

III. None but a stockholder, being a citizen of the United States, shall be eligible as a director.

IV. No director shall be entitled to any emolument, unless the same

And of a president.

Proviso.

When \$400,000 in gold or silver shall be subscribed, notice be given, &c.

How directors shall be chosen, and time of service.

Vacancies filled up.

Directors to appoint officers, &c.

Articles of constitution.

Stockholders how to vote, in what proportion to sum subscribed, and

in certain cases may vote by proxy.

Number of electors eligible for ensuing year, and

who as directors.

- Compensation to be allowed. shall have been allowed by the stockholders at a general meeting. The stockholders shall make such compensation to the president, for his extraordinary attendance at the bank, as shall appear to them reasonable.
- How to constitute a board. V. Not less than seven directors shall constitute a board for the transaction of business, of whom, the president shall always be one, except in case of sickness, or necessary absence; in which case his place may be supplied by any other director, whom he, by writing under his hand, shall nominate for the purpose.
- Number of stockholders empowered to call a meeting, &c. VI. Any number of stockholders, not less than sixty, who, together, shall be proprietors of two hundred shares or upwards, shall have power at any time to call a general meeting of the stockholders, for purposes relative to the institution, giving at least ten weeks notice, in two public gazettes of the place where the bank is kept, and specifying, in such notice, the object or objects of such meeting.
- Cashier and treasurer to give bond. VII. Every cashier or treasurer, before he enters upon the duties of his office, shall be required to give bond, with two or more sureties, to the satisfaction of the directors, in a sum not less than fifty thousand dollars, with condition for his good behaviour.
- Limitation of property; VIII. The lands, tenements and hereditaments which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation in relation to the convenient transacting of its business, and such as shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts.
- and of debts they shall at any time owe. IX. The total amount of the debts, which the said corporation shall at any time owe, whether by bond, bill, note, or other contract, shall not exceed the sum of ten millions of dollars, over and above the monies then actually deposited in the bank for safe keeping, unless the contracting of any greater debt shall have been previously authorized by a law of the United States. In case of excess, the directors, under whose administration it shall happen, shall be liable for the same, in their natural and private capacities; and an action of debt may, in such case, be brought against them, or any of them, their or any of their heirs, executors or administrators, in any court of record of the United States, or of either of them, by any creditor or creditors of the said corporation, and may be prosecuted to judgment and execution; any condition, covenant, or agreement to the contrary notwithstanding. But this shall not be construed to exempt the said corporation, or the lands, tenements, goods or chattels of the same, from being also liable for and chargeable with the said excess. Such of the said directors, who may have been absent when the said excess was contracted or created, or who may have dissented from the resolution or act whereby the same was so contracted or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact, and of their absence or dissent, to the President of the United States, and to the stockholders, at a general meeting, which they shall have power to call for that purpose.
- In case of excess, directors accountable in private capacities and may be prosecuted. X. The said corporation may sell any part of the public debt whereof its stock shall be composed, but shall not be at liberty to purchase any public debt whatsoever; nor shall directly or indirectly deal or trade in any thing, except bills of exchange, gold or silver bullion, or in the sale of goods really and truly pledged for money lent and not redeemed in due time; or of goods which shall be the produce of its lands. Neither shall the said corporation take more than at the rate of six per centum per annum, for or upon its loans or discounts.
- Exception in favour of absentees at time of excess. XI. No loan shall be made by the said corporation, for the use or on account of the government of the United States, to an amount exceed-
- Corporation may sell public debt and part of its stock, but not purchase, &c. and take not more than 6 per cent. per an.

ing one hundred thousand dollars, or of any particular state, to an amount exceeding fifty thousand dollars, or of any foreign prince or state, unless previously authorized by a law of the United States.

How and for what objects to make loans.

XII. The stock of the said corporation shall be assignable and transferable, according to such rules as shall be instituted in that behalf, by the laws and ordinances of the same.

And bills, &c. shall

XIII. The bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by indorsement thereupon, under the hand or hands of such person or persons, and of his, her, or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee or assignees successively, and to enable such assignee or assignees to bring and maintain an action thereupon in his, her, or their own name or names. And bills or notes, which may be issued by order of the said corporation, signed by the president, and countersigned by the principal cashier or treasurer thereof, promising the payment of money to any person or persons, his, her, or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in the like manner, and with the like force and effect, as upon any private person or persons, if issued by him or them, in his, her, or their private or natural capacity or capacities; and shall be assignable and negotiable, in like manner, as if they were so issued by such private person or persons—that is to say, those which shall be payable to any person or persons, his, her, or their order, shall be assignable by indorsement, in like manner, and with the like effect, as foreign bills of exchange now are; and those which are payable to bearer, shall be negotiable and assignable by delivery only.

be assignable

and

bills to be obligatory.

XIV. Half yearly dividends shall be made of so much of the profits of the bank, as shall appear to the directors advisable; and once in every three years, the directors shall lay before the stockholders, at a general meeting, for their information, an exact and particular statement of the debts, which shall have remained unpaid after the expiration of the original credit, for a period of treble the term of that credit; and of the surplus of profit, if any, after deducting losses and dividends. If there shall be a failure in the payment of any part of any sum, subscribed by any person, co-partnership, or body politic, the party failing shall lose the benefit of any dividend, which may have accrued, prior to the time for making such payment, and during the delay of the same.

Dividends of profits made.

XV. It shall be lawful for the directors aforesaid, to establish offices wheresoever they shall think fit, within the United States, for the purposes of discount and deposit only, and upon the same terms, and in the same manner, as shall be practised at the bank; and to commit the management of the said offices, and the making of the said discounts, to such persons, under such agreements, and subject to such regulations as they shall deem proper; not being contrary to law, or to the constitution of the bank.

Offices may be established within United States, for discount and deposit only, &c.

XVI. The officer at the head of the treasury department of the United States, shall be furnished, from time to time, as often as he may require, not exceeding once a week, with statements of the amount of the capital stock of the said corporation, and of the debts due to the same; of the monies deposited therein; of the notes in circulation, and of the cash in hand; and shall have a right to inspect such general accounts in the books of the bank, as shall relate to the said statements.

Officer at the head of the treasury, to be furnished with statements.

Provided, That this shall not be construed to imply a right of inspecting the account of any private individual or individuals with the bank.

Not of private nature.

Sec. 8. *And be it further enacted*, That if the said corporation, or any person or persons for or to the use of the same, shall deal or trade in buying or selling any goods, wares, merchandise, or commodities whatsoever, contrary to the provisions of this act, all and every person

Penalty for buying or selling goods, &c.

and persons, by whom any order or direction for so dealing or trading shall have been given, and all and every person and persons who shall have been concerned as parties or agents therein, shall forfeit and lose treble the value of the goods, wares, merchandises, and commodities, in which such dealing and trade shall have been; one half thereof to the use of the informer, and the other half thereof to the use of the United States, to be recovered with costs of suit.

How money may be advanced or lent.

SEC. 9. *And be it further enacted*, That if the said corporation shall advance or lend any sum, for the use or on account of the government of the United States, to an amount exceeding one hundred thousand dollars; or of any particular state to an amount exceeding fifty thousand dollars; or of any foreign prince or state, (unless previously authorized thereto by a law of the United States,) all and every person and persons, by and with whose order, agreement, consent, approbation, or connivance, such unlawful advance or loan shall have been made, upon conviction thereof, shall forfeit and pay, for every such offence, treble the value or amount of the sum or sums which shall have been so unlawfully advanced or lent; one fifth thereof to the use of the informer, and the residue thereof to the use of the United States; to be disposed of by law and not otherwise.

Bills or notes made receivable by U. States.

1812, ch. 43.

SEC. 10. *And be it further enacted*, That the bills or notes of the said corporation, originally made payable, or which shall have become payable on demand, in gold and silver coin, shall be receivable in all payments to the United States.

Subscriptions made by United States, how to be paid, &c.

1790, ch. 34.

1790, ch. 47.

SEC. 11. *And be it further enacted*, That it shall be lawful for the President of the United States, at any time or times, within eighteen months after the first day of April next, to cause a subscription to be made to the stock of the said corporation, as part of the aforesaid capital stock of ten millions of dollars, on behalf of the United States, to an amount not exceeding two millions of dollars; to be paid out of the monies which shall be borrowed by virtue of either of the acts, the one entitled "An act making provision for the debt of the United States;" and the other entitled "An act making provision for the reduction of the public debt;" borrowing of the bank an equal sum, to be applied to the purposes, for which the said monies shall have been procured; reimbursable in ten years, by equal annual instalments; or at any time sooner, or in any greater proportions, that the government may think fit.

No other bank to be established.

SEC. 12. *And be it further enacted*, That no other bank shall be established by any future law of the United States, during the continuance of the corporation hereby created; for which the faith of the United States is hereby pledged.

APPROVED, February 25, 1791.

STATUTE III.

March 2, 1791.

CHAP. XI.—*An Act supplementary to the act intituled "An act to incorporate the subscribers to the Bank of the United States."*

Subscriptions to bank stock prolonged.

1791, ch. 10.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the subscriptions to the stock of the bank of the United States, as provided by the act, intituled "An act to incorporate the subscribers to the bank of the United States," shall not be opened until the first Monday in July next.

Time of first payment.

SEC. 2. *And be it further enacted*, That so much of the first payment as by the said act is directed to be in the six per cent. certificates of the United States, may be deferred until the first Monday in January next.

Not more than thirty shares to

SEC. 3. *And be it further enacted*, That no person, corporation, or body politic, except in behalf of the United States, shall, for the space

of three months after the said first Monday in July next, subscribe in any one day, for more than thirty shares.

SEC. 4. *And be it further enacted,* That every subscriber shall, at the time of subscribing, pay into the hands of the persons who shall be appointed to receive the same, the specie proportion required by the said act to be then paid. And if any such subscriber shall fail to make any of the future payments, he shall forfeit the sum so by him first paid, for the use of the corporation.

SEC. 5. *And be it further enacted,* That such part of the public debt, including the assumed debt, as is funded at an interest of three per cent. may be paid to the bank, in like manner with the debt funded at six per cent. computing the value of the former at one half the value of the latter, and reserving to the subscribers who shall have paid three per cent. stock, the privilege of redeeming the same with six per cent. stock, at the above rate of computation, at any time before the first day of January, one thousand seven hundred and ninety-three; unless the three per cent. stock shall have been previously disposed of by the directors.

APPROVED, March 2, 1791.

be subscribed at one time.

Specie proportion, when to be paid, and failure in future payments to forfeit sum first paid.

In what manner public debt funded at 3 per cent. may be paid to the bank.

CHAP. XII.—*An Act giving effect to the laws of the United States within the state of Vermont.*

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 third day of March next, all the laws of the United States, which are not locally inapplicable, ought to have, and shall have, the same force and effect within the state of Vermont, as elsewhere within the United States.

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

SEC. 2. *Be it further enacted,* That the said state shall be one district, to be denominated Vermont District; and there shall be a district court therein, to consist of one judge, who shall reside within the said district, and be called a district judge, and shall hold annually four sessions; the first to commence on the first Monday in May next, and the three other sessions progressively on the like Monday of every third calendar month afterwards. The said district court shall be held alternately at the towns of Rutland and Windsor, beginning at the first.

SEC. 3. *And be it further enacted,* That the said district shall be, and the same hereby is annexed to the eastern circuit. And there shall be held annually in the said district one circuit court; the first session shall commence on the seventeenth day of June next, and the subsequent sessions on the like day of June afterwards, except when any of the said days shall happen on a Sunday, and then the session shall commence on the day following; and the said sessions of the said circuit courts shall be held at the town of Bennington.

SEC. 4. *And be it further enacted,* That there shall be allowed to the judge of the said district court the yearly compensation of eight hundred dollars, to commence from the time of his appointment, and to be paid quarter yearly at the treasury of the United States.

SEC. 5. *And be it further enacted,* That all the regulations, provisions, directions, authorities, penalties, and other matters whatsoever, (except as herein afterwards is expressly provided) contained and expressed in and by the act, intituled "An act providing for the enumeration of the inhabitants of the United States," shall have the same force and effect within the said state of Vermont, as if the same were, in relation thereto, repeated and re-enacted in and by this present act.

STATUTE III.

March 2, 1791.

Laws of the U. States extended to Vermont.

1789, ch. 20.

Vermont to be a district and have a district court and judge.

Number and time of sessions, Repealed 1802, ch. 31. and where held.

1799, ch. 21.

Annexed to the eastern circuit, and have a circuit court;

1796, ch. 34. where held.

Compensation to the judge.

An enumeration of the inhabitants to be made.

1790, ch. 2.

Enumeration of inhabitants, when to commence.

Compensation to the marshal therefor.

Duties on articles imported within said state how to be collected.

1790, ch. 35.

Port of entry and delivery.

1790, ch. 35, sec. 70.

SEC. 6. *And be it further enacted*, That the enumeration of the inhabitants of the said state shall commence on the first Monday of April next, and shall close within five calendar months thereafter.

SEC. 7. *And be it further enacted*, That the marshal of the district of Vermont shall receive in full compensation for all the duties and services confided to, and enjoined upon him in and by this act in taking the enumeration aforesaid, two hundred dollars.

And that the act intituled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships and vessels," may be carried into effect in the said state of Vermont:

SEC. 8. *Be it further enacted*, That for the due collection of the said duties, there shall be in the said state of Vermont one district; and a collector shall be appointed, to reside at Allburgh on Lake Champlain, which shall be the only port of entry or delivery within the said district, of any goods, wares or merchandise, not the growth or manufacture of the United States.

Provided nevertheless, That the exception contained in the sixty-ninth section of the act last above mentioned, relative to the district of Louisville, shall be and is hereby extended to the said port of Allburgh.

APPROVED, March 2, 1791.

STATUTE III.

March 2, 1791.

CHAP. XIII.—*An Act to explain and amend an act intituled "An act making further provision for the payment of the debts of the United States."*

Duty laid on bar lead extended to manufactures of lead.

1790, ch. 39.

Duty laid on chintzes, &c. extended to manufactures of coloured linen or cotton.

1790, ch. 39.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the duty of one cent per pound, laid by the act "making further provision for the payment of the debts of the United States," on barr and other lead, shall be deemed and taken to extend to all manufactures wholly of lead, or in which lead is the chief article, which shall hereafter be brought into the United States, from any foreign port or place.

SEC. 2. *And be it further enacted*, That the duty of seven and a half per cent. ad valorem, laid by the act aforesaid on chintzes and coloured calicoes, shall be deemed and taken to extend to all printed, stained, and coloured goods, or manufactures of cotton, or of linen, or of both, which hereafter shall be brought into the United States from any foreign port or place.

Provided always, That nothing in this act shall in any wise affect the true construction or meaning of the act aforesaid in relation to any of the above described articles brought into the United States before the passing of this act.

APPROVED, March 2, 1791.

STATUTE III.

March 2, 1791.

CHAP. XIV.—*An Act fixing the time for the next annual meeting of Congress.*

Time for the meeting of the next Congress.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after the third day of March next, the first annual meeting of Congress shall be on the fourth Monday of October next.

APPROVED, March 2, 1791.

STATUTE III.

March 3, 1791.

CHAP. XV.—*An Act repealing, after the last day of June next, the duties heretofore laid upon Distilled Spirits imported from abroad, and laying others in their stead; and also upon Spirits distilled within the United States, and for appropriating the same.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That after the last day of June next, the duties laid upon distilled spirits by the act, intituled "An act making further provision for the payment of the debts of the United States," shall cease; and that upon all distilled spirits which shall be imported into the United States after that day, from any foreign port or place, there shall be paid for their use the duties following; that is to say—For every gallon of those spirits more than ten per cent. below proof, according to Dicas's hydrometer, twenty cents. For every gallon of those spirits under five, and not more than ten per cent. below proof, according to the same hydrometer, twenty-one cents. For every gallon of those spirits of proof, and not more than five per cent. below proof, according to the same hydrometer, twenty-two cents. For every gallon of those spirits above proof, but not exceeding twenty per cent. according to the same hydrometer, twenty-five cents. For every gallon of those spirits more than twenty, and not more than forty per cent. above proof, according to the same hydrometer, thirty cents. For every gallon of those spirits more than forty per cent. above proof, according to the same hydrometer, forty cents.

SEC. 2. *And be it further enacted,* That the said duties shall be collected in the same manner, by the same persons, under the same regulations, and subject to the same forfeitures and other penalties, as those heretofore laid; the act concerning which shall be deemed to be in full force for the collection of the duties herein before imposed, except as to the alterations contained in this act.

SEC. 3. *And be it further enacted,* That the said duties, when the amount thereof shall not exceed fifty dollars, shall be immediately paid; but when the said amount shall exceed fifty, and shall not amount to more than five hundred dollars, may, at the option of the proprietor, importer or consignee, be either immediately paid, or secured by bond, with condition for the payment thereof in four months; and if the amount of the said duties shall exceed five hundred dollars, the same may be immediately paid or secured by bond, with condition for the payment thereof in six months; which bond, in either case, at the like option of the proprietor, importer or consignee, shall either include one or more sureties to the satisfaction of the collector, or person acting as such, or shall be accompanied with a deposit in the custody of the said collector, or person acting as such, of so much of the said spirits as shall in his judgment be a sufficient security for the amount of the duties for which the said bond shall have been given, and the charges of the safe keeping and sale of the spirits so deposited: which deposit shall and may be accepted in lieu of the said surety or sureties, and shall be kept by the said collector, or person acting as such, with due and reasonable care at the expense and risk of the party or parties on whose account the same shall have been made; and if at the expiration of the time mentioned in the bond for the payment of the duties thereby intended to be secured, the same shall not be paid, then the said deposited spirits shall be sold at public sale, and the proceeds thereof, after deducting the charges of keeping and sale, shall be applied to the payment of the whole sum of the duties for which such deposit shall have been made, rendering the overplus of the said proceeds, and the residue of the said spirits, if any there be, to the person or persons by whom such deposit shall have been made, or to his, her or their representatives.

SEC. 4. In order to a due collection of the duties imposed by this act,

Duties to be paid on spirits imported;

1792, ch. 27.

1790, ch. 39.

how to be collected;

Act of August 10, 1790, ch. 39.

and the payment thereof how to be secured.

Payment of duties on spirits imported, how to be secured.

To be divided into districts consisting each of a state ;

Districts to be subdivided into surveys of inspection.

A supervisor to be appointed for the districts, and inspectors for the surveys.

Officers of the customs and supervisors eligible as inspectors.

Appointment of inspectors to be made during the recess.

Supervisors and inspectors to keep accounts and records of their transactions ;

and submit the same to a proper officer ;

Supervisors and inspectors to pay all the monies they receive ; and settle their accounts quarterly.

Persons to be appointed under this act to take an oath,

and transmit it to the comptroller ;

Penalty in default thereof.

Offices of inspection to be established.

Be it further enacted, That the United States shall be divided into fourteen districts, each consisting of one state, but subject to alterations by the President of the United States, from time to time, by adding to the smaller such portions of the greater as shall in his judgment best tend to secure and facilitate the collection of the revenue ; which districts it shall be lawful for the President of the United States to subdivide into surveys of inspection, and the same to alter at his discretion. That the President be authorized to appoint, with the advice and consent of the Senate, a supervisor to each district, and as many inspectors to each survey therein as he shall judge necessary, placing the latter under the direction of the former. *Provided always*, That it shall and may be lawful for the President, with the advice and consent of the Senate, in his discretion to appoint, such and so many officers of the customs to be inspectors in any survey of inspection as he shall deem advisable to employ in the execution of this act : *Provided also*, That where, in the judgment of the President, a supervisor can discharge the duties of that office, and also that of inspector, he may direct the same : *And provided further*, That if the appointment of the inspectors of surveys, or any part of them, shall not be made during the present session of Congress, the President may, and he is hereby empowered to make such appointments during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SEC. 5. And be it further enacted, That the supervisors, inspectors and officers to be appointed by virtue of this act, and who shall be charged to take bonds for securing the payment of the duties upon spirits distilled within the United States, and with the receipt of monies in discharge of such duties, shall keep fair and true accounts and records of their transactions in their respective offices, in such manner and form as may be directed by the proper department or officer having the superintendence of the collection of the revenue, and shall at all times submit their books, papers and accounts to the inspection of such persons as are or may be appointed for that purpose, and shall at all times pay to the order of the officer, who is or shall be authorized to direct the payment thereof, the whole of the monies which they may respectively receive by virtue of this act, and shall also once in every three months, or oftener if they shall be required, transmit their accounts for settlement to the officer or officers whose duty it is, or shall be to make such settlement.

SEC. 6. And be it further enacted, That all officers and persons to be appointed pursuant to this act, before they enter on the duties of their respective offices, shall take an oath or affirmation diligently and faithfully to execute the duties of their said offices respectively, and to use their best endeavours to prevent and detect frauds, in relation to the duties on spirits imposed by this act, which oath or affirmation may be taken before any magistrate authorized to administer oaths within the district or survey to which he belongs, and being certified under the hand and seal of the magistrate by whom the same shall have been administered, shall within three months thereafter be transmitted to the comptroller of the treasury, in default of taking which oath or affirmation, the party failing shall forfeit and pay two hundred dollars for the use of the United States, to be recovered with costs of suit.

SEC. 7. And be it further enacted, That the supervisor of the revenue for each district, shall establish one or more offices within the same, as may be necessary ; and in order that the said offices may be publicly known, there shall be painted or written in large legible characters upon some conspicuous part outside and in front of each house, building or place in which any such office shall be kept, these words, "OFFICE OF INSPECTION ;" and if any person shall paint or write, or cause to be painted or written, the said words, upon any other than such house or

building, he or she shall forfeit and pay for so doing, one hundred dollars.

SEC. 8. *And be it further enacted,* That within forty-eight hours after any ship or vessel, having on board any distilled spirits brought in such ship or vessel from any foreign port or place, shall arrive within any port of the United States, whether the same be the first port of arrival of such ship or vessel, or not, the master or person having the command or charge thereof, shall report to one of the inspectors of the port at which she shall so arrive, the place from which she last sailed, with her name and burthen, and the quantity and kinds of the said spirits on board of her, and the casks, vessels or cases containing them, with their marks and numbers; on pain of forfeiting the sum of five hundred dollars.

Report to be made to inspectors of importations of spirits;

SEC. 9. *And be it further enacted,* That the collector or other officer, or person acting as collector, with whom entry shall have been made of any of the said spirits, pursuant to 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," shall forthwith after such entry certify and transmit the same, as particularly as it shall have been made with him, to the proper officer of inspection, of the port where it shall be intended to commence the delivery of the spirits so entered, or any part thereof: for which purpose, every proprietor, importer or consignee, making such entry, shall deliver two manifests of the contents (upon one of which the said certificate shall be given) and shall at the time thereof declare the port at which the said delivery shall be so intended to be commenced, to the collector or officer with whom the same shall be made. And every permit granted by such collector, for the landing of any of the said spirits, shall previous to such landing, be produced to the said officer of inspection, who shall make a minute in some proper book, of the contents thereof, and shall endorse thereupon the word "INSPECTED," the time when, and his own name: after which he shall return it to the person by whom it shall have been produced; and then, and not otherwise it shall be lawful to land the spirits therein specified; and if the said spirits shall be landed without such endorsement upon the permit for that purpose granted, the master or person having charge of the ship or vessel from which the same shall have been so landed, shall for every such offence forfeit the sum of five hundred dollars.

which the collector

1790, ch. 35.

shall certify and send to the officer of inspection where the spirits shall be delivered.

Endorsement on permits by inspectors necessary, previous to the landing of it; and

penalty on failure thereof.

SEC. 10. *And be it further enacted,* That whenever it shall be intended that any ship or vessel shall proceed with the whole or any part of the spirits which shall have been brought in such ship or vessel from any foreign port or place, from one port in the United States to another port in the said United States, whether in the same or in different districts, the master or person having the command or charge of such ship or vessel, shall previous to her departure, apply to the officer of inspection, to whom report was made, for the port from which she is about to depart, for a certificate of the quantity and particulars of such of the said spirits as shall have been certified or reported to him to have been entered as imported in such ship or vessel, and of so much thereof as shall appear to him to have been landed out of her at such port; which certificate the said officer shall forthwith grant. And the master or person having the command or charge of such ship or vessel, shall within twenty-four hours after her arrival at the port to which she shall be bound, deliver the said certificate to the proper officer of inspection of such last mentioned port. And if such ship or vessel shall proceed from one port to another within the United States, with the whole or any part of the spirits brought in her as aforesaid, without having first obtained such certificate; or if within twenty-four hours after her arrival at such other port, the said certificate shall not be delivered to the proper officer of inspection there, the master or person having the command or charge

Spirits brought into one port, intended to be sent to another in the United States,

shall be so certified by an inspector;

and penalty on masters of vessels for neglecting to comply herewith;

and forfeiture of said spirits.

Spirits imported as aforesaid how to be landed;

and duties of officers of inspection when landed.

Officer of inspection to certify the quantity of spirits landed,

which shall serve to show the legality of its importation,

and to make entries thereof;

which certificates shall be delivered to purchasers; penalty on failure thereof.

Duties on spirits distilled within the U. States from foreign materials;

of the said ship or vessel, shall in either case forfeit the sum of five hundred dollars; and the spirits on board of her at her said arrival, shall be forfeited, and may be seized by any officer of inspection.

SEC. 11. *And be it further enacted*, That all spirits which shall be imported as aforesaid, shall be landed under the inspection of the officer or officers of inspection for the place where the same shall be landed, and not otherwise, on pain of forfeiture thereof; for which purpose the said officer or officers shall, at all reasonable times, attend: *Provided*, that this shall not be construed to exclude the inspection of the officers of the customs as now established and practised.

SEC. 12. *And be it further enacted*, That the officers of inspection under whose survey any of the said spirits shall be landed, shall upon landing thereof, and as soon as the casks, vessels and cases containing the same shall be gauged or measured, brand or otherwise mark in durable characters the several casks, vessels or cases containing the same, with progressive numbers; and also with the name of the ship or vessel wherein the same was or were imported, and of the port of entry, and with the proof and quantity thereof; together with such other marks, if any other shall be deemed needful, as the respective supervisors of the revenue may direct. And the said officer shall keep a book, wherein he shall enter the name of each vessel in which any of the said spirits shall be so imported, and of the port of entry and of delivery, and of the master of such vessel, and of each importer, and the several casks, vessels and cases containing the same, and the marks of each: and if such officer is not the chief inspector within the survey, he shall as soon as may be thereafter, make an exact transcript of each entry, and deliver the same to such chief officer, who shall keep a like book for recording the said transcript.

SEC. 13. *And be it further enacted*, That the chief officer of inspection within whose survey any of the said spirits shall be landed, shall give to the proprietor, importer or consignee thereof, or his or her agent, a certificate to remain with him or her, of the whole quantity of the said spirits which shall have been so landed; which certificate, besides the said quantity, shall specify the name of such proprietor, importer or consignee, and of the vessel from on board which the said spirits shall have been landed, and of the marks of each cask, vessel or case containing the same. And the said officer shall deliver to the said proprietor, importer or consignee, or to his or her agent, a like certificate for each cask, vessel or case; which shall accompany the same wheresoever it shall be sent, as evidence of its being lawfully imported. And the officer granting the said certificates, shall make regular and exact entries in the book to be by him kept as aforesaid, of all spirits for which the same shall be granted, as particularly as therein described. And the said proprietor, importer or consignee, or his or her agent, upon the sale and delivery of any of the said spirits, shall deliver to the purchaser or purchasers thereof, the certificate or certificates which ought to accompany the same; on pain of forfeiting the sum of fifty dollars, for each cask, vessel or case with which such certificate shall not be delivered.

SEC. 14. *And be it further enacted*, That upon all spirits which after the said last day of June next, shall be distilled within the United States, wholly or in part from molasses, sugar, or other foreign materials, there shall be paid for their use the duties following; that is to say—For every gallon of those spirits more than ten per cent. below proof, according to Dicas's hydrometer, eleven cents. For every gallon of those spirits under five and not more than ten per cent. below proof, according to the same hydrometer, twelve cents. For every gallon of those spirits of proof and not more than five per cent. below proof, according to the same hydrometer, thirteen cents. For every gallon of those spirits

above proof, and not exceeding twenty per cent., according to the same hydrometer, fifteen cents. For every gallon of those spirits more than twenty and not more than forty per cent. above proof, according to the same hydrometer, twenty cents. For every gallon of those spirits more than forty per cent. above proof, according to the same hydrometer, thirty cents.

SEC. 15. *And be it further enacted,* That upon all spirits which after the said last day of June next, shall be distilled within the United States, from any article of the growth or produce of the United States, in any city, town or village, there shall be paid for their use the duties following; that is to say—For every gallon of those spirits more than ten per cent. below proof, according to Dicas's hydrometer, nine cents. For every gallon of those spirits under five and not more than ten per cent. below proof, according to the same hydrometer, ten cents. For every gallon of those spirits of proof, and not more than five per cent. below proof, according to the same hydrometer, eleven cents. For every gallon of those spirits above proof, but not exceeding twenty per cent., according to the same hydrometer, thirteen cents. For every gallon of those spirits more than twenty and not more than forty per cent. above proof, according to the same hydrometer, seventeen cents. For every gallon of those spirits more than forty per cent. above proof, according to the same hydrometer, twenty-five cents.

and on those from home articles;

SEC. 16. *And be it further enacted,* That the said duties on spirits distilled within the United States, shall be collected under the management of the supervisors of the revenue.

how to be collected.

SEC. 17. *And be it further enacted,* That the said duties on spirits distilled within the United States, shall be paid or secured previous to the removal thereof from the distilleries at which they are respectively made. And it shall be at the option of the proprietor or proprietors of each distillery, or of his, her or their agent having the superintendance thereof, either to pay the said duties previous to such removal, with an abatement at the rate of two cents for every ten gallons, or to secure the payment of the same, by giving bond quarter-yearly, with one or more sureties, to the satisfaction of the chief officer of inspection within whose survey such distillery shall be, and in such sum as the said officer shall direct, with condition for the payment of the duties upon all such of the said spirits as shall be removed from such distillery, within three months next ensuing the date of the bond, at the expiration of nine months from the said date.

Duties on spirits distilled within the U. States, how to be secured

and paid.

SEC. 18. *And be it further enacted,* That the supervisor of each district shall appoint proper officers to have the charge and survey of the distilleries within the same, assigning to each, one or more distilleries as he may think proper, who shall attend such distillery at all reasonable times, for the execution of the duties by this act enjoined on him.

Supervisors to appoint officers to attend to distilleries.

SEC. 19. *And be it further enacted,* That previous to the removal of the said spirits from any distillery, the officer within whose charge and survey the same may be, shall brand or otherwise mark each cask containing the same, in durable characters, and with progressive numbers, and with the name of the acting owner or other manager of such distillery, and of the place where the same was situate, and with the quantity therein, to be ascertained by actual gauging, and with the proof thereof. And the duties thereupon having been first paid, or secured, as above provided, the said officer shall grant a certificate for each cask of the said spirits, to accompany the same wheresoever it shall be sent, purporting that the duty thereon hath been paid or secured, as the case may be, and describing each cask by its marks; and shall enter in a book for that purpose to be kept, all the spirits distilled at such distillery, and removed from the same; and the marks of each cask, and the persons for whose use, and the places to which removed and the time of each

Casks to be branded and gauged before a removal therefrom,

and so certified by said officer, and entered in a book accordingly.

Forfeiture for removing spirits without such certificates, and

for removing spirits from distilleries without authority.

Duty on private stills.

Evidence of their employment;

how it is to be collected; and

what to be done in case of refusal to pay it.

Proprietors of stills to have a right to keep an account of the quantity they distil,

which shall furnish a rule whereby the duties may be estimated.

removal, and the amount of the duties on the spirits so removed. And if any of the said spirits shall be removed from any such distillery without having been branded or marked as aforesaid, or without such certificate as aforesaid, the same, together with the cask or casks containing, and the horses or cattle, with the carriages, their harness and tackling, and the vessel or boat with its tackle and apparel employed in removing them, shall be forfeited, and may be seized by any officer of inspection. And the superintendent or manager of such distillery, shall also forfeit the full value of the spirits so removed, to be computed at the highest price of the like spirits in the market.

SEC. 20. *And be it further enacted,* That no spirits shall be removed from any such distillery at any other times than between sun rising and sun setting, except by consent and in presence of the officer having the charge and survey thereof, on pain of forfeiture of such spirits, or of the value thereof at the highest price in the market, to be recovered with costs of suit from the acting owner or manager of such distillery.

SEC. 21. *And be it further enacted,* That upon stills which after the last day of June next, shall be employed in distilling spirits from materials of the growth or production of the United States, in any other place than a city, town or village, there shall be paid for the use of the United States, the yearly duty of sixty cents for every gallon, English wine-measure, of the capacity or content of each and every such still, including the head thereof.

SEC. 22. *And be it further enacted,* That the evidence of the employment of the said stills shall be, their being erected in stone, brick or some other manner whereby they shall be in a condition to be worked.

SEC. 23. *And be it further enacted,* That the said duties on stills shall be collected under the management of the supervisor in each district, who shall appoint and assign proper officers for the surveys of the said stills and the admeasurement thereof, and the collection of the duties thereupon; and the said duties shall be paid half-yearly, within the first fifteen days of January and July, upon demand of the proprietor or proprietors of each still, at his, her or their dwelling, by the proper officer charged with the survey thereof: And in case of refusal or neglect to pay, the amount of the duties so refused or neglected to be paid, may either be recovered with costs of suit in an action of debt in the name of the supervisor of the district, within which such refusal shall happen, for the use of the United States, or may be levied by distress and sale of goods of the person or persons refusing or neglecting to pay, rendering the overplus (if any there be after payment of the said amount and the charges of distress and sale) to the said person or persons.

SEC. 24. *And be it further enacted,* That if the proprietor of any such still, finding himself or herself aggrieved by the said rates, shall enter or cause to be entered in a book to be kept for that purpose, from day to day when such still shall be employed, the quantity of spirits distilled therefrom, and the quantity from time to time sold or otherwise disposed of, and to whom and when, and shall produce the said book to the officer of inspection within whose survey such still shall be, and shall make oath or affirmation that the same doth contain to the best of his or her knowledge and belief, true entries made at their respective dates, of all the spirits distilled within the time to which such entries shall relate, from such still, and of the disposition thereof; and shall also declare upon such oath or affirmation, the quantity of such spirits then remaining on hand, it shall be lawful in every such case for the said officer to whom the said book shall be produced, and he is hereby required to estimate the duties upon such still, according to the quantity so stated to have been actually made therefrom at the rate of nine cents per gallon, which, and no more, shall be paid for the same: *Provided,* That if the said entries shall be made by any person other than the

said proprietor, a like oath or affirmation shall be made by such person.

And the more effectually to prevent the evasion of the duties hereby imposed on spirits distilled within the United States,

SEC. 25. *Be it further enacted*, That every person who shall be a maker or distiller of spirits from molasses, sugar or other foreign materials, or from materials the growth and production of the United States, shall write or paint, or cause to be written or painted upon some conspicuous part outside and in front of each house or other building or place made use of, or intended to be made use of by him or her for the distillation or keeping of spirituous liquors, and upon the door or usual entrance of each vault, cellar or apartment within the same, in which any of the said liquors shall be at any time by him or her distilled, deposited or kept, or intended so to be, the words "Distiller of Spirits;" and every such distiller shall within three days before he or she shall begin to distil therein, make a particular entry in writing, at the nearest office of inspection, if within ten miles thereof, of every such house, building or place, and of each vault, cellar and apartment within the same, in which he or she shall intend to carry on the business of distilling, or to keep any spirits by him or her distilled. And if any such distiller shall omit to paint or write, or cause to be painted or written the words aforesaid, in manner aforesaid, upon any such house or other building or place, or vault, cellar or apartment thereof, or shall, in case the same be situate within the said distance of ten miles of any office of inspection, omit to make entry thereof as aforesaid, such distiller shall, for every such omission or neglect, forfeit one hundred dollars, and all the spirits which he or she shall keep therein, or the value thereof, to be computed at the highest price of such spirits in the market; to be recovered by action, with costs of suit, in any court proper to try the same, in the name of the supervisor of the district within which such omission or neglect or omission shall be, for the use of the United States: *Provided always, and be it further enacted*, That the said entry to be made by persons who shall be distillers of spirits, on the first day of July next, shall be made on that day, or within three days thereafter, accompanied (except where the duties hereby imposed are charged on the still) with a true and particular account or inventory of the spirits, on that day and at the time, in every or any house, building or place by him or her entered; and of the casks, cases and vessels containing the same, with their marks and numbers, and the quantities and qualities of the spirits therein contained, on pain of forfeiting for neglect to make such entry, or to deliver such account, the sum of one hundred dollars, and all the spirits by him or her had or kept in any such house, building or place; to be recovered as aforesaid.

SEC. 26. *And be it further enacted*, That the supervisor of the revenue for the district wherein any house, building or place shall be situate, whereof entry shall be made as last aforesaid, shall as soon as may be thereafter, visit and inspect, or cause to be visited and inspected by some proper officer or officers of inspection, every such house or other building or place within his district, and shall take or cause to be taken, an exact account of the spirits therein respectively contained, and shall mark or cause to be marked in durable characters, the several casks, cases or vessels containing the same, with progressive numbers, and also with the name of each distiller to whom the same may belong, or in whose custody the same may be, and the quantities, kinds and proofs of spirits therein contained, and these words, "Old Stock." And the inspector of each survey shall keep a book, wherein he shall enter the name of every distiller, and the particulars of such old stock in the possession of each, designating the several casks, cases and vessels containing the same, and their respective quantities, kinds, proofs and marks,

Distillers to place their occupations on the outside of their distilleries;

and furnish the inspector with an account of their buildings, &c.;

penalty in case of neglect thereof.

When the entry is to be furnished, and

forfeiture in case of neglect.

Supervisors to inspect by entering buildings, &c.

and take an account of the spirits therein, and brand the casks;

an entry of which shall be made by the inspector,

and a certificate given to the proprietor.

and shall also give a certificate to every such distiller of the quantity and particulars of such old stock in his or her possession, and a separate certificate for each cask, case or vessel describing the same, which certificate shall accompany the same wheresoever it shall be sent, and such distiller, his or her agent or manager, upon the sale and delivery of any of the said spirits shall deliver to the purchaser or purchasers thereof, the certificates or certificates that ought to accompany the same, on pain of forfeiting fifty dollars for each cask, case or vessel, with which such certificate shall not be delivered.

Importers of distilled spirits when to make entry thereof, and duty of the inspectors thereupon;

SEC. 27. *And be it further enacted,* That every importer of distilled spirits, who, on the first day of July next, shall have in his or her possession any distilled spirits, shall, within three days thereafter, make due entry thereof with the officer of inspection within whose survey the same shall then be; who shall mark the casks, vessels or cases containing such spirits, in like manner as is herein before directed touching such spirits as shall be in the possession of distillers on the first day of July next, and shall grant the like certificates therefor as for such spirits, which certificates shall accompany the respective casks, cases and vessels to which they shall relate, wheresoever they shall be sent, and such importer, his or her agent, upon the sale and delivery of any of the said spirits, shall deliver to the purchaser or purchasers thereof the certificate or certificates which ought to accompany the same, on pain of forfeiting fifty dollars for each cask, case or vessel with which such certificate shall not be delivered. And if any such importer or importers shall refuse or neglect to make such entry at the time and in the manner herein directed, all such spirits as shall not be so entered shall be forfeited, and the importer or importers in whose custody the same shall be found, shall moreover forfeit the sum equal to the full value thereof, according to the highest price of such spirits in the market.

penalty for neglecting to make such entries.

Distilled spirits not branded nor accompanied by a certificate,

SEC. 28. *And be it further enacted,* That if any cask, case, or vessel containing distilled spirits, which by the foregoing provisions of this act, ought to be marked and accompanied with a certificate, shall be found in the possession of any person unaccompanied with such marks and certificate, it shall be presumptive evidence that the same are liable to forfeiture, and it shall be lawful for any officer of inspection to seize them as forfeited; and if, upon the trial in consequence of such seizure, the owner or claimant of the spirits seized, shall not prove that the same were imported into the United States according to law, or were distilled as mentioned in the thirteenth and fourteenth sections of this act, and the duties thereupon paid, or were distilled at one of the stills mentioned in the twentieth section of this act, they shall be adjudged to be forfeited.

liable to forfeiture.

SEC. 29. *And be it further enacted,* That it shall be lawful for the officers of inspection of each survey at all times in the daytime, upon request, to enter into all and every the houses, store-houses, ware-houses, buildings and places which shall have been entered in manner aforesaid, and by tasting, gauging or otherwise, to take an account of the quantity, kinds and proofs of the said spirits therein contained; and also to take samples thereof, paying for the same the usual price.

Penalty for defacing marks on vessels.

SEC. 30. *And be it further enacted,* That if any person or persons shall rub out or deface any of the marks set upon any cask, vessel or case pursuant to the directions of this act, such person or persons shall, for every such offence, forfeit and pay the sum of one hundred dollars.

No vessels marked to be used for other spirits.

SEC. 31. *And be it further enacted,* That no cask, barrel, keg, vessel or case, marked as "Old Stock," shall be made use of by any distiller of spirits, for putting or keeping therein any spirits other than those which were contained therein when so marked, on pain of forfeiting the sum of one hundred dollars for every cask, barrel, keg, vessel or case wherein any such spirits shall be so put or kept; neither shall any

such distiller have or keep any distilled spirits in any such cask, barrel, keg, vessel or case, longer than for the space of one year from the said last day of June next, on pain of forfeiting the said spirits: *Provided*, That nothing in this section contained shall be construed to extend to casks or vessels, capable of containing two hundred gallons and upwards, and which are not intended to be removed.

How long liquors shall be kept.

Proviso in case of certain vessels.

SEC. 32. *And be it further enacted*, That in case any of the said spirits shall be fraudulently deposited, hid or concealed in any place whatsoever, with intent to evade the duties thereby imposed upon them, they shall be forfeited. And for the better discovery of any such spirits so fraudulently deposited, hid or concealed, it shall be lawful for any judge of any court of the United States, or either of them, or for any justice of the peace, upon reasonable cause of suspicion, to be made out to the satisfaction of such judge or justice, by the oath or affirmation of any person or persons, by special warrant or warrants under their respective hands and seals, to authorize any of the officers of inspection, by day, in the presence of a constable or other officer of the peace, to enter into all and every such place or places in which any of the said spirits shall be suspected to be so fraudulently deposited, hid or concealed, and to seize and carry away any of the said spirits which shall be there found so fraudulently deposited, hid or concealed, as forfeited.

Spirits fraudulently concealed to be forfeited.

Suspected places to be searched by warrant of a judge or justice of the peace.

SEC. 33. *And be it further enacted*, That after the last day of June next, no spirituous liquors except gin or cordials in cases, jugs or bottles, shall be brought from any foreign port or place, in casks of less capacity than fifty gallons at the least, on pain of forfeiting of the said spirits, and of the ship or vessel in which they shall be brought: *Provided always*, That nothing in this act contained shall be construed to forfeit any spirits for being imported or brought into the United States, in other casks or vessels than as aforesaid, or the ship or vessel in which they shall be brought, if such spirits shall be for the use of the seamen on board such ship or vessel, and shall not exceed the quantity of four gallons for each seaman.

Spirituous liquors except gin or cordials in certain vessels to be forfeited

Proviso.

SEC. 34. *And be it further enacted*, That in every case in which any of the said spirits shall be forfeited by virtue of this act, the casks, vessels and cases containing the same, shall also be forfeited.

Forfeiture of casks, vessels and cases.

SEC. 35. *And be it further enacted*, That every distiller of spirits, on which the duty is hereby charged by the gallon, shall keep or cause to be kept, an exact account of the said spirits, which he or she shall sell, send out or distil, distinguishing their several kinds and proofs; and shall every day make a just and true entry in a book, to be kept for that purpose, of the quantities and particulars of the said spirits by him or her sold, sent out or distilled on the preceding day; specifying the marks of the several casks in which they shall be so sold or sent out, and the person to whom and for whose use they shall be so sold or sent out: which said books shall be prepared for the making such entries, and shall be delivered upon demand, to the said distillers, by the supervisors of the revenue of the several districts, or by such person or persons as they shall respectively for that purpose appoint, and shall be severally returned or delivered at the end of each year, or when the same shall be respectively filled up, (which shall first happen) to the proper officers of inspection; and the truth of the entries made therein shall be verified, upon the oath or affirmation of the person by whom those entries shall have been made, and as often as the said books shall be furnished upon like demand by the proper officers of inspection, to the said distillers respectively. And the said books shall from time to time while in the possession of the said distillers, lie open for the inspection of, and upon request shall be shown to the proper officers of inspection under whose survey the said distillers shall respectively be, who

Distillers to make entries of the kinds and quantity of spirits.

To be examined by officers of inspection;

penalty for refusal or neglect.

Penalties imposed by this act,

not to extend in certain cases.

Proof of spirits how distinguished.

Secretary of the Treasury to provide instruments for ascertaining them.

Proceedings in case of seizures by officers of inspection.

Damages for want of proper certificates, or negligence, to be sustained by the officers.

Penalty on supervisors, &c. convicted of oppression or extortion.

No fees to be taken for certificates granted.

Penalty on officers for neglect of duty.

may take such minutes, memorandums, or transcripts thereof, as they may think fit. And if any such distiller shall neglect or refuse to keep such book or books, or to make such entries therein, or to show the same upon request, to the proper officer of inspection, or not return the same according to the directions of this act, he or she shall forfeit for every such refusal or neglect, the sum of one hundred dollars.

SEC. 36. *And be it further enacted*, That the penalties by this act imposed on distillers for neglecting to make report to the inspectors, of their intentions of distilling spirits, or for neglecting to mark the houses, apartments or vessels to be employed, or for neglecting to enter in books the quantity of spirits distilled, shall not extend to any person who shall employ one still only, and that of a capacity not exceeding fifty gallons, including the still-head.

SEC. 37. *And be it further enacted*, That the several kinds of proof herein before specified shall, in marking the casks, vessels and cases containing any distilled spirits, be distinguished, corresponding with the order in which they are mentioned, by the words "FIRST PROOF"—"SECOND PROOF"—"THIRD PROOF"—"FOURTH PROOF"—"FIFTH PROOF"—"SIXTH PROOF." And that it be the duty of the Secretary of the Treasury, to provide and furnish to the officers of inspection and of the customs, proper instruments for ascertaining the said several proofs.

SEC. 38. *And be it further enacted*, That in any prosecution or action which may be brought against any supervisor or other officer of inspection, for any seizure by him made, it shall be necessary for such supervisor or officer to justify himself by making it appear that there was probable cause for making the said seizure; upon which, and not otherwise, a verdict shall pass in his favour. And in any such action or prosecution, or in any action or prosecution which may be brought against such supervisor or other officer, for irregular or improper conduct in the execution of his duty, the trial shall be by jury. And in any action for a seizure, in which a verdict shall pass for such officer, the jury shall nevertheless assess reasonable damages for any prejudice or waste (according to the true amount in value thereof) which shall be shown by good proof to have happened to the spirits seized, in consequence of such seizure; and also for the detention of the same, at the rate of six per cent. per annum, on the true value of the said spirits at the time of such seizure, from that time to the time of restoration thereof; which shall be paid out of the treasury of the United States: *Provided*, That no damages shall be assessed when the seizure was made for want of the proper certificate or certificates, or by reason of a refusal to show any officer of inspection, upon his request, the spirits in any entered house, building or place: *And provided also*, That if it shall appear from the verdict of the jury, that any such prejudice or waste was sustained by the negligence of the officer, he shall be responsible therefor to the United States.

SEC. 39. *And be it further enacted*, That if any supervisor or other officer of inspection, in any criminal prosecution against him, shall be convicted of oppression or extortion in the execution of his office, he shall be fined not exceeding five hundred dollars, or imprisoned not exceeding six months, or both, at the discretion of the court; and shall also forfeit his office.

SEC. 40. *And be it further enacted*, That no fee shall be taken for any certificate to be issued or granted pursuant to this act.

SEC. 41. *And be it further enacted*, That if any of the said supervisors or other officers of inspection, shall neglect to perform any of the duties hereby enjoined upon them respectively, according to the true intent and meaning of this act, whereby any person or persons shall be injured or suffer damage, such person or persons shall and may have an action founded upon this act, against such supervisors or other officers,

and shall recover full damages for the same, together with costs of suit.

SEC. 42. *And be it further enacted*, That any action or suit to be brought against any person or persons, for any thing by him or them done in pursuance of this act, shall be commenced within three months next after the matter or thing done, and unless brought in a court of the United States, shall be laid in the county in which the cause of action shall have arisen; and the defendant or defendants in any such action or suit, may plead the general issue, and on the trial thereof give this act and the special matter, in evidence; and if a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs become nonsuited, or discontinue his, her or their action or prosecution, or judgment shall be given against such plaintiff or plaintiffs, upon demurrer or otherwise, then such defendant or defendants shall have costs awarded to him, her or them, against such plaintiff or plaintiffs.

And in order that persons who may have incurred any of the penalties of this act, without wilful negligence or intention of fraud, may be relieved from such penalties,

SEC. 43. *Be it further enacted*, That it shall be lawful for the judge of the district within which such penalty or forfeiture shall have been incurred, at any time within one year after the last day of June next, upon petition of the party who shall have incurred the same, to inquire in a summary way into the circumstances of the case, first causing reasonable notice to be given to the person or persons claiming such penalty or forfeiture, and to the attorney of such district; to the end that each may have an opportunity of showing cause against the mitigation or remission thereof; and shall cause the facts which shall appear upon such inquiry, to be stated and annexed to the petition, and direct their transmission to the secretary of the treasury of the United States, who shall thereupon have power to mitigate or remit such penalty or forfeiture, if it shall appear to him that such penalty or forfeiture was incurred without wilful negligence, or any design or intention of fraud, and to cause any spirits which may have been seized to be restored to the proprietor or proprietors, upon such terms and conditions as shall appear to him reasonable.

SEC. 44. *And be it further enacted*, That the one half of all penalties and forfeitures incurred by virtue of this act, except as above provided, shall be for the benefit of the person or persons who shall make a seizure, or who shall first discover the matter or thing whereby the same shall have been incurred; and the other half to the use of the United States. And such penalty and forfeiture shall be recoverable with costs of suit, by action of debt, in the name of the person or persons intitled thereto, or by information, in the name of the United States of America; and it shall be the duty of the attorney of the district wherein any such penalty or forfeiture may have been incurred, upon application to him, to institute or bring such information accordingly: *Provided always*, That no officer of inspection other than chief officer, or officers of a survey, shall be intitled to the benefit of any forfeiture unless notice of the seizure by him made, shall be by him given within forty-eight hours next after such seizure, to the said chief officer or officers; but in such case the United States shall have the entire benefit of such forfeiture.

SEC. 45. *And be it further enacted*, That if any person or persons shall counterfeit or forge, or cause to be counterfeited or forged any of the certificates herein before directed to be given, or shall knowingly or willingly accept or receive any false or untrue certificate with any of the said spirits, or shall fraudulently alter or erase any such certificate after the same shall be given, or knowingly or willingly publish or make use of such certificate so counterfeited, forged, false, untrue, altered or

Proceedings
in case of suits,
and when to be
commenced.

Secretary of
the Treasury
authorized to
mitigate or re-
mit forfeitures
and penalties in
certain cases.

Appropriation
of forfeitures
and penalties.

Punishment
of persons con-
victed of coun-
terfeiting certi-
ficates.

erased, every person so offending, shall, for each and every offence, forfeit and pay the sum of five hundred dollars.

Persons convicted of false oath or affirmation, how to be punished.

SEC. 46. *And be it further enacted*, That any person or persons that shall be convicted of wilfully taking a false oath or affirmation, in any of the cases in which oaths or affirmations are required to be taken by virtue of this act, shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury.

Penalty for offering bribes to officers of revenue,

SEC. 47. *And be it further enacted*, That if any person or persons shall give, or offer to give any bribe, recompense or reward whatsoever, to any supervisor or other officer of inspection of the revenue, in order to corrupt, persuade or prevail upon such officer, either to do any act or acts contrary to his duty in the execution of this act, or to neglect or omit to do any act or thing which he ought to do in the execution of this act, or to connive at or to conceal any fraud or frauds relating to the duties hereby imposed on any of the said spirits, or not to discover the same, every such person or persons, shall for such offence, whether the same offer or proposal be accepted or not, forfeit and pay a sum not exceeding five hundred dollars.

and forcibly obstructing them in the execution of their duty.

SEC. 48. *And be it further enacted*, That if any person or persons shall forcibly obstruct or hinder any supervisor or other officer of inspection, in the execution of this act or of any of the powers or authorities hereby vested in him, or shall forcibly rescue or cause to be rescued, any of the said spirits after the same shall have been seized by any such supervisor or other officer, or shall attempt or endeavor so to do, all and every person and persons so offending, shall, for every such offence, for which no other penalty is particularly provided by this act, forfeit and pay a sum not exceeding two hundred dollars.

Supervisors entering into collusion, false marking any casks or vessels, or embezzling public money, how to be punished.

SEC. 49. *And be it further enacted*, That if any such supervisor or other officer, shall enter into any collusion with any person or persons for violating or evading any of the provisions of this act, or the duties hereby imposed, or shall fraudulently concur in the delivery of any of the said spirits, out of any house, building or place, wherein the same are deposited, without payment or security for the payment of the duties thereupon, or shall falsely or fraudulently mark any cask, case or vessel, contrary to any of the said provisions, or shall embezzle the public money or otherwise be guilty of fraud in his office, such supervisor or other officer shall for every such offence forfeit the sum of one thousand dollars, and upon conviction of any of the said offences, shall forfeit his office, and shall be disqualified for holding any other office under the United States.

Supervisors may administer oath or affirmation, and

SEC. 50. *And be it further enacted*, That in every case in which an oath or affirmation is required by virtue of this act, it shall be lawful for the supervisors of the revenue, or any of them, or their lawful deputy, or the lawful deputy of one of them, where not more than one in a district, to administer and take such oath or affirmation. And that wherever there are more than one supervisor for one district, a majority of them may execute all and any of the powers and authorities hereby vested in the supervisors of the revenue: *Provided*, That this shall not be construed to make a majority necessary in any case in which, according to the nature of the appointment or service, and the true intent of this act, the authority is or ought to be several.

powers vested in majority:

not to extend to cases where the authority ought to be several.

And for the encouragement of the export trade of the United States:

Allowance to exporters,

SEC. 51. *Be it further enacted*, That if any of the said spirits (whereupon any of the duties imposed by this act shall have been paid or secured to be paid) shall, after the last day of June next, be exported from the United States to any foreign port or place, there shall be an allowance to the exporter or exporters thereof, by way of drawback, equal to the duties thereupon, according to the rates in each case by this act imposed, deducting therefrom half a cent per gallon, and adding to

the allowance upon spirits distilled within the United States, from molasses, which shall be so exported, three cents per gallon, as an equivalent for the duty laid upon molasses by the said act making further provision for the payment of the debts of the United States: *Provided always*, That the said allowance shall not be made, unless the said exporter or exporters shall observe the regulations herein after prescribed: *And provided further*, That nothing herein contained shall be construed to alter the provisions in the said former act, concerning drawbacks or allowances, in nature thereof, upon spirits imported prior to the first day of July next.

under what restrictions.

SEC. 52. *And be it further enacted*, That in order to intitle the said exporter or exporters to the benefit of the said allowances, he, she or they shall, previous to putting or lading any of the said spirits on board of any ship or vessel for exportation, give twenty-four hours' notice at the least, to the proper officer of inspection of the port from which the said spirits shall be intended to be exported, of his, her or their intention to export the same, and of the number of casks, vessels and cases, or either of them, containing the said spirits so intended to be exported, and of the respective marks thereof, and of the place or places where the said spirits shall be then deposited, and of the place to which, and ship or vessel in which they shall be so intended to be exported. Whereupon it shall be the duty of the said officer to inspect, by himself or deputy, the casks, vessels and cases so noticed for exportation, and the quantities, kinds and proofs of the spirits therein, together with the certificates which ought to accompany the same according to the directions of this act, which shall be produced to him for that purpose; and if he shall find that the said casks, vessels and cases have the proper marks according to the directions of this act, and that the spirits therein correspond with the said certificates, he shall thereupon brand each cask, vessel or case with the word "Exportation:" and the said spirits shall, after such inspection, be laden on board the same ship or vessel, of which notice shall have been given, and in the presence of the same officer who shall have examined the same, and whose duty it shall be to attend for that purpose. And after the said spirits shall be laden on board such ship or vessel, the certificates aforesaid shall be delivered to the said officer, who shall certify to the collector of the said district, the amount and particulars of the spirits so exported, and shall also deliver the said certificates which shall have been by him received, to the said collector, which shall be a voucher to him, for payment of the said allowance.

Proceedings to obtain drawback, or allowance on exportation.

SEC. 53. *Provided nevertheless, and be it further enacted*, That the said allowance shall not be made, unless the said exporter or exporters shall make oath, or affirmation, that the said spirits so noticed for exportation, and laden on board such ship or vessel, are truly intended to be exported to the place whereof notice shall have been given, and are not intended to be relanded within the United States; and that he or she doth verily believe that the duties thereupon charged by this act, have been duly paid, or secured to be paid; and shall also give bond to the collector, with two sureties, one of whom shall be the master, or other person having the command or charge of the ship or vessel in which the said spirits shall be intended to be exported; the other, such sufficient person as shall be approved by the said collector, in the full value in the judgment of the said collector, of the said spirits so intended to be exported, with condition that the said spirits (the dangers of the seas and enemies excepted) shall be really and truly exported to, and landed in some port or place without the limits of the United States, and that the said spirits shall not be unshipped from on board of the said ship or vessel, whereupon the same shall have been laden for exportation, within the said limits, or any ports or harbors of

Upon what proof the allowance shall be made,

the United States, or relanded in any other part of the same (shipwreck or other unavoidable accident excepted).

and when paid.

SEC. 54. *Provided also, and be it further enacted,* That the said allowance shall not be paid until six months after the said spirits shall have been so exported: *And provided also,* That whenever the owner of any ship or vessel, on board of which any such spirits are laden for exportation, shall make known to the collector, previous to the departure of such ship or vessel from the port where such spirits are laden, that such ship or vessel is not going to proceed the voyage intended or the voyage is altered, it shall be lawful for the collector to grant a permit for the relanding the same.

Forfeiture where spirits shipped for exportation shall be relanded within United States, excepting in certain cases.

SEC. 55. *And be it further enacted,* That if any of the said spirits, after the same shall have been shipped for exportation, shall be unshipped for any purpose whatever, either within the limits of any part of the United States, or within four leagues of the coast thereof, or shall be relanded within the United States, from on board the ship or vessel wherein the same shall have been laden for exportation, unless the voyage shall not be proceeded on, or shall be altered as aforesaid, or unless in case of necessity or distress to save the ship and goods from perishing, which shall be immediately made known to the principal officer of the customs, residing at the port nearest to which such ship or vessel shall be at the time such necessity or distress shall arise, then not only the spirits so unshipped, together with the casks, vessels and cases containing the same, but also the ship or vessel in or on board which the same shall have been so shipped or laden, together with her guns, furniture, ammunition, tackle and apparel; and also the ship, vessel or boat into which the said spirits shall be unshipped or put, after the unshipping thereof, together with her guns, furniture, ammunition, tackle and apparel, shall be forfeited, and may be seized by any officer of the customs, or of inspection.

On spirits exported in other than a ship or vessel of 30 tons and upwards, allowance not to be made.

SEC. 56. *And be it further enacted,* That the said allowance shall not be made when the said spirits shall be exported in any other than a ship or vessel of the burthen of thirty tons and upwards, to be ascertained to the satisfaction of the collector of the district from which the same shall be intended to be exported.

When bonds may be discharged, and under certain proofs;

SEC. 57. *And be it further enacted,* That the bonds to be given as aforesaid, shall and may be discharged by producing within one year from the respective dates thereof (if the same be shipped to any part of Europe or America, and within two years if shipped to any part of Asia or Africa, and if the delivery of the spirits in respect to which the same shall have been given, be at any place where a consul or other agent of the United States resides) a certificate of such consul or agent, or if there be no such consul or agent, then a certificate of any two known and reputable American merchants, residing at the said place; and if there be not two such merchants residing at the said place, then a certificate of any other two reputable merchants, testifying the delivery of the said spirits at the said place. Which certificate shall in each case be confirmed by the oath or affirmation of the master and mate, or other like officer of the vessel in which the said spirits shall have been exported; and when such certificate shall be from any other than a consul or agent, or merchants of the United States, it shall be a part of the said oath or affirmation, that there were not upon diligent inquiry, to be found two merchants of the United States at the said place: *Provided always,* That in the case of death, the oath or affirmation of the party dying, shall not be deemed necessary: *And provided further,* That the said oath or affirmation, taken before the chief civil magistrate of the place of the said delivery, and certified under his hand and seal, shall be of the same validity as if taken before a person qualified to administer oaths within the United States; or such bonds shall and may be dis-

charged upon proof that the spirits so exported, were taken by enemies or perished in the sea, or destroyed by fire; the examination and proof of the same being left to the judgment of the collector of the customs, naval officer, and chief officer of inspection, or any two of them, of the place from which such spirits shall have been exported. And in cases where the certificates herein directed cannot be obtained, the exporter or exporters of such spirits, shall nevertheless be permitted to offer such other proof as to the delivery of the said spirits, without the limits of the United States, as he or they may have; and if the same shall be deemed sufficient by the said collector, he shall allow the same, except when the drawback to be allowed, shall amount to one hundred dollars or upwards; in all which cases the proofs aforesaid shall be referred to the comptroller of the treasury, whose decision thereon shall be final.

to be referred to comptroller of treasury, whose decision thereon shall be final.

SEC. 58. *And be it further enacted,* That it shall and may be lawful for the President of the United States from time to time, to make such allowances to the said supervisors, inspectors, and to the deputies and officers by them to be appointed and employed for their respective services in the execution of this act, to be paid out of the product of the said duties, as he shall deem reasonable and proper: *Provided always,* That the aggregate amount of the allowances to all the said supervisors, inspectors and other officers, shall not exceed seven per cent. of the whole product of the duties arising from the spirits distilled within the United States: *And provided also,* That such allowance shall not exceed the annual amount of forty-five thousand dollars, until the same shall be further ascertained by law.

President authorized to make allowance to supervisors, &c. for their services, out of the product of the duties,

not to exceed \$45,000 annually.

SEC. 59. *And be it further enacted,* That this act shall commence and take effect as to all matters therein contained, in respect to which no special commencement is hereby provided (except as to the appointment of officers and regulation of the districts and surveys) from and immediately after the last day of June next.

Commencement of this act.

SEC. 60. *And be it further enacted,* That the nett product of the duties herein before specified, which shall be raised, levied and collected by virtue of this act, or so much thereof as may be necessary, shall be, and is hereby pledged and appropriated for the payment of the interest of the several and respective loans which had been made in foreign countries, prior to the fourth day of August last; and also upon all and every the loan and loans which have been and shall be made, and obtained pursuant to the act, intitled "An act making provision for the debt of the United States;" and according to the true intent and meaning of the said act, and of the several provisions and engagements therein contained and expressed, and subject to the like priorities and reservations as are made and contained in and by the said act, in respect to the monies therein appropriated, and subject to this farther reservation, that is to say—Of the nett amount or product during the present year, of the duties laid by this act, in addition to those heretofore laid upon spirits imported into the United States, from any foreign port or place, and of the duties laid by this act on spirits distilled within the United States, and on stills; to be disposed of towards such purposes for which appropriations shall be made during the present session. And to the end that the said monies may be inviolably applied in conformity to the appropriation hereby made, and may never be diverted to any other purpose until the final redemption, or reimbursement of the loans or sums for the payment of the interest whereof they are appropriated, an account shall be kept of the receipts and disposition thereof, separate and distinct from the product of any other duties, impost, excise, and taxes whatsoever, except those heretofore laid and appropriated to the same purposes.

Nett product of duties pledged for payment of interest on loans;

1790, ch. 34.

and to be inviolably applied thereto.

SEC. 61. *And be it further enacted,* That the unappropriated surplus, if any there shall be, of the revenue arising under this act, at the end

Unappropriated surplus how to be applied.

1790, ch. 34.
1790, ch. 47.

Duties hereby imposed how long to continue.

of this and every succeeding year, shall be applied to the reduction of the public debt, in like manner as is directed by the act, intituled "An act making provision for the reduction of the public debt," and provided by the act, intituled "An act making provision for the debt of the United States;" unless the said surplus, or any part thereof, shall be required for the public exigencies of the United States, and shall, by special acts of Congress, be appropriated thereto.

SEC. 62. *And be it further enacted,* That the several duties imposed by this act, shall continue to be collected and paid, until the debts and purposes for which they are pledged and appropriated, shall be fully discharged and satisfied, and no longer. *Provided always,* That nothing herein contained, shall be construed to prevent the legislature of the United States from substituting other duties or taxes of equal value to all or any of the said duties and imposts.

APPROVED, March 3, 1791.

STATUTE III.

March 3, 1791.

CHAP. XVI.—*An Act making an appropriation for the purpose therein mentioned.*

\$20,000 appropriated for effecting a recognition of the treaty with emperor of Morocco; and

1791, ch. 15.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of effecting a recognition of the treaty of the United States, with the new emperor of Morocco, there be, and hereby is appropriated a sum not exceeding twenty thousand dollars, to be paid out of the monies which prior to the first day of January next, shall arise from the duties imposed upon spirits distilled within the United States, and from stills by the act, entitled "An act repealing after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the same," together with the excess of duties which may arise from the duties imposed by the said act, on imported spirits beyond those which would have arisen by the act entitled "An act making further provision for the payment of the debts of the United States." And the President is hereby authorized to take on loan, the whole sum by this act appropriated, or so much thereof as he may judge requisite, at an interest not exceeding six per cent. per annum, and the fund established for the above mentioned appropriation, is hereby pledged for the repayment of the principal and interest of any loan to be obtained in manner aforesaid, and in case of any deficiency in the said fund, the faith of the United States is hereby also pledged to make good such deficiency.

APPROVED, March 3, 1791.

STATUTE III.

March 3, 1791.

CHAP. XVII.—*An Act to amend "An act for establishing the temporary and permanent seat of the Government of the United States."*

Repealing certain part of the act fixing the permanent seat of government of U. States, and vesting the President with certain powers.

1790, ch. 28.

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 for establishing the temporary and permanent seat of the government of the United States," as requires that the whole of the district of territory, not exceeding ten miles square, to be located on the river Potomac, for the permanent seat of the government of the United States, shall be located above the mouth of the Eastern Branch, be and is hereby repealed, and that it shall be lawful for the President to make any part of the territory below the said limit, and above the mouth of Hunting Creek, a part of the said district, so as to include a convenient part of the Eastern Branch, and of the lands lying on the lower side thereof, and also the town of Alexandria, and the territory

so to be included, shall form a part of the district not exceeding ten miles square, for the permanent seat of the government of the United States, in like manner and to all intents and purposes, as if the same had been within the purview of the above recited act: *Provided*, That nothing herein contained, shall authorize the erection of the public buildings otherwise than on the Maryland side of the river Potomac, as required by the aforesaid act.

APPROVED, March 3, 1791.

STATUTE III.

CHAP. XVIII.—*An Act supplemental to the act "establishing the Treasury Department," and for a farther compensation to certain officers.*

March 3, 1791.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the eighth section of the act, intituled "An act to establish the treasury department," passed the second day of September, one thousand seven hundred and eighty-nine, shall be, and the same is hereby extended to all and every of the clerks employed in the treasury department, as fully and effectually as if they and every of them were specially named therein, except as to the penalty in such section mentioned, which in case of any such clerk offending against the provisions of the said section, shall be five hundred dollars, and removal from office.

8th section of act establishing treasury department extended to clerks under certain modifications.

Sept. 2, 1789, ch. 12.

1789, ch. 13.
1792, ch. 37, sec. 12.

Sec. 2. *And be it further enacted*, That each and every clerk and other officer already appointed in any of the departments of the United States, (and who have not, since their appointment, taken the oath or affirmation hereafter mentioned) shall within fifteen days after the passing of this act, and those who shall hereafter be appointed, shall before they enter upon the duties of such appointment, take an oath or affirmation before one of the justices of the supreme court, or one of the judges of a district court of the United States, to support the constitution of the United States, and also an oath or affirmation, well and faithfully to execute the trust committed to him, which oaths or affirmations, subscribed by such clerk, and certified by the person administering the same, shall be filed in the office of the person employing such clerk.

Clerks and other officers to take an oath or affirmation;

to be filed in the office where employed.

Sec. 3. *And be it further enacted*, That it shall and may be lawful for the principal in any of the offices of the United States, who is authorized by law to appoint clerks under him, to allow to each clerk such compensation for his services, as he shall, in the opinion of such officer, deserve for the same: *Provided*, That the whole sum to be expended for clerks in any such office (except the chief clerk) shall not exceed a sum equal to five hundred dollars per annum for every clerk employed therein.

Principals may apportion the \$500 allowed to each, excepting chief, according to merit.

Sec. 4. *And be it further enacted by the authority aforesaid*, That there shall be allowed for one year, commencing with the passing of this act, to the register, two hundred and fifty dollars, and to the auditor, the comptroller of the treasury, and the attorney general, four hundred dollars each, in addition to their respective salaries, and to be paid in the same manner.

Additional allowance for one year to register, auditor, comptroller and attorney general.

APPROVED, March 3, 1791.

STATUTE III.

CHAP. XIX.—*An Act relative to the Rix-Dollar of Denmark*,

March 3, 1791.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of an act, intituled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels," as hath rated the rix-dollar of Denmark at one hundred cents, be, and the same

Part of the act rating rix dollar of Denmark at 100 cents repealed.

1799, ch. 22, sec. 61.

1790, ch. 35.

is hereby repealed; and that this repeal shall be deemed to operate in respect to all duties which have already arisen or accrued, as well as to such as shall hereafter arise or accrue.

APPROVED, March 3, 1791.

STATUTE III.

March 3, 1791.

CHAP. XX.—*An Act in addition to an act intituled "An act for establishing the salaries of the Executive officers of Government, with their assistants and clerks."*

1789, ch. 13.
Further annual allowance of \$200 to chief clerk to the auditor.

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, there shall be allowed to the chief clerk of the auditor, the annual sum of two hundred dollars, in addition to the salary allowed to him by the act, intituled "An act establishing the salaries of the executive officers of government, with their assistants and clerks," to be paid at the treasury of the United States, in quarterly payments, and from like appropriations as may be assigned for the payment of the other salaries mentioned in the above recited act.

1799, ch. 40.

Allowance of expenses in removing from New York to Philadelphia, to clerks employed in the several offices: and of \$400 for one year to assistant secretary of the treasury.

SEC. 2. *And be it further enacted,* That there be allowed to the clerks employed in the several offices attached to the seat of government, in addition to their respective salaries, their reasonable and necessary expenses incurred by the removal of Congress from the city of New York, to the city of Philadelphia.

SEC. 3. *And be it further enacted,* That there be allowed to the assistant secretary of the treasury, in addition to his salary for one year, commencing with the passing of this act, four hundred dollars, to be paid in the same manner as his salary.

APPROVED, March 3, 1791.

STATUTE III.

March 3, 1791.

CHAP. XXI.—*An Act for making compensations to the Commissioners of Loans, for extraordinary expenses.*

Commissioners of loans to be allowed in settlement of accounts for necessary stationary,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the commissioners of loans in the several states shall be allowed in the settlement of their accounts, such sums as shall appear to have been necessarily expended by them in the purchase of stationery for the use of their several offices, from the commencement of the same to the first day of October next.

and for hire of clerks.
1799, ch. 40, sec. 5.

SEC. 2. *And be it further enacted,* That the commissioners of loans in the several states, shall be allowed in the settlement of their several accounts, such sums as they shall have necessarily expended for the hire of clerks to assist in executing the duties of their several offices, from the commencement of the same to the first day of October next.

APPROVED, March 3, 1791.

STATUTE III.

March 3, 1791.

CHAP. XXII.—*An Act providing compensations for the officers of the Judicial Courts of the United States, and for Jurors and Witnesses, and for other purposes.*

Compensations to officers of the judicial court,
Repealed 1792, ch. 36, sec. 8.

SECTION 1. *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 several officers following in addition to the fees (except mileage to the marshals) to which they are otherwise by law intituled, and also to jurors and witnesses, in the courts of the United States, the following respective compensations, that is to say: To the attorney of the United States for the district, for his expenses and time in travelling from the place of his abode to any court of the United States, on which

his attendance shall be requisite, at the rate of ten cents per mile going, and the same allowance for returning; to the clerk of the district court, for attending in the district or circuit court, five dollars per day, and the like compensation for travelling, as is above allowed to the attorney for the district; to the clerk of the supreme court for attending in court, eight dollars per day; to the marshal of the district, for attending the supreme, circuit or district courts, five dollars per day; for summoning a grand jury, three dollars, and for summoning a petit jury, two dollars, and for serving and returning a writ, five cents per mile for his necessary travel; to the grand and petit jurors, each fifty cents per day for attending in court, and for travelling, at the rate of fifty cents for every ten miles from their respective places of abode, to the place where the court is held, and the like allowance for returning; to witnesses summoned on the part of the United States, or in behalf of any prisoner to be tried for any capital offence in any of the courts thereof, the same compensation as is above allowed to grand and petit jurors. That the several officers above specified shall be deemed to have been entitled to the above respective compensations, from the time of their respective appointments; and that the grand and petit jurors and witnesses, who have heretofore attended, shall also be deemed entitled to the above compensation, in like manner as those who shall hereafter attend. That there shall also be paid to the marshal, the amount of the expense for fuel, candles, and other reasonable contingencies for holding a court, as hath accrued or shall accrue; and the compensations to the grand and petit jurors and witnesses shall be included in the account of, and paid to the marshal, to the use of, and be by him accordingly paid over to the several persons entitled to the same; and the accounts of the several officers for the compensations aforesaid (except mileage to the marshal, for the service of writs in civil causes) having been previously examined and certified by the judge of the district, shall be passed in the usual manner at, and the amount thereof paid out of the treasury of the United States. And a sum arising from the fines and forfeitures to the United States, and equal to the amount thereof, is hereby appropriated for the payment of the above accounts.

to be paid at the treasury on certificate of judge, and sum arising from fines, &c. appropriated for payment of them.

SEC. 2. *And be it further enacted*, That instead of the provisions in that respect heretofore made, the first session of the circuit courts in the eastern circuit, after the passing of this act, shall commence at the times following, that is to say: In New York district, on the fifth, and in Connecticut district, on the twenty-fifth days of April next; in Massachusetts district, on the twelfth, and in New Hampshire district on the twenty-fourth days of May next; and in Rhode Island district, on the seventh day of June next; and the subsequent sessions in the respective districts, on the like days of every sixth calendar month thereafter, except when any of those days shall happen on a Sunday, and then the sessions shall commence on the next day following. And the sessions of the said circuit court shall be held in New Hampshire district, at Portsmouth and Exeter, alternately, beginning at the first; in Massachusetts district, at Boston; in Rhode Island district, at Newport and Providence, alternately, beginning at the first; in Connecticut district, at Hartford and New Haven, alternately, beginning at the last; and in New York district, at the city of New York only.

Altering the session of circuit courts in eastern circuit.

SEC. 3. *And be it further enacted*, That from and after the passing of this act, instead of the provisions in the act for that purpose, the sessions of the circuit court for the district of Virginia, shall be holden in the city of Richmond only.

Altering sessions of circuit court in Virginia.

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

APPROVED, March 3, 1791.

STATUTE III.
March 3, 1791.

Former act for temporary establishment of post-office continued.

1789, ch. 16.

Letters on public service to officers of the treasury to be conveyed free of postage.

Mail to be extended from Albany to Bennington.

STATUTE III.

March 3, 1791.

1792, ch. 35.
Act for mitigating or remitting forfeitures, &c. continued.

1790, ch. 12.

Pensions to invalids for one year to be paid out of the treasury.

Expenses from 1st July next of all lighthouses &c. to be defrayed by U. States till July 1792.

1792, ch. 17.

STATUTE III.

March 3, 1791.

Loan in Holland of 3,000,000 florins, at 5 percent. per annum,

1790, ch. 47.

CHAP. XXIII.—*An Act to continue in force for a limited time, an act intituled "An act for the temporary establishment of the Post-Office."*

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 the first session of Congress, intituled "An act for the temporary establishment of the post-office," be, and the same is hereby continued in full force until the end of the next session of Congress, and no longer.

SEC. 2. *And be it further enacted,* That all letters to and from the treasurer, comptroller and auditor of the treasury, and the assistant to the secretary of the treasury, on public service, shall be received and conveyed by the post, free of postage.

SEC. 3. *And be it further enacted,* That the postmaster general shall be and he is hereby authorized to extend the carrying the mail from Albany, in the state of New York, to Bennington in the state of Vermont.

APPROVED, March 3, 1791.

CHAP. XXIV.—*An Act to continue in force the act therein mentioned, and to make further provision for the payment of Pensions to Invalids, and for the support of lighthouses, beacons, buoys, and public piers.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the act, entitled "An act to provide for mitigating or remitting the forfeitures and penalties accruing under the revenue laws in certain cases therein mentioned," shall be and is hereby continued in force until the end of the next session of Congress, and no longer.

SEC. 2. *And be it further enacted,* That the yearly pensions which have been allowed by or in pursuance of any act or law of the United States, to persons who were wounded and disabled during the late war, shall for the space of one year from the fourth day of March next, be paid out of the treasury of the United States, under such regulations as the President of the United States may direct.

SEC. 3. *And be it further enacted,* That all expenses which shall accrue from the first day of July next, inclusively, for the necessary support, maintenance and repairs of all lighthouses, beacons, buoys, and public piers, shall continue to be defrayed by the United States, until the first day of July, in the year one thousand seven hundred and ninety-two, notwithstanding such lighthouses, beacons, buoys, or public piers, with the lands and tenements thereunto belonging, and the jurisdiction of the same, shall not in the mean time be ceded to or vested in the United States, by the state or states respectively, in which the same may be, and that the said time be further allowed to the states respectively, to make such cession: *Provided,* That nothing in the said act shall be construed to limit or restrain the power of the President of the United States, to grant pardons for offences against the United States.

APPROVED, March 3, 1791.

CHAP. XXV.—*An Act supplementary to the act making provision for the reduction of the Public Debt.*

WHEREAS it hath been made known to Congress that the President of the United States, in consequence of "An act making provision for the reduction of the public debt," hath caused a certain loan to be made in Holland, on account of the United States, to the amount of three millions of florins, bearing an interest of five per centum per annum, and reimbursable in six yearly instalments, commencing in the

year one thousand eight hundred, and ending in the year one thousand eight hundred and six, or at any time sooner, in whole or in part, at the option of the United States;

And whereas it hath been also stated to Congress, that the charges upon the said loan have amounted to four and a half per centum, whereby a doubt hath arisen, whether the said loan be within the meaning of the said last mentioned act, which limits the rate of interest to five per centum per annum;

And whereas it is expedient that the said doubt be removed;

Be it enacted and declared by the Senate and House of Representatives of the United States of America in Congress assembled, That the loan aforesaid shall be deemed and construed to be within the true intent and meaning of the said act, intituled "An act making provision for the reduction of the public debt," and that any farther loan, to the extent of the principal sum authorized to be borrowed by the said act, the interest whereof shall be five per centum per annum, and the charges whereof shall not exceed the said rate of four and a half per centum, shall, in like manner, be deemed and construed to be within the true intent and meaning of the said act.

APPROVED, March 3, 1791.

whereon the charges are four and a half per cent.

declared to be within the meaning of the act providing for the reduction of the public debt, and also further loans on the like terms.

1790, ch. 47.

STATUTE III.

March 3, 1791.

CHAP. XXVI.—*An Act making farther provision for the collection of the duties by law imposed on Teas, and to prolong the term for the payment of the Duties on Wines.*

WHEREAS it is conceived that the following regulations concerning teas may be conducive both to the accommodation of the importers thereof, and to the security of the revenue:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in addition to the provisions contained in the fortieth and forty-first sections of the act, intituled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels," as they regard the payment, or securing the payment of the duties on teas, it shall be lawful for every importer of teas, if he or she shall elect so to do, to give his or her bond to the collector of the district in which any of the said teas shall be landed, in double the amount of the duties thereupon, with condition for the payment of the said duties in two years from the date of such bond; which bond shall be accepted by such collector, without surety, upon the terms following; that is to say: The teas, for the duties whereof the said bond shall be accepted, shall be deposited at the expense and risk of the said importer, in one or more storehouse or storehouses, as the case may require, to be agreed upon between the said importer and the inspector, or other officer of inspection of the revenue, for the port where the said teas shall be landed; and upon every such storehouse, the said inspector or officer of inspection shall cause to be affixed two locks, the key of one of which locks shall be kept by such importer, his or her agent, and the key of the other of which locks shall be kept by the said inspector, or by such other person as he shall depute and appoint in that behalf; whose duty it shall be to attend at all reasonable times, for the purpose of delivering the said teas out of the said storehouse or storehouses. But no delivery shall be made of any of the said teas without a permit in writing, under the hand of the said inspector or officer of inspection. And in order to the obtaining of such permit, it shall be necessary that the duties upon the teas, for which the same shall be required, be first paid, or, at the option of the party or parties applying for the same, secured to be paid in manner following; that is to say: The said party or parties shall

1799, ch. 22.

1790, ch. 35.

Importers of teas to give bond for double the amount of the duties thereon, payable in two years, and

deposit the teas in storehouses.

No delivery thereof to be made without a permit, and no permit granted without the duties first paid or secured.

give bond with one or more surety or sureties to the satisfaction of the said inspector, in double the amount of the duties upon the quantity of teas in each case to be delivered, with condition for the payment of the said duties, if the same shall not exceed one hundred dollars, in four months; or, if the same shall exceed one hundred dollars, and shall not exceed five hundred dollars, in eight months; or, if the same shall exceed five hundred dollars, in twelve months: *Provided always*, That the time to be allowed for the payment of the duties upon any parcel of teas to be delivered, shall not be such as to extend the credit for such duties beyond the term of two years originally allowed upon the depositing of the said teas.

Time allowed for payment of duties not to be extended.

Teas deposited on which duties are not paid nor secured,

to be sold by collector for that purpose and overplus returned to the owner.

Bonds for monies or duties to be taken in the name of the U. States, and

delivered to collector of the district wherein they are to be collected.

Teas imported after April next to be landed under inspection of inspectors;

permits given for its landing entered by them and the chests containing it marked, and

correspondent certificates granted.

SEC. 2. *And be it further enacted*, That if the duties on any parcel of teas, which shall have been deposited as aforesaid, shall not have been paid or secured to be paid in manner last specified, within the term of two years, according to the condition of the obligation to be given to the collector of the district within which the same shall have been landed, it shall be the duty of the said collector to cause so much of the said teas, as may be necessary, to be sold at public auction, and retaining the sum which shall not have been so paid or secured of the said duties, together with the expenses of safe keeping and sale of the said teas, shall return the overplus, if any, to the owner or owners thereof, his, her, or their agent or lawful representative.

SEC. 3. *And be it further enacted*, That the bonds which have been or shall be directed to be given, by this or any other act, for monies or duties to be paid or performed to the United States, shall be taken in the name of the United States of America; unless special direction shall have been given to take them in some other name. And the bonds to be taken as aforesaid, by any inspector of the revenue, shall be delivered by him forthwith to the collector of the district within which the teas, to which they may relate, shall have been landed, in order to the collection of the monies therein specified. And the permits which shall have been granted by such inspector, for the delivery of any teas, out of any storehouse wherein they shall have been deposited, shall be received by such collector towards satisfying any bond, which shall have been, in the first instance, taken by the said collector, touching the said teas; which permits shall therefore specify the amount of the duties which shall have been paid or secured upon the teas to be delivered in virtue thereof; and the name of the ship or vessel in which they shall have been imported, and of the importer or importers thereof.

SEC. 4. *And be it further enacted*, That all teas which, after the first day of April next, shall be imported into the United States from any foreign port or place, shall be landed under the care of the inspectors of the revenue for the ports where the same shall be respectively landed; and for that purpose every permit which shall be granted by any collector, for landing the same, shall, prior to such landing, be produced to the said inspector, who by an endorsement thereupon under his hand, shall signify the production thereof to him, and the time when; after which, and not otherwise, it shall be lawful to land the teas mentioned in such permit. And the said inspector shall make an entry of all such permits, and of the contents thereof; and each chest, box or package containing any teas, shall be marked by the officer under whose immediate inspection the same shall be landed, in legible and durable characters, with progressive numbers, and with the name of the vessel in which the same shall have been imported. And the said officer shall grant a certificate for each such chest, box or package, specifying therein the name or names of the importer or importers, the ship or vessel in which the same shall have been imported, and the number thereof to accompany the same wheresoever it shall be sent.

And whereas, for the payment of the duties accruing on Maderia

wines, and which may be secured by bond, the term of twelve months is allowed; and it is proper to extend, in like manner, the payment of the duties accruing on other wines;

SEC. 5. *Therefore, be it enacted*, That for the payment of the duties on other than Maderia wines, and which shall be secured by bond, such bond shall be taken with condition for the payment of the duties in twelve months, in like manner as by law is directed for the payment of the duties on Maderia wines.

APPROVED, March 3, 1791.

Term for pay-
ment of the du-
ties on wine
prolonged.

STATUTE III.

March 3, 1791.

CHAP. XXVII.—*An Act for granting lands to the Inhabitants and settlers at Vincennes and the Illinois country, in the territory northwest of the Ohio, and for confirming them in their possessions.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That four hundred acres of land be given to each of those persons, who in the year one thousand seven hundred and eighty-three, were heads of families at Vincennes or in the Illinois country, on the Mississippi, and who since that time have removed from one of the said places to the other. And the governor of the territory northwest of the Ohio is hereby directed, to cause the same to be laid out for them, at their own expense, either at Vincennes or in the Illinois country, as they shall severally elect.

400 acres of
land granted to
each head of a
family, and

1804, ch. 35,
sec. 3.
1807, ch. 34.
1793, ch. 10.

SEC. 2. *And be it further enacted and declared*, That the heads of families at Vincennes or in the Illinois country in the year one thousand seven hundred and eighty-three, who afterwards removed without the limits of the said territory, are notwithstanding, entitled to the donation of four hundred acres of land made by the resolve of Congress of the twenty-ninth of August, one thousand seven hundred and eighty-eight; and the governor of the said territory, upon application to him for that purpose, is hereby directed to cause the same to be laid out for such heads of families or their heirs; and shall also cause to be laid off and confirmed to such persons the several tracts of land which they may have possessed, and which before the year one thousand seven hundred and eighty-three may have been allotted to them according to the laws and usages of the government under which they had respectively settled: *Provided nevertheless*, That if such persons or their heirs do not return and occupy the said lands within five years, such lands shall be considered as forfeited to the United States.

also to those
who have re-
moved from said
territory,

if they return
within five
years.

SEC. 3. *And be it further enacted*, That one hundred and fifty acres of land, heretofore in possession of the Piankeshaw Indians, and now under actual improvement, and constituting a part of the village of Vincennes, be given to the persons who are severally in possession of the said land.

Lands former-
ly possessed by
Piankeshaw In-
dians confirmed
to present pos-
sessors.

SEC. 4. *And be it further enacted*, That where lands have been actually improved and cultivated at Vincennes, or in the Illinois country, under a supposed grant of the same, by any commandant or court claiming authority to make such grant, the governor of the said territory be, and he hereby is empowered to confirm to the persons who made such improvements, their heirs or assigns, the lands supposed to have been granted as aforesaid, or such parts thereof as he, in his discretion, may judge reasonable, not exceeding to any one person, four hundred acres.

Improvers of
lands claiming
under a suppo-
sed grant, to have
their claims
confirmed.

1806, ch. 40.

SEC. 5. *And be it further enacted*, That a tract of land, containing about five thousand four hundred acres, which for many years has been fenced and used by the inhabitants of Vincennes as a common, also a tract of land including the villages of Cohos and Prairie du Pont, and heretofore used by the inhabitants of the said villages as a common, be, and the same are hereby appropriated to the use of the inhabitants of

Lands hereto-
fore used as a
common to be
appropriated
thereto.

Vincennes and of the said villages respectively, to be used by them as a common, until otherwise disposed of by law.

Militia men who have not obtained any donation of land, to receive 100 acres.

SEC. 6. *And be it further enacted*, That the governor of the said territory be authorized to make a grant of land not exceeding one hundred acres, to each person who hath not obtained any donation of land from the United States, and who, on the first day of August, one thousand seven hundred and ninety, was enrolled in the militia at Vincennes or in the Illinois country, and has done militia duty, the said land to be laid out at the expense of the grantees, and in such form and place as the said governor shall direct. *Provided nevertheless*, That no claim founded upon purchase or otherwise, shall be admitted within a tract of land heretofore occupied by the Kaskaskia nation of Indians, and including their village, which is hereby appropriated to the use of the said Indians.

Appropriation of a tract for the Kaskaskia Indians.

Grant of to P. Gibault and St. Jam Beouvais.

SEC. 7. *And be it further enacted*, That two lots of land heretofore in the occupation of the priests at Cahokia, and situated near that village, be, and the same is hereby granted in fee to P. Gibault; and that a tract of land at Kaskaskia, formerly occupied by the Jesuits, be laid off and confirmed to St. Jam Beouvais, who claims the same in virtue of a purchase thereof.

Donation lands to be laid out according to act of Congress of June 20th, 1788.

SEC. 8. *And be it further enacted*, That so much of the act of Congress of the twenty-eighth of August, one thousand seven hundred and eighty-eight, as refers to the locations of certain tracts of land directed to be run out and reserved for donations, to the ancient settlers in the Illinois country, be, and the same is hereby repealed, and the governor of the said territory is directed to lay out the same, agreeably to the act of Congress of the twentieth of June, one thousand seven hundred and eighty-eight.

APPROVED, March 3, 1791.

STATUTE III.

March 3, 1791.

CHAP. XXVIII.—*An Act for raising and adding another Regiment to the Military Establishment of the United States, and for making farther provision for the protection of the frontiers.*

Repealed 1795, ch. 44.

An additional regiment to be raised of 912 men,

how organized.

1790, ch. 10.

Their pay and allowances.

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 raised an additional regiment of infantry, which, exclusive of the commissioned officers, shall consist of nine hundred and twelve non-commissioned officers, privates and musicians.

SEC. 2. *And be it further enacted*, That the said regiment shall be organized in the same manner as the regiment of infantry described in the act, intituled "An act for regulating the military establishment of the United States."

SEC. 3. *And be it further enacted*, That the troops aforesaid by this act to be raised, including the officers, shall receive the same pay and allowances, be subject to the same rules and regulations, and be engaged for the like term, and upon the same conditions, in all respects, excepting the bounty herein after mentioned, as are stipulated for the troops of the United States, in the before-mentioned act.

Bounty for enlistment.

SEC. 4. *And be it further enacted*, That each non-commissioned officer, private and musician, who has enlisted or shall enlist pursuant to the act aforesaid, or who shall enlist pursuant to this act, shall be entitled to receive six dollars as a bounty.

What officers may be appointed,

SEC. 5. *And be it further enacted*, That in case the President of the United States should deem the employment of a major-general, brigadier-general, a quartermaster and chaplain, or either of them, essential to the public interest, that he be, and he hereby is empowered, by and with the advice and consent of the Senate, to appoint the same accordingly.

And a major-general so appointed may choose his aid-de-camp, and a brigadier-general, his brigade-major, from the captains or subalterns of the line. *Provided always*, That the major-general and brigadier-general so to be appointed, shall respectively continue in pay during such term only, as the President of the United States in his discretion shall deem it requisite for the public service.

and how long
continue in ser-
vice.

SEC. 6. *And be it further enacted*, That in case a major-general, brigadier-general, quartermaster, aid-de-camp, brigade-major and chaplain should be appointed, their pay and allowances shall be, respectively, as herein mentioned: The major-general shall be entitled to one hundred and twenty-five dollars, monthly pay, twenty dollars allowance for forage monthly, and for daily subsistence fifteen rations, or money in lieu thereof at the contract price. The brigadier-general shall be entitled to ninety-four dollars, monthly pay, with sixteen dollars allowance for forage monthly, and for daily subsistence twelve rations, or money in lieu thereof at the contract price. That the quartermaster shall be intitled to the same pay, rations and forage, as the lieutenant-colonel commandant of a regiment. That the aid-de-camp be entitled, including all allowances, to the same pay, rations and forage, as a major of a regiment. That the brigade-major be entitled, including all allowances, to the same pay, rations and forage, as a major of a regiment. That the chaplain be entitled to fifty dollars per month, including pay, rations and forage.

Pay and al-
lowances to the
officers.

SEC. 7. *And be it further enacted*, That if, in the opinion of the President, it will be conducive to the good of the service, to engage a body of militia to serve as cavalry, they furnishing their own horses, arms and provisions, it shall be lawful for him to offer such allowances to encourage their engaging in the service, for such time and on such terms, as he shall deem it expedient to prescribe.

Authority to
the President to
employ militia
cavalry,

SEC. 8. *And be it further enacted*, That if the President should be of opinion, that it will be conducive to the public service, to employ troops enlisted under the denomination of levies, in addition to, or in place of the militia, which in virtue of the powers vested in him by law, he is authorized to call into the service of the United States, it shall be lawful for him to raise, for a term not exceeding six months (to be discharged sooner if the public service will permit) a corps, not exceeding two thousand non-commissioned officers, privates and musicians, with a suitable number of commissioned officers. And in case it shall appear probable to the President, that the regiment directed to be raised by the aforesaid act and by this act, will not be completed in time to prosecute such military operations as exigencies may require, it shall be lawful for the President to make a substitute for the deficiency, by raising such farther number of levies, or by calling into the service of the United States such a body of militia as shall be equal thereto.

and levies, in
addition to, or
in lieu of mili-
tia,

their term of
service and
number.

SEC. 9. *And be it further enacted*, That the President be, and he hereby is empowered to organize the said levies, and alone to appoint the commissioned officers thereof, in the manner he may judge proper.

To organize
the levies and
appoint officers.

SEC. 10. *And be it further enacted*, That the commissioned and non-commissioned officers, privates and musicians of the militia or said corps of levies, shall, during the time of their service, be subject to the rules and articles of war; and they shall be entitled to the same pay, rations and forage, and, in case of wounds or disability in the line of their duty, to the same compensation as the troops of the United States.

Militia and
levies to be on
the same foot-
ing as troops of
U. States,

SEC. 11. *And be it further enacted*, That the non-commissioned officers, privates and musicians of the said corps of levies, shall be entitled to receive such proportional quantity of clothing, as their time of service shall bear to the annual allowance of clothing to the troops of the United States, subject, however, to a proportional deduction from their pay.

and entitled to
clothing,

and bounty, SEC. 12. *And be it further enacted*, That each of the non-commissioned officers, privates and musicians of the said levies, shall be entitled to receive three dollars as a bounty.

and engage surgeon's mates. SEC. 13. *And be it further enacted*, That in case the nature of the service, upon which the troops of the United States may be employed, should require a greater number of surgeon's mates than are provided for in the before-mentioned act, the President of the United States may engage, from time to time, such additional number of surgeon's mates, as he shall judge necessary.

Allowance to officers for recruiting. SEC. 14. *And be it further enacted*, That the commissioned officers, who shall be employed to recruit men for the said regiments, shall be entitled to receive for every recruit who shall be duly enlisted and mustered, the sum of two dollars.

Appropriation of monies for carrying this act into effect, and its amount; 1791, ch. 15. 1790, ch. 39. SEC. 15. *And be it further enacted*, That for defraying the expense, for one year, of the additional regiment to be raised by virtue of this act; for defraying the expense, for a like term, of the officers mentioned in the seventh section of this act; for defraying the expense of the said militia-horse, militia-foot, and levies, which may be called into, or engaged for the service of the United States, pursuant to this act; for defraying the expense of such surgeon's mates, as may be appointed pursuant to the fifteenth section of this act; for defraying the expense of recruiting the said two regiments; and for defraying the expense of any military posts which the President shall judge expedient and proper to establish, there be and hereby is appropriated a sum, not exceeding three hundred and twelve thousand six hundred and eighty-six dollars and twenty cents, to be paid out of the monies which, prior to the first day of January next, shall arise from the duties imposed upon spirits distilled within the United States, and from stills, by the act, intituled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also upon spirits distilled within the United States, and for appropriating the same;" together with the excess of duties which may arise from the duties imposed by the said act on imported spirits, beyond those which would have arisen by the act, intituled "An act making farther provision for the payment of the debts of the United States."

And to the end that the public service may not be impeded for want of necessary means;

which may be borrowed if necessary. SEC. 16. *Be it further enacted*, That it shall be lawful for the President to take on loan the whole sum by this act appropriated, or so much thereof as he may judge requisite, at an interest not exceeding six per centum per annum; and the fund established for the above-mentioned appropriation, is hereby pledged for the repayment of the principal and interest of any loan to be obtained in manner aforesaid; and in case of any deficiency in the said fund, the faith of the United States is hereby also pledged to make good such deficiency.

APPROVED, March 3, 1791.

Feb. 18, 1791.

Andrew Brown or any other printer under direction of the Secretary of State to print the laws.

I. RESOLVED by the Senate and House of Representatives of the United States of America in Congress assembled, That Andrew Brown, or any other printer, be permitted, under the direction of the Secretary of State, to collate with, and correct by the original rolls, the laws, resolutions and treaties of the United States, to be by him printed. And that a certificate of their having been so collated and corrected be annexed to the said edition. *Provided*, That such collation and correction be at the expense of the said Andrew Brown, or such other printer, and that the person or persons to be by him or them employed in that service, be approved by the Secretary of State.

APPROVED, February 18, 1791.

II. RESOLVED *by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be requested to cause to be communicated to the National Assembly of France the peculiar sensibility of Congress to the tribute paid to the memory of Benjamin Franklin, by the enlightened and free representatives of a great nation, in their decree of the eleventh of June, one thousand seven hundred and ninety.

APPROVED, March 2, 1791.

March 2, 1791.

Acknowledgment of the tribute paid by the National Assembly of France to the memory of Benjamin Franklin.

III. RESOLVED *by the Senate and House of Representatives of the United States of America in Congress assembled*, That a mint shall be established under such regulations as shall be directed by law.

Resolved, That the President of the United States be, and he is hereby authorized to cause to be engaged, such principal artists as shall be necessary to carry the preceding resolution into effect, and to stipulate the terms and conditions of their service, and also to cause to be procured such apparatus as shall be requisite for the same purpose.

APPROVED, March 3, 1791.

March 3, 1791.

A Mint to be established.

Act of April 2, 1792.

IV. RESOLVED *by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and he hereby is requested, to cause an estimate to be laid before Congress at their next session, of the quantity and situation of the lands not claimed by the Indians, nor granted to, nor claimed by any of the citizens of the United States, within the territory ceded to the United States, by the State of North Carolina, and within the territory of the United States, northwest of the river Ohio.

APPROVED, March 3, 1791.

March 3, 1791.

An estimate of the lands not claimed by the Indians, or by citizens of the U. States, in North Carolina and in the north west territory, to be made.

Act of April 12, 1792.

V. WHEREAS Congress did, by a resolution of the twenty-third day of September, one thousand seven hundred and eighty-nine, recommend to the several states to pass laws making it expressly the duty of the keepers of their jails to receive and safe keep therein all prisoners committed under the authority of the United States; in order therefore to insure the administration of justice,

RESOLVED *by the Senate and House of Representatives of the United States of America in Congress assembled*, That in case any state shall not have complied with the said recommendation, the marshal in such state, under the direction of the judge of the district, be authorized to hire a convenient place to serve as a temporary jail, and to make the necessary provision for the safe keeping of prisoners committed under the authority of the United States, until permanent provision shall be made by law for that purpose; and the said marshal shall be allowed his reasonable expenses incurred for the above purposes, to be paid out of the treasury of the United States.

APPROVED, March 3, 1791.

March 3, 1791.

Marshal to hire temporary jails in states that have not complied with the former resolution of Congress.

ACTS OF THE SECOND CONGRESS

OF THE

UNITED STATES,

Passed at the first session, which was begun and held at the City of Philadelphia, in the State of Pennsylvania, on Monday, the twenty-fourth day of October, 1791, and ended on the ninth day of May, 1792.

GEORGE WASHINGTON, President, JOHN ADAMS, Vice President of the United States, and President of the Senate, RICHARD HENRY LEE, President of the Senate pro tempore, JONATHAN TRUMBULL, Speaker of the House of Representatives.

STATUTE I.

Nov. 8, 1791.

CHAPTER I.—*An Act granting farther Time for making Return of the Enumeration of the Inhabitants in the District of South Carolina.*

[Obsolete.]

Time for making return extended to 1st March 1792.

Act of March 1, 1790, ch. 2.

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 marshal of the district of South Carolina to complete and make return of the enumeration of the inhabitants of the said district, to the President of the United States, in the form and manner prescribed by the act, intituled "An act providing for the enumeration of the inhabitants of the United States," at any time on or before the first day of March next, any thing in the said act to the contrary notwithstanding.

APPROVED, November 8, 1791.

STATUTE I.

Dec. 23, 1791.

CHAP. III.—*An Act making Appropriations for the Support of Government for the year one thousand seven hundred and ninety-two.*

[Obsolete.]

Specific appropriations for 1792.

Civil list.

Compensations to the President and Vice President, judges and attorney-general;

District judges; Members of Senate and H. of representatives, officers and attendants; Secretary and officers of the treasury, clerks and attendants, and loan officers.

Compensations to Secretary of State and officers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the service of the year one thousand seven hundred and ninety-two, and the support of the civil list of the United States, including the incidental and contingent expenses of the several departments and offices thereof, there shall be appropriated a sum of money not exceeding three hundred and twenty-nine thousand, six hundred and fifty-three dollars, and fifty-six cents; that is to say:*

For the compensations granted by law to the President of the United States, the Vice President, Chief Justice, Associate Judges, and Attorney General, fifty-three thousand dollars.

For the like compensations to the District Judges, nineteen thousand eight hundred dollars.

For the like compensations to the members of the Senate and House of Representatives, and the officers and attendants of the two Houses, estimated on a session of six months continuance, and including the travelling expenses of the members, one hundred and twenty-nine thousand, seven hundred and thirty dollars.

For the like compensations to the Secretary and officers of the several departments of the Treasury of the United States, including clerks and attendants, and the salaries of the respective loan officers, sixty thousand three hundred dollars.

For the like compensations to the Secretary and officers of the department of State, six thousand three hundred dollars.

For the like compensations to the Secretary and officers of the department of War, nine thousand six hundred dollars.

Secretary of War and officers, Board of commissioners, clerks, &c.

For the like compensations to the members of the Board of Commissioners, for the settlement of the accounts between the United States and the individual states, including clerks and attendants, thirteen thousand one hundred dollars.

For the like compensations to the Governors, Judges and other officers of the Western Territory of the United States, including contingencies, eleven thousand dollars.

Governors, judges and other officers of W. Territory. B. Steuben.

For the payment of the annual grant to Baron Steuben, pursuant to an act of Congress, two thousand five hundred dollars.

For the payment of sundry pensions granted by the late government, two thousand seven hundred and sixty-seven dollars, and seventy-three cents.

Pensions.

For defraying all other incidental and contingent expenses of the civil list establishment, including firewood, stationary, together with the printing work, and all other contingent expenses of the two houses of Congress, rent and office expenses of the three several departments, namely, Treasury, State, War, and of the General Board of Commissioners, twenty-one thousand five hundred and fifty-five dollars, and eighty-three cents.

Incidental expenses of civil list, &c. and the two Houses of Congress, &c.

SEC. 2. *And be it further enacted,* That the compensation to the door-keepers of the two houses, for services which have been heretofore rendered or may be rendered in the recess of Congress for the year one thousand seven hundred and ninety-two, and certified by the President of the Senate or Speaker of the House of Representatives, in manner required by law, for like services during sessions, shall be discharged out of the money herein before appropriated for the contingent expenses of the two Houses of Congress.

To the door-keepers.

SEC. 3. *And be it further enacted,* That for discharging certain liquidated claims upon the United States, for making good deficiencies in former appropriations for the support of the civil list establishment, and for aiding the fund appropriated for the payment of certain officers of the courts, jurors and witnesses, and for the establishment of ten cutters, there shall be appropriated a sum of money not exceeding one hundred and ninety-seven thousand, one hundred and nineteen dollars, and forty-nine cents; that is to say:

For liquidated claims, deficiencies in civil list, payment of officers, &c. of courts, and ten cutters.

For discharging a balance due on a liquidated claim of his most Christian Majesty against the United States, for supplies during the late war, nine thousand and twenty dollars, and sixty-eight cents.

Balance due his Christian Majesty.

For payment of the principal and interest on a liquidated claim of Oliver Pollock, late commercial agent of the United States, at New Orleans, for supplies of clothing, arms, and military stores, during the late war, one hundred and eight thousand, six hundred and five dollars, and two cents: *Provided,* That the said monies be not paid to the said Oliver Pollock, without the consent of the agents of the court of Spain.

Claim of O. Pollock.

For making good deficiencies in the last appropriations for the compensations to sundry officers of the civil list establishment, five thousand four hundred and seventy-one dollars.

Deficiencies of civil list.

For defraying sundry authorized expenses to the commissioners of loans in the several states, twenty-one thousand dollars.

For sundry expenses.

For defraying a balance of certain liquidated and contingent expenses in the treasury department, two thousand eight hundred dollars.

For defraying the additional expense of the enumeration of the inhabitants of the United States, nineteen thousand seven hundred and seventy-two dollars and seventy-nine cents.

For making good a deficiency in former appropriations, to discharge the expenses to clerks, jurors and witnesses in the courts of the United States, five thousand dollars.

For the maintenance and repair of light houses, beacons, piers, stakes and buoys, sixteen thousand dollars.

For the expense of keeping prisoners committed under the authority of the United States, four thousand dollars.

For the expense of clerks and books in arranging the public securities, two thousand four hundred and fifty dollars.

For the purchase of hydrometers for the use of the officers in the execution of the laws of revenue, one thousand dollars.

For the farther expense of building and equipping ten cutters, two thousand dollars.

For military establishment for 1792.

SEC. 4. *And be it further enacted*, That for the support of the military establishment of the United States, in the year one thousand seven hundred and ninety-two, the payment of the annual allowances to the invalid pensioners of the United States, for defraying all expenses incident to the Indian department, and for defraying the expenses incurred in the defensive protection of the frontiers against the Indians, during the years one thousand seven hundred and ninety, and one thousand seven hundred and ninety-one, by virtue of the authority vested in the President of the United States, by the acts relative to the military establishment, passed the twenty-ninth of September, one thousand seven hundred and eighty-nine, and the thirtieth of April, one thousand seven hundred and ninety, and for which no appropriations have been made, there shall be appropriated a sum of money, not exceeding five hundred and thirty-two thousand, four hundred and forty-nine dollars, seventy-six cents, and two thirds of a cent; that is to say:

For the pay of the troops, one hundred and two thousand six hundred and eighty-six dollars.

For subsistence, one hundred and nineteen thousand, six hundred and eighty-eight dollars, and ninety-seven cents.

For clothing, forty-eight thousand dollars.

For forage, four thousand one hundred and fifty-two dollars.

For the hospital department, six thousand dollars.

For the quartermaster's department, fifty thousand dollars.

For the ordnance department, seven thousand two hundred and four dollars and sixty-four cents.

For the contingent expenses of the war department, including maps, hire of expresses, allowances to officers for extra expenses, printing, loss of stores of all kinds, advertising and apprehending deserters, twenty thousand dollars.

Compensation to sundry officers, &c.

For the discharge of certain sums due for pay and subsistence of sundry officers of the late army, and for pay of the late Maryland line, for which no appropriations have been made, ten thousand four hundred and ninety dollars, and thirty-six cents.

To invalid pensioners.

For the payment of the annual allowances to invalid pensioners, eighty-seven thousand four hundred and sixty-three dollars, sixty cents and two thirds of a cent.

Indian department.

For defraying all expenses incident to the Indian department, authorized by law, thirty-nine thousand four hundred and twenty-four dollars, and seventy-one cents.

Frontiers.

For defraying the expenses incurred in the defensive protection of the frontiers, as before recited, thirty-seven thousand, three hundred and thirty-nine dollars, and forty-eight cents.

The funds for the several appropriations.

SEC. 5. *And be it further enacted*, That the several appropriations herein before made, shall be paid and discharged out of the funds following, to wit: first, out of the sum of six hundred thousand dollars which by the act, intituled "An act making provision for the debt of the United States," is reserved, yearly, for the support of the government of the United States, and their common defence; and secondly, out of such surplus as shall have accrued to the end of the present year, upon

the revenues heretofore established, over and above the sums necessary for the payment of interest on the public debt during the same year, and for satisfying other prior appropriations.

APPROVED, December 23, 1791.

STATUTE I.

CHAP. IV.—*An Act for carrying into effect a Contract between the United States and the State of Pennsylvania.*

January 3, 1792.

For duly conveying to the state of Pennsylvania a certain tract of land, the right to the government and jurisdiction whereof was relinquished to the said state by a resolution of Congress of the fourth day of September, in the year one thousand seven hundred and eighty-eight, and whereof the right of soil has been sold by virtue of a previous resolution of Congress of the sixth day of June in the said year;

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 authorized, on fulfilment of the terms stipulated on the part of the state of Pennsylvania, to issue letters patent, in the name and under the seal of the United States, granting and conveying to the said state forever the said tract of land, as the same was ascertained by a survey made in pursuance of the resolution of Congress of the sixth day of June one thousand seven hundred and eighty-eight.

APPROVED, January 3, 1792.

Tract of land conveyed to Pennsylvania on certain conditions.

STATUTE I.

CHAP. V.—*An Act to extend the time limited for settling the Accounts of the United States with the individual States.*

Jan. 23, 1792.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the powers of the Board of Commissioners which, by an act passed in the second session of the first Congress, was established to settle the accounts between the United States and individual states, shall continue until the first day of July one thousand seven hundred and ninety-three, unless the business shall be sooner accomplished.

[Obsolete.]

Board of commissioners for settlement of accounts continued till 1793. 1793, ch. 16.

SEC. 2. *And be it further enacted,* That the aforesaid act shall extend to the settlement of the accounts between the United States and the state of Vermont: and that until the first day of December next shall be allowed for the said state to exhibit its claims.

To settle with Vermont. 1790, ch. 38.

SEC. 3. *And be it further enacted,* That from and after the passing of this act, the pay of the principal clerk of the said board shall be the same as the pay of the principal clerk in the auditor's office.

Pay of principal clerk.

APPROVED, January 23, 1792.

STATUTE I.

CHAP. VI.—*An Act concerning certain Fisheries of the United States, and for the regulation and government of the Fishermen employed therein.*

Feb. 16, 1792.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the allowance now made upon the exportation of dried fish of the fisheries of the United States, in lieu of a drawback of the duties paid on the salt used in preserving the same, shall cease on all dried fish exported after the tenth day of June next, and as a commutation and equivalent therefor, there shall be afterwards paid on the last day of December annually, to the owner of every vessel or his agent, by the collector of the district where such vessel may belong, that shall be qualified agreeably to law, for carrying on the bank and other cod fisheries, and that shall actually have been employed therein at sea for the term of four months

[Expired.]

Act of April 12, 1800, ch. 22. Allowance in lieu of drawback on exportation of dried fish limited to June 1792. Act of June 19, 1813. Act of July 29, 1813. And as an equivalent each

fishing vessel allowed a sum according to burden not to exceed \$170.

1792, ch. 27, sec. 6.

1797, ch. 15, sec. 2.

Annual allowance to fishing vessels above five tons,

under what regulations.

1790, ch. 35.

Owners of fishing vessels how to proceed to obtain the allowances granted by this act.

at the least, of the fishing season, next preceding which season is accounted to be from the last day of February to the last day in November in every year, for each and every ton of such vessel's burthen according to her admeasurement as licensed or enrolled, if of twenty tons and not exceeding thirty tons, one and an half dollars, and if above thirty tons two and an half dollars, of which allowance aforesaid three eighth parts shall accrue and belong to the owner of such fishing vessel, and the other five eighths thereof shall be divided by him, his agent or lawful representative, to and among the several fishermen who shall have been employed in such vessel during the season aforesaid, or a part thereof, as the case may be, in such proportions as the fish they shall respectively have taken may bear to the whole quantity of fish taken on board such vessel during such season: *Provided*, That the allowance aforesaid on any one vessel, for one season, shall not exceed one hundred and seventy dollars.

SEC. 2. *And be it further enacted*, That on the last day of December annually, as aforesaid, there shall also be paid to the owner of every fishing boat or vessel of more than five tons, and less than twenty tons, or to his agent or lawful representative, by the collector of the district where such boat or vessel may belong, the sum of one dollar upon every ton admeasurement of such boat or vessel; which allowance shall be accounted for as part of the proceeds of the fares of said boat or vessel, and shall accordingly be so divided among all persons interested therein: *Provided however*, That this allowance shall be made only to such boats or vessels as shall have actually been employed at sea in the cod fishery, for the term of four months at the least, of the preceding season: *And provided also*, That such boat or vessel shall have landed in the course of said preceding season, a quantity of fish not less than twelve quintals for every ton of her admeasurement; the said quantity of fish to be ascertained when dried and cured fit for exportation, and according to the weight thereof, as the same shall weigh at the time of delivery when actually sold; which account of the weight, with the original adjustment and settlement of the fare or fares among the owners and fishermen, together with a written account of the length, breadth and depth of said boat or vessel, and the time she has actually been employed in the fishery in the preceding season, shall in all cases be produced and sworn or affirmed to, before the said collector of the district, in order to entitle the owner, his agent or lawful representative, to receive the allowance aforesaid. And if at any time within one year after payment of such allowance, it shall appear that any fraud or deceit has been practised in obtaining the same, the boat or vessel upon which such allowance shall have been paid, if found within the district aforesaid, shall be forfeited; otherwise the owner or owners having practised such fraud or deceit, shall forfeit and pay one hundred dollars; to be sued for, recovered and appropriated in like manner as forfeitures and penalties are to be sued for, recovered and appropriated for any breach of an act, entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels."

SEC. 3. *And be it further enacted*, That the owner or owners of every fishing vessel of twenty tons and upwards, his or their agent or lawful representative, shall, previous to receiving the allowance which is provided for in this act, produce to the collector who is authorized to pay the same, the original agreement or agreements which may have been made with the fishermen employed on board such vessel, as is herein before required, and also a certificate to be by him or them subscribed, therein mentioning the particular days on which such vessel sailed and returned on the several voyages or fares, she may have made in the preceding fishing season, to the truth of which they shall swear or affirm before the collector aforesaid.

SEC. 4. *And be it further enacted*, That no ship or vessel of twenty tons or upwards, employed as aforesaid, shall be entitled to the allowance granted by this act, unless the skipper or master thereof shall, before he proceeds on any fishing voyage, make an agreement in writing or in print, with every fisherman employed therein, excepting only any apprentice or servant of himself or owner; and in addition to such terms of shipment as may be agreed on, shall in such agreement express whether the same is to continue for one voyage or for the fishing season, and shall also express that the fish or the proceeds of such fishing voyage or voyages which may appertain to the fishermen, shall be divided among them in proportion to the quantities or number of said fish they may respectively have caught; which agreement shall be endorsed or countersigned by the owner of such fishing vessel, or his agent: And if any fisherman having engaged himself for a voyage or for the fishing season, in any fishing vessel, and signed an agreement therefor as aforesaid, shall thereafter and while such agreement remains in force and to be performed, desert or absent himself from such vessel, without leave of the master or skipper thereof, or of the owner or his agent, such deserter shall be liable to the same penalties as deserting seamen or mariners are subject to in the merchant's service, and may in the like manner, and upon the like complaint and proof, be apprehended and detained; and all costs of process and commitment, if paid by the master or owner, shall be deducted out of the share of fish, or proceeds of any fishing voyage to which such deserter had or shall become entitled. And any fisherman, having engaged himself as aforesaid, who shall during such fishing voyage, refuse or neglect his proper duty on board the fishing vessel, being thereto ordered or required by the master or skipper thereof, or shall otherwise resist his just commands, to the hindrance or detriment of such voyage, beside being answerable for all damages arising thereby, shall forfeit to the use of the owner of such vessel, his share of the allowance, which shall be paid upon such voyage as is herein granted.

Owners of fishing vessels how to proceed to obtain the allowances granted by this act.

1790, ch. 29,
sec. 7.

SEC. 5. *And be it further enacted*, That where an agreement or contract shall be so made and signed, for a fishing voyage or for the fishing season, and any fish which may have been caught on board such vessel during the same, shall be delivered to the owner or to his agent, for cure, and shall be sold by said owner or agent, such vessel shall for the term of six months after such sale, be liable and answerable for the skipper's and every other fisherman's share of such fish, and may be proceeded against in the same form, and to the same effect, as any other vessel is by law liable, and may be proceeded against for the wages of seamen or mariners in the merchant's service. And upon such process for the value of a share or shares of the proceeds of fish delivered and sold as aforesaid, it shall be incumbent on the owner or his agent, to produce a just account of the sales and division of such fish according to such agreement or contract, otherwise the said vessel shall be answerable upon such process for what may be the highest value of the share or shares demanded. But in all cases, the owner of such vessel or his agent, appearing to answer to such process, may offer thereupon his account of general supplies made for such fishing voyage, and of other supplies therefor made, to either of the demandants, and shall be allowed to produce evidence thereof in answer to their demands respectively, and judgment shall be rendered upon such process, for the respective balances, which upon such an inquiry shall appear: *Provided always*, That when process shall be issued against any vessel liable as aforesaid, if the owner thereof or his agent will give bond to each fisherman in whose favour such process shall be instituted, with sufficient security, to the satisfaction of two justices of the peace, one of whom shall be named by such owner or agent, and the other by the fisherman or fishermen

1790, ch. 29,
sec. 6.

pursuing such process; or if either party shall refuse, then the justice first appointed shall name his associate, with condition to answer and pay whatever sum shall be recovered by him or them on such process, there shall be an immediate discharge of such vessel: *Provided*, That nothing herein contained shall prevent any fisherman from having his action at common law, for his share or shares of fish, or the proceeds thereof as aforesaid.

Drawback on salted fish, &c. repealed, and

monies arising therefrom appropriated to pay allowances granted by this act.

1789, ch. 2.

Penalty on swearing falsely.

1790, ch. 35, sec. 66.

Limitation.

1800, ch. 22.

SEC. 6. *And be it further enacted*, That the drawback heretofore allowed on the exportation of foreign dried and pickled fish, and other foreign salted provisions, be and the same is hereby repealed.

SEC. 7. *And be it further enacted*, That the monies which shall remain in consequence of the abolition of the allowance on the exportation of the dried fish of the United States, and of the drawback on foreign dried and pickled fish, and other foreign salted provisions, be, and the same are hereby appropriated to the payment of the allowances granted by this act, and in case the monies so appropriated shall be inadequate, the deficiency shall be supplied out of any monies which from time to time shall be in the treasury of the United States, and not otherwise appropriated.

SEC. 8. *And be it further enacted*, That any person who shall declare falsely in any oath or affirmation required by this act, being duly convicted thereof in any court of the United States, having jurisdiction of such offence, shall suffer the same penalties as are provided for false swearing, or affirming, by the act before mentioned, and to be in like manner sued for, recovered and appropriated.

SEC. 9. *And be it further enacted*, That this act shall continue and be in force for the term of seven years, and from thence to the end of the next session of Congress, and no longer.

APPROVED, February 16, 1792.

STATUTE I.

Feb. 20, 1792.

[Obsolete.]

Establishment post roads after 1st June next.

1794, ch. 23.

CHAP. VII.—*An Act to establish the Post-Office and Post Roads within the United States.*

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 June next, the following roads be established as post roads, namely: From Wiscasset in the district of Maine, to Savannah in Georgia, by the following route, to wit: Portland, Portsmouth, Newburyport, Ipswich, Salem, Boston, Worcester, Springfield, Hartford, Middletown, New Haven, Stratford, Fairfield, Norwalk, Stamford, New York, Newark, Elizabethtown, Woodbridge, Brunswick, Princeton, Trenton, Bristol, Philadelphia, Chester, Wilmington, Elkton, Charlestown, Havre de Grace, Hartford, Baltimore, Bladensburg, Georgetown, Alexandria, Colchester, Dumfries, Fredericksburg, Bowling Green, Hanover Court House, Richmond, Petersburg, Halifax, Tarborough, Smithfield, Fayetteville, Newbridge over Drowning creek, Cheraw Court House, Camden, Statesburg, Columbia, Cambridge and Augusta; and from thence to Savannah, and from Augusta by Washington in Wilkes county to Greenborough, and from thence by the great falls of Ogechee and Georgetown, to Augusta, and from Statesburg to Charleston, and from Charleston to Georgetown, from Charleston to Savannah, and from Savannah, by Newport bridge to Sunbury; and also from Portsmouth by Exeter and Concord, to Hanover in New Hampshire; and from Salem to Marblehead, and from Salem to Gloucester; and from Boston, by Providence, Newport, and New London, to New Haven, and from Boston, through Taunton, to New Bedford; and from Taunton, through Warren and Bristol, to Newport, and from Boston, by Plymouth, to Barnstable; and from Springfield in the state of Massachusetts, to Kinderhook in the

state of New York, and from Springfield, by Northampton, Brattleborough, and Charlestown, by Windsor in Vermont, to Hanover, and from Hartford, by Middletown, to New London; also from Hartford to Norwich, and Providence; and from Providence to Worcester, and from Philadelphia, by Lancaster, Yorktown, Carlisle, Shippensburg, Chambersburg, Bedford, and Greensburg, to Pittsburg; and from Philadelphia to Bethlehem; from Bethlehem, by Reading and Harrisburg, to Carlisle, and from Bethlehem, by Easton, Sussex Court House, Goshen, Ward's Bridge, and Kingston, to Rhinebeck; from Philadelphia, by Salem, to Bridgetown; and from Wilmington, by Warwick, Georgetown, Cross Roads, Chestertown, Chester Mills, and Easton, to Vienna; and from Vienna, by Salisbury, to Snow Hill; also from Wilmington, by Newcastle, Cantwell's Bridge and Duck Creek, to Dover; and from thence by Milford, Dagsborough, Snow Hill, and Northampton Court House, to Norfolk in Virginia; and from Baltimore to Annapolis, Upper Marlborough, Piscatawa, Port Tobacco, Allen's Fresh, Newport, and Chaptico, to Leonardtown; and from Richmond, by Williamsburg, Yorktown and Hampton, to Norfolk; and from Fredericksburg, by Port Royal and Tappahanock, to Urbanna; and from thence, crossing Rappahanock, and proceeding by Northumberland Court House, to Kinsale on the river Yeocomico, thence by Westmoreland Court House, through Leeds-town, to Fredericksburg; and from Petersburg, by Cabin Point, Smithfield, and Suffolk, to Portsmouth, and from Suffolk, to Edenton, and by Plymouth to Washington; and from Washington to Newbern, and thence to Wilmington; and from Fayetteville, by Elizabethtown, to Wilmington; and from Halifax, by Warrington, Hillsborough, Salem, to Salisbury; from Halifax, by Bluntsville, Williamston, Daileys to Plymouth; and from Edenton, by Hertford, Nixonton, Sawyer's Ferry, in Camden county, to Indiantown, in Currituck county; and from New York, by Albany, Bennington, Manchester and Rutland, to Burlington, on Lake Champlain; and from Albany, by Schenectady, to Connajoharrie; from New York to Hartford, through Whiteplains, North Castle, Salem, Poundridge, Ridgefield, Danbury, Newtown, New Milford, Litchfield, Harrington and Farmington; from Newark or Elizabethtown, by Morristown, to Sussex Court House; from Woodbridge to Amboy; from Alexandria, by Salisbury, Leesburg, Shepherdstown, Martinsburg, Winchester, Stevensburg, Strasburg, Woodstock, and Rockingham Court House, to Staunton; and from Richmond, by Columbia, Charlottesville, Staunton, Lexington, Fincastle, Montgomery Court House, Wythe Court House, Abingdon, and Hawkins Court House, in the territory South of the river Ohio, to Danville in Kentucky; and from Baltimore, by Fredericktown and Sharpsburg, to Hagarstown; and from thence to Chambersburg: *Provided*, That the route, by which the mails are at present conveyed, shall in no case be altered, without the consent of the contractors, till the contracts made by the Postmaster General shall be determined.

SEC. 2. *And be it further enacted*, That it shall and may be lawful for the Postmaster General to enter into contracts, for a term not exceeding eight years, for extending the line of posts, and to authorize the person or persons, so contracting, to receive, during the continuance of such contract, according to the rates by this act established, all the postage which shall arise on letters, newspapers and packets, conveyed by any such post; and the roads, therein designated, shall, during the continuance of such contract, be deemed and considered as post roads, within the terms and provisions of this act: *Provided*, That no such contract shall be made, to the diminution of the revenue of the general post-office, and that a duplicate of every such contract, under hand and seal, shall, within sixty days after the execution thereof, be lodged in the office of the comptroller of the treasury of the United States.

Establishment
of post roads
after 1st June
next.

P. M. Gen.
may enter into
contracts for
carrying mail
not to exceed
eight years.

General post-office at seat of government.

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

P. M. Gen. to settle accounts quarterly,

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

and, with persons employed by him,

to take oath.

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

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

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

SEC. 6. *And be it further enacted*, That it shall be the duty of the Postmaster General, to give public notice in one or more of the newspapers published at the seat of government of the United States, and in one or more of the newspapers published in the state or states where the contract is to be performed, for at least six weeks before the entering into any contract for the conveyance of the mail that such contract is intended to be made, and the day on which it shall be concluded; describing the places, from and to which such mail is to be conveyed; the time at which it is to be made up; the day and hour, at which it is to be delivered; and the penalty or penalties for non-performance of the stipulations. He shall, moreover, within thirty days after the making of any contract, lodge the same, together with the proposals which he shall have received respecting the same, in the office of the comptroller of the treasury of the United States.

lodge the contract in the comptroller's office.

Dep. P. M. to keep an office.

SEC. 7. *And be it further enacted*, That every deputy postmaster shall keep an office in which one or more persons shall attend at such hours as the Postmaster General shall direct, for the purpose of performing the

duties thereof. And all letters brought to any post-office, half an hour before the time of making up the mail at such office, shall be forwarded therein.

SEC. 8. *And be it further enacted*, That from and after the passing of this act, the Postmaster General shall be allowed, for his services, at the rate of two thousand dollars per annum, his assistant, at the rate of one thousand dollars per annum, to be paid, quarterly, out of the revenues of the post-office: and no fees or perquisites shall be received by either of them, on account of the duties to be performed in virtue of their appointments.

Allowance to P. M. G. and assistant.

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

Rates of postage from 1st June 1792.

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

Rates of letters and packets passing by sea.

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

Penalty on demanding or receiving beyond stipulated postage.

SEC. 12. *And be it further enacted*, That no ship or vessel, arriving at any port within the United States, where a post-office is established, shall be permitted to report, make entry or break bulk, till the master or commander shall have delivered to the postmaster, all letters directed to any person or persons within the United States, which, under his care or within his power, shall be brought in such ship or vessel, other than such as are directed to the owner or consignee: but when a vessel shall be bound to another port, than that, at which she may enter, the letters belonging to, or to be delivered at the said port of delivery, shall not be delivered to the postmaster at the port of entry. And it shall be the duty of the collector or other officer of the port, empowered to receive entries of ships or vessels, to require from every master or commander

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

of such ship or vessel, an oath or affirmation, purporting that he has delivered all such letters, except as aforesaid.

Duty of P. M. on receipt of letters from foreign packets, &c.

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

Penalty on persons offending against this act.

SEC. 14. *And be it further enacted*, That if any person, other than the Postmaster General, or his deputies, or persons by them employed, shall take up, receive, order, dispatch, convey, carry or deliver any letter or letters, packet or packets, other than newspapers, for hire or reward, or shall be concerned in setting up any foot or horse post, wagon or other carriage, by or in which any letter or packet shall be carried for hire, on any established post-road, or any packet, or other vessel or boat, or any conveyance whatever, whereby the revenue of the general post-office may be injured, every person, so offending, shall forfeit, for every such offence, the sum of two hundred dollars. *Provided*, That it shall and may be lawful for every person to send letters or packets by special messenger.

Deputies to account with P. M. G. for bye letters.

SEC. 15. *And be it further enacted*, That the deputy postmasters or agents of the Postmaster General, shall duly account and answer to him, for all bye or way-letters, and shall specify the number and rates in the post bill. And if any deputy postmaster or agent shall neglect so to account, he or they so offending, shall, on conviction thereof, forfeit, for every such offence, a sum not exceeding one hundred dollars.

Penalty on neglecting,

detaining, delaying, or secreting letters, &c.

SEC. 16. *And be it further enacted*, That if any person, employed in any of the departments of the general post-office, shall unlawfully detain, delay, or open, any letter, packet, bag or mail of letters, with which he shall be entrusted, or which shall have come to his possession, and which are intended to be conveyed by post: Or if any such person shall secrete, embezzle or destroy any letter or packet, entrusted to him, as aforesaid, and which shall not contain any security for, or assurance relating to money, as herein after described, every such offender, being thereof duly convicted, shall, for every such offence, be fined not exceeding three hundred dollars, or imprisoned not exceeding six months, or both, according to the circumstances and aggravations of the offence. And if any person employed as aforesaid, shall secrete, embezzle or destroy, any letter, packet, bag, or mail of letters, with which he shall be entrusted, or which shall have come to his possession, and are intended to be conveyed by post, containing any bank note, or bank post bill, bill of exchange, warrant of the treasury of the United States, note of assignment of stock in the funds, letters of attorney for receiving annuities or dividends, or for selling stock in the funds, or for receiving the interest thereof, or any letter of credit, or note for, or relating to the payment of money, or other bond or warrant, draft, bill, or promissory note whatsoever, for the payment of money; or if any such person, employed as aforesaid, shall steal or take any of the same out of any letter, packet, bag or mail of letters, that shall come to his possession, he shall, on conviction for any such offence, suffer death. And if any person, who shall have taken charge of the mail of the United States, shall quit or desert the same, before his arrival at the next post-office, every such person, so offending, shall forfeit and pay a sum, not exceeding five hundred dollars, for every such offence. And if any person, concerned in carrying the mail of the United States, shall collect,

receive or carry any letter or packet, or shall cause or procure the same to be done, contrary to this act, every such offender shall forfeit and pay, for every such offence, a sum not exceeding fifty dollars.

Sec. 17. *And be it further enacted*, That if any person or persons shall rob any carrier of the mail of the United States, of such mail, or if any person shall rob the mail, in which letters are sent to be conveyed by post, of any letter or packet, or shall steal such mail, or shall steal and take from or out of the same, or from or out of any post-office, any letter or packet, such offender or offenders shall, on conviction thereof, suffer death.^(a)

Penalty on persons robbing the mail.

Sec. 18. *And be it further enacted*, That the deputy postmasters shall, respectively, publish at the expiration of every three months, in one of the newspapers published at, or nearest the place of his residence, for three successive weeks, a list of all the letters then remaining in their respective offices; and at the expiration of the next three months, shall send such of the said letters as then remain on hand, as dead letters, to the general post-office, where the same shall be opened and inspected; and if any valuable papers or matter of consequence, shall be found therein, it shall be the duty of the Postmaster General, to cause a descriptive list thereof to be inserted in one of the newspapers, published at the place most convenient to where the owner may be supposed to reside, if within the United States, and such letter and the contents shall be preserved, to be delivered to the person, to whom the same shall be addressed, upon payment of the postage, and the expense of publication.

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

Sec. 19. *And be it further enacted*, That the following letters and packets, and no other, shall be received and conveyed by post, free of postage, under such restrictions, as are hereinafter provided; that is to say: All letters and packets to or from the President or Vice President of the United States, and all letters and packets, not exceeding two ounces in weight, to or from any member of the Senate or House of Representatives, the Secretary of the Senate or Clerk of the House of Representatives, during their actual attendance in any session of Congress, and twenty days after such session. All letters to and from the Secretary of the Treasury, and his assistant, Comptroller, Register, and Auditor of the Treasury, the Treasurer, the Secretary of State, the Secretary at War, the Commissioners for settling the accounts between the United States and individual states, the Postmaster General and his

Certain letters to be conveyed free of postage.

(a) Robbing the mail of the United States. The defendant was indicted on the 24th section of the act of Congress, of March 3, 1825, entitled "An act to reduce into one the several acts establishing and regulating the Post-office department," for advising, procuring, and assisting one Joseph J. Straughan, a mail carrier, to rob the mail of the United States, and was found guilty. Upon this finding the judges of the Circuit Court of South Carolina were divided in opinion upon the question, whether an indictment founded on the statute for advising, &c., a mail carrier to rob the mail, ought to set forth and aver that the said carrier did commit the offence of robbing the mail. By the Supreme Court: the answer to this as an abstract proposition, must be in the affirmative, but if the question intended to be put, is, whether there must be a distinct substantive averment of the fact, it is not necessary. *United States v. Mills*, 7 Peters, 138.

Upon an indictment for robbing the mail, and putting the person in custody of it in jeopardy, under the 19th section of the act of April 30, 1810, a sword, &c., in the hand of the robber, by terror of which the robbery is effected, is a dangerous weapon within the act, putting the life in jeopardy, though it be not drawn, or pointed at the carrier. So a pistol in his hands, by means of which the robbery is effected, is a dangerous weapon; and it is not necessary to prove that it was charged: it is presumed to be so until the contrary is proved. *United States v. Wood*, 3 Wash. C. C. R. 440.

It is not necessary to a conviction under the 22d section, that the carrier of the mail should have taken the oath prescribed by the 2d section of the act of 1825, or that the whole mail be taken. *The United States v. Wilson*, 1 Baldwin's C. C. R. 102.

The word "rob," in the act of Congress of 1825, section 22, is used in the common law sense. *Ibid.*

"Jeopardy," as used in the section, means a well grounded apprehension of danger to life, in case of refusal to yield to threats, or resistance. *Ibid.*

A mail carrier is within the 18th section of the act regulating the post-office establishment, "subjecting to a penalty in certain cases, persons employed in any of the departments of the general post-office." *United States v. Belew*, 2 Brockenb. C. C. R. 280.

Certain letters free of postage.

assistant: *Provided*, That no person shall frank or enclose any letter or packet, other than his own; but any public letter or packet from the department of the Treasury may be franked by the Secretary of the Treasury, or the assistant Secretary, or by the Comptroller, Register, Auditor or Treasurer; and that each person before named shall deliver to the post-office every letter or packet enclosed to him, which may be directed to any other person, noting the place, from whence it came by post, and the usual postage shall be charged thereon.

Penalty on counterfeiting the franking to evade postage.

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

Privilege of news printers.

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

Newspapers how to be put up for the mail.

SEC. 22. *And be it further enacted*, That all newspapers, conveyed in the mail, shall be under a cover open at one end, carried in separate bags from the letters, and charged with the payment of one cent, for any distance not more than one hundred miles, and one cent and a half for any greater distance: And it shall be the duty of the Postmaster General and his deputy, to keep a separate account for the newspapers, and the deputy postmasters shall receive fifty per cent. on the postage of all newspapers: And if any other matter or thing be enclosed in such papers, the whole packet shall be charged, agreeably to the rates established by this act, for letters or packets. And if any of the persons employed in any department of the post-office, shall unlawfully detain, delay, embezzle or destroy any newspaper, with which he shall be entrusted, such offenders, for every such offence, shall forfeit a sum, not exceeding fifty dollars: *Provided*, That the Postmaster General, in any contract, he may enter into, for the conveyance of the mail, may authorize the person, with whom such contract is made, to carry newspapers, other than those conveyed in the mail.

P. M. Gen. may permit contractor to carry newspapers; and

allow such commission to deputies as he may deem adequate, not to exceed, &c.

SEC. 23. *And be it further enacted*, That the Postmaster General be, and he is hereby authorized to allow to the deputy postmasters respectively, such commission on the monies arising from the postage of letters and packets, as he shall think adequate to their respective services: *Provided*, That the said commission shall not exceed forty per cent. to any deputy, whose compensation thereby shall not exceed fifty dollars, nor thirty per cent. to any deputy, whose compensation thereby shall not exceed one hundred dollars, nor twenty per cent. to any other deputy, except the postmaster at the port, where the European packets do, or shall steadily arrive: to whom such farther allowance, in addition to the emoluments of his office, shall be made, as the Postmaster General shall deem a reasonable compensation for his extra services in the receipt and dispatch of letters, originally received into his office, from on board such packets, and by him forwarded to other offices: *And provided also*, That the compensations aforesaid shall not exceed eighteen hundred dollars per annum to any one postmaster for all services by him rendered.

to any one \$1,800 per annum.

P. M. Gen. to prosecute deputies neglecting to settle quarterly—and penalty on his neglect thereof.

SEC. 24. *And be it further enacted*, That if any deputy postmaster or other person, authorized to receive the postage of letters and packets, shall neglect or refuse to render his accounts, and pay over to the Postmaster General, the balance by him due, at the end of every three months, it shall be the duty of the Postmaster General, to cause a suit to be commenced against the person or persons so neglecting or refusing: And if the Postmaster General shall not cause such suit to be commenced within three months, from the end of every such three months,

the balances due from every such delinquent shall be charged to, and recoverable from the Postmaster General.

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

Appropriation of penalties under this act.

SEC. 26. *And be it further enacted,* That it shall be lawful for the Postmaster General, to make provision, where it may be necessary, for the receipt of all letters and packets intended to be conveyed by any ship or vessel, beyond sea, or from any port of the United States to another port therein; and the letters so received shall be formed into a mail, sealed up, and directed to the postmaster of the port to which such ship or vessel shall be bound. And for every letter or packet so received, there shall be paid, at the time of its reception, a postage of one cent. And the Postmaster General may make arrangements with the postmasters in any foreign country for the reciprocal receipt and delivery of letters and packets, through the post-offices.

P. M. Gen. to make provision for receipt of letters sent or received by sea.

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

Postmasters &c. exempt from militia duty.

SEC. 28. *And be it further enacted,* That all the surplus revenue of the general post-office, which shall have accrued, previous to the first day of June next, not heretofore appropriated, be and the same is hereby appropriated towards defraying any deficiency which may arise in the revenue of the said department for the year next ensuing.

Appropriations of surplus revenue of general post-office.

SEC. 29. *And be it further enacted,* That the act passed the last session of Congress, intituled "An act to continue in force, for a limited time, an act, intituled 'An act for the temporary establishment of the post-office,'" be, and the same is hereby continued in full force, until the first day of June next, and no longer.

Former acts continued till 1st June. 1791, ch. 23.

SEC. 30. *And be it further enacted,* That this act shall be in force for the term of two years, from the said first day of June next, and no longer.

Limitation of this act.

APPROVED, February 20, 1792.

STATUTE I.

March 1, 1792.

CHAP. VIII.—*An Act relative to the Election of a President and Vice President of the United States, and declaring the Officer who shall act as President in case of Vacancies in the offices both of President and Vice President.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That except in case of an election of a President and Vice President of the United States, prior to the ordinary period as herein after specified, electors shall be appointed in each state for the election of a President and Vice President of the United States, within thirty-four days preceding the first Wednesday in December, one thousand seven hundred and ninety-two, and within thirty-four days preceding the first Wednesday in December in every fourth year succeeding the last election, which electors shall be equal to the number of Senators and Representatives, to which the several states may by law be entitled at the time, when the President and Vice President, thus to be chosen, should come into office: *Provided always,* That where no apportionment of Representatives shall have been made after any enumeration, at the time of choosing electors, then the number of electors shall be according to the existing apportionment of Senators and Representatives.

[Obsolete.] March 26, 1804, ch. 50.

States how to appoint electors for election of president and vice president; when to meet and vote;

SEC. 2. *And be it further enacted,* That the electors shall meet and give their votes on the said first Wednesday in December, at such place in each state as shall be directed, by the legislature thereof; and the electors in each state shall make and sign three certificates of all the

to sign three certificates of all the votes given.

How to be disposed of.

1804, ch. 50, sec. 1.

Duty of executive of each state;

of Sec. of State on non-receipt of list of votes.

Congress to be in session on 2d Wednesday in Feb. 1793. Twelfth amendment of the constitution, p. 22.

Duty of persons sent with lists of votes;

allowance to them.

Penalty on their neglect of duty.

Provision in case of death &c. of president and vice-president;

duty of Sec. of State on such event.

votes by them given, and shall seal up the same certifying on each that a list of the votes of such state for President and Vice President is contained therein, and shall by writing under their hands, or under the hands of a majority of them, appoint a person to take charge of and deliver to the President of the Senate, at the seat of government, before the first Wednesday in January then next ensuing, one of the said certificates, and the said electors shall forthwith forward by the post-office to the President of the Senate, at the seat of government, one other of the said certificates, and shall forthwith cause the other of the said certificates to be delivered to the judge of that district in which the said electors shall assemble.

SEC. 3. *And be it further enacted*, That the executive authority of each state shall cause three lists of the names of the electors of such state to be made and certified and to be delivered to the electors on or before the said first Wednesday in December, and the said electors shall annex one of the said lists to each of the lists of their votes.

SEC. 4. *And be it further enacted*, That if a list of votes, from any state, shall not have been received at the seat of government on the said first Wednesday in January, that then the Secretary of State shall send a special messenger to the district judge in whose custody such list shall have been lodged, who shall forthwith transmit the same to the seat of government.

SEC. 5. *And be it further enacted*, That Congress shall be in session on the second Wednesday in February, one thousand seven hundred and ninety-three, and on the second Wednesday in February succeeding every meeting of the electors, and the said certificates, or so many of them as shall have been received, shall then be opened, the votes counted, and the persons who shall fill the offices of President and Vice President ascertained and declared, agreeably to the constitution.

SEC. 6. *And be it further enacted*, That in case there shall be no President of the Senate at the seat of government on the arrival of the persons entrusted with the lists of the votes of the electors, then such persons shall deliver the lists of votes in their custody into the office of the Secretary of State, to be safely kept and delivered over as soon as may be, to the President of the Senate.

SEC. 7. *And be it further enacted*, That the persons appointed by the electors to deliver the lists of votes to the President of the Senate, shall be allowed on the delivery of the said lists twenty-five cents for every mile of the estimated distance by the most usual road, from the place of meeting of the electors, to the seat of government of the United States.

SEC. 8. *And be it further enacted*, That if any person appointed to deliver the votes of the electors to the President of the Senate, shall after accepting of his appointment neglect to perform the services required of him by this act, he shall forfeit the sum of one thousand dollars.

SEC. 9. *And be it further enacted*, That in case of removal, death, resignation or inability both of the President and Vice President of the United States, the President of the Senate pro tempore, and in case there shall be no President of the Senate, then the Speaker of the House of Representatives, for the time being shall act as President of the United States until the disability be removed or a President shall be elected.

SEC. 10. *And be it further enacted*, That whenever the offices of President and Vice President shall both become vacant, the Secretary of State shall forthwith cause a notification thereof to be made to the executive of every state, and shall also cause the same to be published in at least one of the newspapers printed in each state, specifying that electors of the President of the United States shall be appointed or chosen in the several states within thirty-four days preceding the first Wednesday in December then next ensuing: *Provided*, There shall be the space of two months between the date of such notification and the

said first Wednesday in December, but if there shall not be the space of two months between the date of such notification and the first Wednesday in December; and if the term for which the President and Vice President last in office were elected shall not expire on the third day of March next ensuing, then the Secretary of State shall specify in the notification that the electors shall be appointed or chosen within thirty-four days preceding the first Wednesday in December in the year next ensuing, within which time the electors shall accordingly be appointed or chosen, and the electors shall meet and give their votes on the said first Wednesday in December, and the proceedings and duties of the said electors and others shall be pursuant to the directions prescribed in this act.

SEC. 11. *And be it further enacted,* That the only evidence of a refusal to accept or of a resignation of the office of President or Vice President, shall be an instrument in writing declaring the same, and subscribed by the person refusing to accept or resigning, as the case may be, and delivered into the office of the Secretary of State.

Evidence of refusal, &c. of office of president, &c.

SEC. 12. *And be it further enacted,* That the term of four years for which a President and Vice President shall be elected shall in all cases commence on the fourth day of March next succeeding the day on which the votes of the electors shall have been given.

When the term of four years shall commence.

APPROVED, March 1, 1792.

STATUTE I.

CHAP. IX.—*An Act for making farther and more effectual Provision for the Protection of the Frontiers of the United States.*

March 5, 1792.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the battalion of artillery now in service be completed according to the establishment, and that the two regiments of infantry now in service, be completed to the number of nine hundred and sixty non-commissioned officers, privates and musicians each.

[Repealed.] Battalion of artillery and two regiments of infantry to be completed:

SEC. 2. *And be it further enacted,* That there shall be raised for a term not exceeding three years, three additional regiments, each of which, exclusively of the commissioned officers, shall consist of nine hundred and sixty non-commissioned officers, privates and musicians; and that one of the said regiments be organized in the following manner, that is to say, two battalions of infantry, each of which, exclusively of the commissioned officers, shall consist of three hundred and twenty non-commissioned officers, privates and musicians; and one squadron of light dragoons which, exclusively of the commissioned officers, shall consist of three hundred and twenty non-commissioned officers, privates and musicians; and that it shall be a condition in the enlistment of the said dragoons, to serve as dismounted dragoons, whenever they shall be ordered thereto: That the organization of the said squadron of light dragoons shall be, as follows, to wit: one major, one adjutant, one quartermaster, one surgeon's mate, and four troops, each of which shall consist of one captain, one lieutenant, one cornet, four sergeants, four corporals, one farrier, one saddler, one trumpeter, and sixty-nine dragoons; and the President may arm the said troops, as he shall think proper:

three additional regiments raised: Repealed 1795, ch. 44, sec. 18.

how organized,

SEC. 3. *Provided always, and be it further enacted,* That it shall be lawful for the President of the United States to organize the said five regiments of infantry, and the said corps of horse and artillery, as he shall judge expedient, diminishing the number of corps, or taking from one corps and adding to another, as shall appear to him proper, so that the whole number of officers and men shall not exceed the limits above prescribed: *Provided,* That the said three regiments shall be discharged as soon as the United States shall be at peace with the Indian tribes.

and by whom.

- Term of enlistment; SEC. 4. *And be it further enacted*, That the non-commissioned officers, privates and musicians of the said three regiments, shall be enlisted for the term of three years, unless previously discharged.
- bounty allowed. SEC. 5. *And be it further enacted*, That every recruit who shall be enlisted by virtue of this act, shall receive eight dollars bounty, and that the same shall be made up to the non-commissioned officers, privates and musicians now in service, who have enlisted for three years, since the passing of the act intituled "An act for regulating the military establishment of the United States."
- 1790, ch. 10. SEC. 6. *And be it further enacted*, That the commissioned officers, who shall be employed to recruit for the establishment, shall be entitled to receive, for every recruit, duly enlisted and mustered, two dollars.
- Allowance to recruiting officers. SEC. 7. *And be it further enacted*, That the monthly pay of the commissioned officers, non-commissioned officers, privates and musicians, on the military establishment of the United States, and of the three regiments authorized by this act, shall be, in future, as follows, free of all deductions, to wit:—GENERAL STAFF—A major-general, one hundred and sixty-six dollars. A brigadier-general, one hundred and four dollars. Quartermaster, one hundred dollars. Adjutant, to do also the duty of inspector, seventy-five dollars. Chaplain, fifty dollars. Surgeon, seventy dollars. Deputy quartermaster, fifty dollars. Aide-camp, in addition to his pay in the line, twenty-four dollars. Brigade major, to act also as deputy inspector, in addition to his pay in the line, twenty-four dollars. Principal artificer, forty dollars. Second artificer, twenty-six dollars. REGIMENTAL—Lieutenant colonel commandant, seventy-five dollars. Major commandant of artillery, and major of dragoons, fifty-five dollars. Paymaster, in addition to his pay in the line, ten dollars. Quartermaster, in addition to his pay in the line, eight dollars. Adjutant, in addition to his pay in the line, ten dollars. Majors of infantry, fifty dollars. Captains, forty dollars. Lieutenants, twenty-six dollars. Ensigns and cornets, twenty dollars. Surgeons, forty-five dollars. Mates, thirty dollars. Sergeant majors and quartermaster sergeants, seven dollars. Senior musicians, six dollars. Sergeants, six dollars. Corporals, five dollars. Privates, three dollars. Musicians, four dollars. Artificers allowed to the infantry, light dragoons, and artillery, and included as privates, eight dollars. Matrons and nurses in the hospital, eight dollars.
- Rations. SEC. 8. *And be it further enacted*, That the rations, or money in lieu thereof, for the commissioned, non-commissioned officers, privates and musicians of the additional troops herein mentioned, shall be the same as described in the aforesaid act, intituled "An act for regulating the military establishment of the United States," and in the act passed in the third session of the first Congress, intituled "An act for raising and adding another regiment to the military establishment of the United States, and for making farther provision for the protection of the frontiers."
- 1790, ch. 10. SEC. 9. *And be it further enacted*, That the forage, to be allowed to the officers of the additional regiments authorized by this act, be the same as described by the acts before mentioned.
- 1791, ch. 28. SEC. 10. *And be it further enacted*, That the allowance of clothing for non-commissioned officers and privates of the infantry of the said three regiments, shall be the same, as is by law established: that suitable clothing be provided for the cavalry, and adapted to the nature of the service, and conformed as near as may be, to the value of the clothing allowed to the infantry and artillery.
- Forage. SEC. 11. *And be it further enacted*, That all the commissioned and non-commissioned officers, privates and musicians of the said three regiments, shall take the same oaths, shall be governed by the same rules and regulations, and in cases of disabilities, shall receive the same
- Clothing. To take an oath.

compensations, as are described in the before-mentioned act, entitled "An act for regulating the military establishment of the United States."

SEC. 12. *And be it further enacted*, That it shall be lawful for the President of the United States, to forbear to raise, or to discharge, after they shall be raised, the whole or any part of the said three additional regiments, in case events shall in his judgment, render his so doing consistent with the public safety.

Discretionary power to President;

SEC. 13. *And be it further enacted*, That the President be, and he hereby is authorized, from time to time, to call into service, and for such periods as he may deem requisite, such number of cavalry as, in his judgment, may be necessary for the protection of the frontiers: *Provided*, That the non-commissioned officers shall not be allowed more than one dollar per day, nor the privates more than seventy-five cents per day, each person finding his horse, arms and accoutrements, and at his own risk, and twenty-five cents per day in lieu of rations and forage: *Provided* he furnish himself therewith.

to call into service cavalry, &c.

their pay;

SEC. 14. *And be it further enacted*, That the President alone be, and he hereby is authorized to appoint, for the cavalry so to be engaged, the proper commissioned officers, who shall not exceed, in number and rank, the proportions assigned to the said three regiments, and whose pay and other allowances shall not, exclusively of fifty cents per day for the use and risk of their horses, exceed those of officers of corresponding rank, in the said regiments.

President to appoint their officers;

SEC. 15. *And be it further enacted*, That the President of the United States be authorized, in case he shall deem the measure expedient, to employ such number of the Indians, and for such compensations, as he may think proper: *Provided*, The said compensations do not, in the whole, exceed twenty thousand dollars.

and may employ Indians.

APPROVED, March 5, 1792.

STATUTE I.

CHAP. X.—*An Act declaring the consent of Congress to a certain Act of the State of Maryland, and to continue for a longer time, an Act declaring the assent of Congress to certain Acts of the States of Maryland, Georgia, and Rhode Island and Providence Plantations, so far as the same respects the States of Georgia, and Rhode Island and Providence Plantations.*

March 19, 1792.

[Expired.]

Act of May 12, 1796, ch. 26.

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, made and passed at a session begun and held at the city of Annapolis, on the first Monday in November last, intituled "An act empowering the wardens of the port of Baltimore to levy and collect the duty therein mentioned."

Consent of Congress to operation of a certain act of Maryland; and

SEC. 2. *And be it further enacted*, That the act, intituled "An act declaring the assent of Congress to certain acts of the states of Maryland, Georgia, and Rhode Island and Providence Plantations," shall be continued, and is hereby declared to be in full force, so far as the same respects the states of Georgia, and Rhode Island and Providence Plantations.

assent to certain acts, Maryland &c. continued as to Georgia and R. Island.

1790, ch. 43.

SEC. 3. *And be it further enacted*, That this act shall be and continue in force for the term of three years, and from thence to the end of the next session of Congress, and no longer.

Limitation.

APPROVED, March 19, 1792.

STATUTE I.

CHAP. XI.—*An Act to provide for the settlement of the Claims of Widows and Orphans barred by the limitations heretofore established, and to regulate the Claims to Invalid Pensions.*

March 23, 1792.

[Expired.]

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

Suspension for two years of certain resolutions of Congress barring claims.

Disabled officers, &c. how to be placed on the pension list.

operation of the resolutions of the late Congress of the United States, passed on the second day of November, one thousand seven hundred and eighty-five, and the twenty-third day of July, one thousand seven hundred and eighty-seven, so far as they have barred, or may be construed to bar the claims of the widow or orphans of any officer of the late army, to the seven years half pay of such officer, shall, from and after the passing this act, be suspended for and during the term of two years.

SEC. 2. *And be it further enacted*, That any commissioned officer, not having received the commutation of half pay, and any non-commissioned officer, soldier or seaman, disabled in the actual service of the United States, during the late war, by wounds or other known cause, who did not desert from the said service, shall be entitled to be placed on the pension list of the United States, during life or the continuance of such disability, and shall also be allowed such farther sum for the arrears of pension, from the time of such disability, not exceeding the rate of the annual allowance, in consequence of his disability, as the circuit court of the district, in which they respectively reside, may think just. *Provided*, That in every such case, the rules and regulations following shall be complied with; that is to say:—First. Every applicant shall attend the court in person, except where it shall be certified by two magistrates that he is unable to do so, and shall produce to the circuit court, the following proofs, to wit:—A certificate from the commanding officer of the ship, regiment, corps or company, in which he served, setting forth his disability, and that he was thus disabled while in the service of the United States; or the affidavits of two credible witnesses to the same effect.—The affidavits of three reputable freeholders of the city, town, or county, in which he resides, ascertaining of their own knowledge, the mode of life, employment, labour, or means of support of such applicant, for the last twelve months.—Secondly. The circuit court, upon receipt of the proofs aforesaid, shall forthwith proceed to examine into the nature of the wound, or other cause of disability of such applicant, and having ascertained the degree thereof, shall certify the same, and transmit the result of their inquiry, in case, in their opinion, the applicant should be put on the pension list, to the Secretary at War, together with their opinion in writing, what proportion of the monthly pay of such applicant will be equivalent to the degree of disability ascertained in manner aforesaid.

Repealed 1793, ch. 17.

Clerk to publish this act, giving notice when the district court meets, &c.

duty of the judges;

Repealed 1793, ch. 17.

of the Secretary at War.

SEC. 3. *And be it further enacted*, That the clerk of the district court, in each district, shall publish this act in such manner as the judge of the district court shall think effectual to give general information thereof to the people of the district, and shall give like information of the times and places of holding the circuit courts in such district. And in districts wherein a circuit court is not directed by law to be holden, the judge of the district court shall be, and he hereby is authorized to exercise all the powers given by this act to the respective circuit courts. And it shall be the duty of the judges of the circuit courts respectively, during the term of two years from the passing of this act, to remain at the places where the said courts shall be holden, five days at the least from the time of opening the sessions thereof, that persons disabled as aforesaid, may have full opportunity to make their application for the relief proposed by this act.

SEC. 4. *And be it further enacted*, That the Secretary at War, upon receipt of the proofs, certificate and opinion aforesaid, shall cause the same to be duly filed in his office, and place the name of such applicant on the pension list of the United States, in conformity thereto: *Provided always*, That in any case, where the said Secretary shall have cause to suspect imposition or mistake, he shall have power to withhold the name of such applicant from the pension list, and make report of the same to Congress, at their next session.

Repealed 1793, ch. 17.

SEC. 5. *And be it further enacted*, That all non-commissioned officers, soldiers and seamen, disabled in the actual service of the United States, during the late war, whose disability and rate of allowance have been ascertained, pursuant to the regulations prescribed by the late Congress, and have not applied to be placed on the pension list, until after the time, limited by the act of Congress for that purpose, was expired, shall now be placed on the pension list, and be entitled to demand and receive their respective pensions, according to the allowances ascertained as aforesaid, any thing in this act, or any act of the late Congress, to the contrary, notwithstanding.

Disabled persons barred by limitations, to be placed on Pension list.

1793, ch. 17, sec. 3.

SEC. 6. *And be it further enacted*, That from and after the passing of this act, no sale, transfer or mortgage of the whole or any part of the pension or arrearages of pension, payable to any non-commissioned officer, soldier or seaman, before the same shall become due, shall be valid. And every person, claiming such pension or arrears of pension, or any part thereof, under power of attorney or substitution, shall, before the same is paid, make oath or affirmation before some justice of the peace of the place where the same is payable, that such power or substitution is not given by reason of any transfer of such pension, or arrears of pension, and any person, who shall swear or affirm falsely in the premises, and be thereof convicted shall suffer, as for wilful and corrupt perjury.

Transfer, &c. of pension, before due, not valid, and how paid to attorney, &c.

Altered 1806, ch. 25, sec. 8.

APPROVED, March 23, 1792.

STATUTE I.

CHAP. XII.—*An Act providing for the settlement of the Claims of Persons under particular circumstances barred by the limitations heretofore established.*

March 27, 1792.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the operation of the resolutions of the late Congress of the United States, passed on the second day of November, one thousand seven hundred and eighty-five, and the twenty-third day of July, one thousand seven hundred and eighty-seven, so far as they have barred, or may be construed to bar the claims of any officer, soldier, artificer, sailor or marine of the late army or navy of the United States, for personal services rendered to the United States, in the military or naval department, shall from and after the passing of this act, be suspended, for and during the term of two years. And that every such officer, soldier, artificer, sailor and marine having claims for services rendered to the United States, in the military or naval departments, who shall exhibit the same, for liquidation, at the treasury of the United States, at any time during the said term of two years, shall be entitled to an adjustment, and allowance thereof on the same principles, as if the same had been exhibited, within the term prescribed by the aforesaid resolutions of Congress: *Provided*, That nothing herein shall be construed to extend to claims for rations or subsistence money.

Limitations of claims by certain resolutions, suspended for two years;

not to extend to claims for rations, &c.

SEC. 2. *And be it further enacted*, That no balances hereafter to be certified, as due from the United States, shall be registered in any other name, than that of the original claimant, or of his heirs, executors or administrators; and such balances shall be transferable only at the treasury, by virtue of powers actually executed after such registry, expressing the sum to be transferred, and in pursuance of such general rules, as have been, or shall be prescribed for that purpose.

Balances to be registered in name of original claimant, &c.

APPROVED, March 27, 1792.

STATUTE I.

March 28, 1792.

CHAP. XIV.—*An Act supplemental to the act for making farther and more effectual provision for the protection of the frontiers of the United States.*

[Obsolete.]
1795, ch. 44,
sec. 18.
President of
the U. S. may
appoint not
more than four
B. Generals.

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, by and with the advice and consent of the Senate, to appoint such number of brigadier generals as may be conducive to the good of the public service. Provided the whole number appointed or to be appointed, shall not exceed four.

APPROVED, March 28, 1792.

STATUTE I.

April 2, 1792.

CHAP. XV.—*An Act for finishing the Lighthouse on Baldhead at the mouth of Cape Fear river in the State of North Carolina.*

[Obsolete.]
Secretary of
Treasury to finish
the lighthouse on
Baldhead in North
Carolina.

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, under the direction of the President of the United States, be authorized, as soon as may be, to cause to be finished in such manner as shall appear advisable, the lighthouse heretofore begun under the authority of the state of North Carolina, on Baldhead at the mouth of Cape Fear river in the said state: And that a sum, not exceeding four thousand dollars, be appropriated for the same, out of any monies heretofore appropriated, which may remain unexpended, after satisfying the purposes for which they were appropriated, or out of any other monies, which may be in the treasury, not subject to any prior appropriation.

APPROVED, April 2, 1792.

STATUTE I.

April 2, 1792.

CHAP. XVI.—*An Act establishing a Mint, and regulating the Coins of the United States.*(a)

Mint established at
the seat of government.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, and it is hereby enacted and declared,* That a mint for the purpose of a national coinage be, and the same is established; to be situate and carried on at the seat of the government of the United States, for the time being: And that for the well conducting of the business of the said mint, there shall be the following officers and persons, namely,—a Director, an Assayer, a Chief Coiner, an Engraver, a Treasurer.

Director to employ workmen, &c.

SEC. 2. *And be it further enacted,* That the Director of the mint shall employ as many clerks, workmen and servants, as he shall from time to time find necessary, subject to the approbation of the President of the United States.

SEC. 3. *And be it further enacted,* That the respective functions and

(a) The acts establishing and regulating the mint of the United States, and for regulating coins, have been: An act establishing a mint and regulating the coins of the United States passed April 2, 1792, chap. 16; an act regulating foreign coins, and for other purposes, February 9, 1793, chap. 5; an act in alteration of the act establishing a mint and regulating the coins of the United States, March 3, 1794, chap. 4; an act supplementary to the act entitled, "An act to establish a mint and regulating the coins of the United States," passed March 3, 1795, chap. 47; an act respecting the mint, May 27, 1796, chap. 33; an act respecting the mint, April 24, 1800, chap. 34; an act concerning the mint, March 3, 1801, chap. 21; an act to prolong the continuance of the mint at Philadelphia, January 14, 1818, chap. 4; an act further to prolong the continuance of the mint at Philadelphia, March 3, 1823, chap. 42; an act to continue the mint at the city of Philadelphia, and for other purposes, May 19, 1828, chap. 67; an act concerning the gold coins of the United States, and for other purposes, June 28, 1834, chap. 95; an act to establish branches of the mint of the United States, March 3, 1835, chap. 37; an act supplementary to an act entitled, "An act establishing a mint, and regulating the coins of the United States," January 18, 1837, chap. 3; an act to amend an act entitled, "An act to establish branches of the mint of the United States," February 13, 1837, chap. 14; an act amendatory of an act establishing the branch mint at Dan- lonega, Georgia, and defining the duties of the assayer and coiner, February 27, 1843, chap. 46.

duties of the officers above mentioned shall be as follow: The Director of the mint shall have the chief management of the business thereof, and shall superintend all other officers and persons who shall be employed therein. The Assayer shall receive and give receipts for all metals which may lawfully be brought to the mint to be coined; shall assay all such of them as may require it, and shall deliver them to the Chief Coiner to be coined. The Chief Coiner shall cause to be coined all metals which shall be received by him for that purpose, according to such regulations as shall be prescribed by this or any future law. The Engraver shall sink and prepare the necessary dies for such coinage, with the proper devices and inscriptions, but it shall be lawful for the functions and duties of Chief Coiner and Engraver to be performed by one person. The Treasurer shall receive from the Chief Coiner all the coins which shall have been struck, and shall pay or deliver them to the persons respectively to whom the same ought to be paid or delivered: he shall moreover receive and safely keep all monies which shall be for the use, maintenance and support of the mint, and shall disburse the same upon warrants signed by the Director.

Duty of the officers.

Assayer.
Act of March 3, 1794, ch. 4, sec. 2.
Chief Coiner.

Engraver.

Treasurer.

Sec. 4. *And be it further enacted*, That every officer and clerk of the said mint shall, before he enters upon the execution of his office, take an oath or affirmation before some judge of the United States faithfully and diligently to perform the duties thereof.

To take oath.

Sec. 5. *And be it further enacted*, That the said assayer, chief coiner and treasurer, previously to entering upon the execution of their respective offices, shall each become bound to the United States of America, with one or more sureties to the satisfaction of the Secretary of the Treasury, in the sum of ten thousand dollars, with condition for the faithful and diligent performance of the duties of his office.

And give bond.
Act of March 3, 1794, ch. 4, sec. 2.

Sec. 6. *And be it further enacted*, That there shall be allowed and paid as compensations for their respective services—To the said director, a yearly salary of two thousand dollars, to the said assayer, a yearly salary of one thousand five hundred dollars, to the said chief coiner, a yearly salary of one thousand five hundred dollars, to the said engraver, a yearly salary of one thousand two hundred dollars, to the said treasurer, a yearly salary of one thousand two hundred dollars, to each clerk who may be employed, a yearly salary not exceeding five hundred dollars, and to the several subordinate workmen and servants, such wages and allowances as are customary and reasonable, according to their respective stations and occupations.^(a)

Salaries.

Sec. 7. *And be it further enacted*, That the accounts of the officers and persons employed in and about the said mint and for services performed in relation thereto, and all other accounts concerning the business and administration thereof, shall be adjusted and settled in the treasury department of the United States, and a quarter yearly account of the receipts and disbursements of the said mint shall be rendered at the said treasury for settlement according to such forms and regulations as shall have been prescribed by that department; and that once in each year a report of the transactions of the said mint, accompanied by an abstract of the settlements which shall have been from time to time made, duly certified by the comptroller of the treasury, shall be laid before Congress for their information.

Accounts how and where to be settled.

Sec. 8. *And be it further enacted*, That in addition to the authority vested in the President of the United States by a resolution of the last session, touching the engaging of artists and the procuring of apparatus

President of U. S. to cause buildings to be provided.

^(a) The acts relating to the salaries of the officers of the mint now in force, are: An act to continue the mint in the city of Philadelphia, May 19, 1828, chap. 67, sec. 6; an act supplementary to the act entitled, "An act establishing a mint, and regulating the coins of the United States," January 18, 1837, chap. 3, sec. 7; an act to establish branches of the mint of the United States, Feb. 13, 1837, chap. 14, sec. 2.

for the said mint, the President be authorized, and he is hereby authorized to cause to be provided and put in proper condition such buildings, and in such manner as shall appear to him requisite for the purpose of carrying on the business of the said mint; and that as well the expenses which shall have been incurred pursuant to the said resolution as those which may be incurred in providing and preparing the said buildings, and all other expenses which may hereafter accrue for the maintenance and support of the said mint, and in carrying on the business thereof, over and above the sums which may be received by reason of the rate per centum for coinage herein after mentioned, shall be defrayed from the treasury of the United States, out of any monies which from time to time shall be therein, not otherwise appropriated.

expense how to be defrayed.

Species of the coins to be struck.

Eagles.

Half Eagles.

Quarter Eagles.

Dollars or Units.

Half Dollars.

Quarter Dollars.

Dimes.

Half Dimes.

Cents.

Half Cents.
Act of May 8, 1792.

Of what devices.

SEC. 9. *And be it further enacted*, That there shall be from time to time struck and coined at the said mint, coins of gold, silver, and copper, of the following denominations, values and descriptions, viz. **EAGLES**—each to be of the value of ten dollars or units, and to contain two hundred and forty-seven grains and four eighths of a grain of pure, or two hundred and seventy grains of standard gold. **HALF EAGLES**—each to be of the value of five dollars, and to contain one hundred and twenty-three grains and six eighths of a grain of pure, or one hundred and thirty-five grains of standard gold. **QUARTER EAGLES**—each to be of the value of two dollars and a half dollar, and to contain sixty-one grains and seven eighths of a grain of pure, or sixty-seven grains and four eighths of a grain of standard gold. **DOLLARS OR UNITS**—each to be of the value of a Spanish milled dollar as the same is now current, and to contain three hundred and seventy-one grains and four sixteenth parts of a grain of pure, or four hundred and sixteen grains of standard silver. **HALF DOLLARS**—each to be of half the value of the dollar or unit, and to contain one hundred and eighty-five grains and ten sixteenth parts of a grain of pure, or two hundred and eight grains of standard silver. **QUARTER DOLLARS**—each to be of one fourth the value of the dollar or unit, and to contain ninety-two grains and thirteen sixteenth parts of a grain of pure, or one hundred and four grains of standard silver. **DIMES**—each to be of the value of one tenth of a dollar or unit, and to contain thirty-seven grains and two sixteenth parts of a grain of pure, or forty-one grains and three fifth parts of a grain of standard silver. **HALF DIMES**—each to be of the value of one twentieth of a dollar, and to contain eighteen grains and nine sixteenth parts of a grain of pure, or twenty grains and four fifth parts of a grain of standard silver. **CENTS**—each to be of the value of the one hundredth part of a dollar, and to contain eleven penny-weights of copper. **HALF CENTS**—each to be of the value of half a cent, and to contain five penny-weights and half a penny-weight of copper. (a)

SEC. 10. *And be it further enacted*, That, upon the said coins respectively, there shall be the following devices and legends, namely: Upon one side of each of the said coins there shall be an impression emblematic of liberty, with an inscription of the word Liberty, and the year of the coinage; and upon the reverse of each of the gold and silver coins there shall be the figure or representation of an eagle, with this inscription, "UNITED STATES OF AMERICA" and upon the reverse of each of the copper coins, there shall be an inscription which shall express the denomination of the piece, namely, cent or half cent, as the case may require.

SEC. 11. *And be it further enacted*, That the proportional value of gold to silver in all coins which shall by law be current as money within

(a) The acts regulating the gold and silver coins of the United States, are: An act establishing a mint and regulating the coins of the United States, April 2, 1792, chap. 16, sec. 9; an act concerning the gold coins of the United States, and for other purposes, June 28, 1834, chap. 9; an act supplementary to the act entitled, "An act to establish a mint, and regulating the coins of the United States, January 18, 1837, chap. 3, sec. 8, 9, 10.

the United States, shall be as fifteen to one, according to quantity in weight, of pure gold or pure silver; that is to say, every fifteen pounds weight of pure silver shall be of equal value in all payments, with one pound weight of pure gold, and so in proportion as to any greater or less quantities of the respective metals.(a)

Proportional value of gold to silver.

SEC. 12. *And be it further enacted*, That the standard for all gold coins of the United States shall be eleven parts fine to one part alloy; and accordingly that eleven parts in twelve of the entire weight of each of the said coins shall consist of pure gold, and the remaining one twelfth part of alloy; and the said alloy shall be composed of silver and copper, in such proportions not exceeding one half silver as shall be found convenient; to be regulated by the director of the mint, for the time being, with the approbation of the President of the United States, until further provision shall be made by law. And to the end that the necessary information may be had in order to the making of such further provision, it shall be the duty of the director of the mint, at the expiration of a year after commencing the operations of the said mint, to report to Congress the practice thereof during the said year, touching the composition of the alloy of the said gold coins, the reasons for such practice, and the experiments and observations which shall have been made concerning the effects of different proportions of silver and copper in the said alloy.(b)

Standard for gold coins, and alloy how to be regulated.

Director to report the practice of the mint touching the alloy of gold coins.

SEC. 13. *And be it further enacted*, That the standard for all silver coins of the United States, shall be one thousand four hundred and eighty-five parts fine to one hundred and seventy-nine parts alloy; and accordingly that one thousand four hundred and eighty-five parts in one thousand six hundred and sixty-four parts of the entire weight of each of the said coins shall consist of pure silver, and the remaining one hundred and seventy-nine parts of alloy; which alloy shall be wholly of copper.(c)

Standard for silver coins—alloy how to be regulated.

Alloy.

SEC. 14. *And be it further enacted*, That it shall be lawful for any person or persons to bring to the said mint gold and silver bullion, in order to their being coined; and that the bullion so brought shall be there assayed and coined as speedily as may be after the receipt thereof, and that free of expense to the person or persons by whom the same shall have been brought. And as soon as the said bullion shall have been coined, the person or persons by whom the same shall have been delivered, shall upon demand receive in lieu thereof coins of the same species of bullion which shall have been so delivered, weight for weight, of the pure gold or pure silver therein contained: *Provided nevertheless*, That it shall be at the mutual option of the party or parties bringing such bullion, and of the director of the said mint, to make an immediate exchange of coins for standard bullion, with a deduction of one half per cent. from the weight of the pure gold, or pure silver contained in the said bullion, as an indemnification to the mint for the time which will necessarily be required for coining the said bullion, and for the advance which shall have been so made in coins. And it shall be the duty of the Secretary of the Treasury to furnish the said mint from time to time whenever the state of the treasury will admit thereof, with such sums as may be necessary for effecting the said exchanges, to be replaced as speedily as may be out of the coins which shall have been made of the bullion for which the monies so furnished shall have been exchanged; and the said deduction of one half per cent. shall constitute a fund towards defraying the expenses of the said mint.

Persons may bring gold and silver bullion, to be coined free of expense;

Act of April 24, 1800, ch. 34. how the director may exchange coins therefor, deducting half per cent.

Duty of Secretary of Treasury herein.

The half per cent. to constitute a fund, &c.

SEC. 15. *And be it further enacted*, That the bullion which shall be brought as aforesaid to the mint to be coined, shall be coined, and the equivalent thereof in coins rendered, if demanded, in the order in which

Order of delivering coins to persons bringing bullion, and

(a) See note to section 9.

(b) See note to section 9.

(c) See note to section 9.

penalty on giving undue preference, &c.

Act of March 3, 1795, ch. 86.

Coins made a lawful tender,

and to be made conformable to the standard weights, &c.

The Treasurer to reserve not less than three pieces or each coin to be assayed;

when and by whom, &c.

Penalty on debasing the coins.

Money of account to be expressed in dollars, &c.

the said bullion shall have been brought or delivered, giving priority according to priority of delivery only, and without preference to any person or persons; and if any preference shall be given contrary to the direction aforesaid, the officer by whom such undue preference shall be given, shall in each case forfeit and pay one thousand dollars; to be recovered with costs of suit. And to the end that it may be known if such preference shall at any time be given, the assayer or officer to whom the said bullion shall be delivered to be coined, shall give to the person or persons bringing the same, a memorandum in writing under his hand, denoting the weight, fineness and value thereof, together with the day and order of its delivery into the mint.

SEC. 16. *And be it further enacted*, That all the gold and silver coins which shall have been struck at, and issued from the said mint, shall be a lawful tender in all payments whatsoever, those of full weight according to the respective values herein before declared, and those of less than full weight at values proportional to their respective weights.

SEC. 17. *And be it further enacted*, That it shall be the duty of the respective officers of the said mint, carefully and faithfully to use their best endeavours that all the gold and silver coins which shall be struck at the said mint shall be, as nearly as may be, conformable to the several standards and weights aforesaid, and that the copper whereof the cents and half cents aforesaid may be composed, shall be of good quality.

SEC. 18. And the better to secure a due conformity of the said gold and silver coins to their respective standards, *Be it further enacted*, That from every separate mass of standard gold or silver, which shall be made into coins at the said mint, there shall be taken, set apart by the treasurer and reserved in his custody a certain number of pieces, not less than three, and that once in every year the pieces so set apart and reserved, shall be assayed under the inspection of the Chief Justice of the United States, the Secretary and Comptroller of the Treasury, the Secretary for the department of State, and the Attorney General of the United States, (who are hereby required to attend for that purpose at the said mint, on the last Monday in July in each year,) or under the inspection of any three of them, in such manner as they or a majority of them shall direct, and in the presence of the director, assayer and chief coiner of the said mint; and if it shall be found that the gold and silver so assayed, shall not be inferior to their respective standards herein before declared more than one part in one hundred and forty-four parts, the officer or officers of the said mint whom it may concern shall be held excusable; but if any greater inferiority shall appear, it shall be certified to the President of the United States, and the said officer or officers shall be deemed disqualified to hold their respective offices.

SEC. 19. *And be it further enacted*, That if any of the gold or silver coins which shall be struck or coined at the said mint 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 directions of this act, 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 suffer death.

SEC. 20. *And be it further enacted*, That the money of account of the United States shall be expressed in dollars or units, dismes or tenths, cents or hundredths, and milles or thousandths, a disme being the tenth part of a dollar, a cent the hundredth part of a dollar, a mille the thou-

sandth part of a dollar, and that all accounts in the public offices and all proceedings in the courts of the United States shall be kept and had in conformity to this regulation.

APPROVED, April 2, 1792.

STATUTE I.

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

April 12, 1792.

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

Expenses of beacons, &c. to be borne till July 1793.

1793, ch. 27.

SEC. 2. *And be it further enacted,* That the secretary of the treasury be authorized to cause to be provided, erected, and placed, a floating beacon, and as many buoys, as may be necessary for the security of navigation, at and near the entrance of the harbor of Charleston, in the state of South Carolina. And also to have affixed three floating beacons in the bay of Chesapeak; one at the north end of Willoughby's Spit, another at the tail of the Horse Shoe; and the third on the shoalest place of the middle ground.

Floating beacons to be placed at Charleston harbor and Chesapeake bay.

APPROVED, April 12, 1792.

STATUTE I.

CHAP. XVIII.—*An Act to erect a Lighthouse on Montok Point in the state of New York.*

April 12, 1792.

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 on Montok Point in the state of New York as the President of the United States shall deem sufficient and most proper for the convenience and accommodation of a lighthouse shall have been ceded to the United States it shall be the duty of the secretary of the treasury, to provide by contract which shall be approved by the President of the United States, for building a lighthouse thereon, and for 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 the same; and the President is hereby authorized to make the said appointments. That the number and disposition of the lights in the said lighthouse shall be such as may tend to distinguish it from others, and as far as is practicable, prevent mistakes.

Lighthouse on certain conditions to be built on Montok Point in State of N. Y.

APPROVED, April 12, 1792.

The following act of Congress, although strictly a private act, has application to so large a body of lands in the state of Ohio, as to justify its insertion in the form of a note.

An act for ascertaining the Bounds of a Tract of Land purchased by John Cleves Symmes.

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 he and he hereby is authorized at the request of John Cleves Symmes, or his agent or agents, to alter the contract made between the late board of treasury and the said John Cleves Symmes, for the sale of a tract of land of one million of acres, in such manner that the said tract may extend from the mouth of the Great Miami, to the mouth of the Little Miami, and

STATUTE I.

April 12, 1792. CHAP. XX.—*An Act for fixing the compensations of the Doorkeepers of the Senate and House of Representatives in Congress.*

Salary of doorkeepers of Congress after present session.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the termination of the present session of Congress, the doorkeepers of the Senate and House of Representatives, shall each be allowed a salary of five hundred dollars per annum, in full compensation for their services in the said offices; and that the assistant doorkeeper to each house shall be allowed in full compensation for all his services, the sum of four hundred and fifty dollars per annum. And it shall be the duty of the said doorkeepers to do the usual services pertaining to their respective offices during the session of Congress, and in the recess, under the direction of the secretary of the Senate and clerk of the House of Representatives, to take care of the apartments occupied by the respective houses, and provide fuel and other accommodations for their subsequent session. And the said compensations shall be certified and paid in like manner as is provided by law, for the other officers of the Senate and House of Representatives.

1802, ch. 35.

1789, ch. 17,
sec. 5, 6.

APPROVED, April 12, 1792.

STATUTE I.

April 13, 1792. CHAP. XXI.—*An Act for altering the times of holding the Circuit Courts, in certain districts of the United States, and for other purposes.*

[Obsolete.]
Times for holding circuit courts in certain districts altered.

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 the circuit courts in the districts of North Carolina and Georgia shall be held as follows, to wit: In the district of North Carolina on the first day of June, and the thirtieth day of November at Newbern, in the present and each succeeding year. And all writs and recognizances returnable and suits and other proceedings that were continued to the circuit court for the district of North Carolina on the eighteenth day of June next, shall now be returned and held continued to the same court on the first day of June next. In the district of Georgia on the twenty-fifth day of April at Savannah and on the eighth day of November at Augusta in the present and each succeeding year, except when any of those days shall happen on a Sunday, in which case the court shall be held on the Monday following.

1797, ch. 35.

When sessions of the eastern circuit shall commence.

SEC. 2. *And be it further enacted,* That the sessions of the circuit courts in the eastern circuit shall in the present and every succeeding year commence at the times following, that is to say: In New York district on the fifth day of April and the fifth day of September. In Connecticut district on the twenty-fifth day of April and the twenty-fifth day of September. In Massachusetts district on the twelfth day of May and the twelfth day of October. In New Hampshire district on the twenty-fourth day of May and the twenty-fourth day of October; and in Rhode Island district on the seventh day of June and the seventh day of November, except when any of those days shall happen on a Sunday, and then the sessions shall commence on the next day following. And the sessions of the circuit court shall be held in the district of Virginia at the city of Richmond only. In New Hampshire district at Ports-

be bounded by the river Ohio on the south, by the Great Miami on the west, by the Little Miami on the east, and by a parallel of latitude on the north extending from the Great Miami to the Little Miami, so as to comprehend the proposed quantity of one million of acres, provided that the northern limits of the said tract shall not interfere with the boundary line established by the treaty of Fort Harmar, between the United States and the Indian nations, and provided also, that the President reserve to the United States, such lands at, and near Fort Washington, as he may think necessary for the accommodation of a garrison at that fort.

APPROVED, April 12, 1792.

mouth and Exeter alternately, beginning at the first. In Massachusetts district at Boston. In Rhode Island district at Newport and Providence alternately, beginning at the first. In Connecticut district at Hartford and New Haven alternately beginning at the last. And in New York district at the city of New York only.

SEC. 3. *And be it enacted*, That at each session of the supreme court of the United States, or as soon after as may be, the judges of the supreme court attending at such session shall, in writing subscribed with their names (which writing shall be lodged with the clerk of the supreme court and safely kept in his office), assign to the said judges respectively the circuits which they are to attend at the ensuing sessions of the circuit courts; which assignment shall be made in such manner that no judge, unless by his own consent, shall have assigned to him any circuit which he hath already attended, until the same hath been afterwards attended by every other of the said judges. *Provided always*, That if the public service or the convenience of the judges shall at any time, in their opinion, require a different arrangement, the same may take place with the consent of any four of the judges of the supreme court.^(a)

Judges of supreme court at each session to determine the circuits they are respectively to attend, &c.

SEC. 4. *And be it further enacted*, That the district court for the district of Maine, which, by the act, intituled "An act to establish the judicial courts of the United States," is holden on the first Tuesday of June, annually, at Portland, shall, from and after the passing of this act, be holden on the third Tuesday of June, annually, any thing in the act aforesaid to the contrary notwithstanding: and all writs and recognizances returnable, and suits and other proceedings, that were continued to the district court for the district of Maine on the first Tuesday of June next, shall now be returnable and held continued to the same court, on the third Tuesday of June next.

Session of Maine district, 1789, ch. 20.

1802, ch. 31, sec. 22.

SEC. 5. *And be it further enacted*, That the stated district courts for the district of North Carolina shall, in future, be held at the towns of Newbern, Wilmington and Edenton in rotation, beginning at Newbern, as the said court now stands adjourned.

and of N. Carolina altered. 1797, ch. 27, sec. 2.

APPROVED, April 13, 1792.

STATUTE I.

CHAP. XXIII.—*An Act for apportioning Representatives among the several States, according to the first enumeration.*

April 14, 1792.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the third day of March one thousand seven hundred and ninety-three, the House of Representatives shall be composed of members elected agreeably to a ratio of one member for every thirty-three thousand persons in each state, computed according to the rule prescribed by the constitution; that is to say: Within the state of New Hampshire, four; within the state of Massachusetts, fourteen; within the state of Vermont, two; within the state of Rhode Island, two; within the state of Connecticut, seven; within the state of New York, ten; within the state of New Jersey, five; within the state of Pennsylvania, thirteen; within the state of Delaware, one; within the state of Maryland, eight; within the state of Virginia, nineteen; within the state of Kentucky, two; within the state of North Carolina, ten; within the state of South Carolina, six; and within the state of Georgia, two members.

[Obsolete.] Apportionment of representatives to Congress according to first enumeration. 1791, ch. 9. 1802, ch. 1. 1811, ch. 9. 1820, ch. 37. 1832, ch. 91. 1842, ch. 25.

APPROVED, April 14, 1792.

(a) The provisions of the acts of Congress relating to the assignment of the circuits to the justices of the Supreme Court, have been: Act of April 13, 1792, sec. 3; act of March 2, 1793; act of April 29, 1802, sec. 5; act of March 3, 1803; act of March 3, 1837.

STATUTE I.
April 14, 1792.

CHAP. XXIV.—*An Act concerning Consuls and Vice-Consuls.*

For carrying into full effect the convention between the King of the French, and the United States of America, entered into for the purpose of defining and establishing the functions and privileges of their respective Consuls and Vice-Consuls;

Duty of Consuls and district judges concerning wrecks.

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That where in the seventh article of the said convention, it is agreed that when there shall be no consul or vice-consul of the King of the French, to attend to the saving of the wreck of any French vessels stranded on the coasts of the United States, or that the residence of the said consul, or vice-consul (he not being at the place of the wreck) shall be more distant from the said place than that of the competent judge of the country, the latter shall immediately proceed to perform the office therein prescribed; the district judge of the United States of the district in which the wreck shall happen, shall proceed therein, according to the tenor of the said article. And in such cases it shall be the duty of the officers of the customs within whose districts such wrecks shall happen, to give notice thereof, as soon as may be, to the said judge, and to aid and assist him to perform the duties hereby assigned to him. The district judges of the United States shall also, within their respective districts be the competent judges, for the purposes expressed in the ninth article of the said convention, and it shall be incumbent on them to give aid to the consuls and vice-consuls of the King of the French, in arresting and securing deserters from vessels of the French nation according to the tenor of the said article.

Duty of Marshals.

And where by any article of the said convention, the consuls and vice-consuls of the King of the French, are entitled to the aid of the competent executive officers of the country, in the execution of any precept, the marshals of the United States and their deputies shall, within their respective districts, be the competent officers, and shall give their aid according to the tenor of the stipulations.

Where commitments shall be made.

And whenever commitments to the jails of the country shall become necessary in pursuance of any stipulation of the said convention, they shall be to such jails within the respective districts as other commitments under the authority of the United States are by law made.

(a) Act of July 6, 1797, chap. 12; act of February 28, 1803, chap. 9; act of February 28, 1811, chap. 23; act of March 3, 1813, chap. 42, sec. 6. 1810, ch. 39.

The decisions of the courts of the United States upon the powers, duties, and obligations of consuls, have been:

A foreign consul has a right to claim or institute a proceeding in rem where the rights of property of his fellow-citizens are in question, without a special procuracy from those for whose benefit he acts. *The Bello Corrunnes*, 6 Wheat. 152; 5 Cond. Rep. 45.

A consul cannot receive actual restitution of the res in controversy, without a special authority. To watch over the rights and interests of their subjects, wherever the pursuits of commerce may draw them, or the vicissitudes of human affairs may force them, are the great objects for which consuls are deputed by their sovereigns. *Ibid.*

As an abstract question, it is difficult to understand on what ground a state can claim jurisdiction of civil suits against consuls. By the constitution, the judicial power of the courts of the United States, extends to all cases affecting ambassadors, other public ministers, and consuls, exclusive of the courts of the several states, and the judiciary act gives the district courts jurisdiction of all suits against consuls and vice consuls, except for certain offences enumerated in the act. *Davis v. Packard*, 7 Peters, 276.

Consuls are subject to indictment for misdemeanor in the courts of the United States. *United States v. Ravara*, 2 Dall. 297.

A consul is not personally answerable for a contract made in his official capacity on account of his government. *Jones v. Le Tombe*, 3 Dall. 384.

The advice of an American consul in a foreign port, gives to the master of a vessel no justification for an illegal act. *Wilson v. The Mary, Gilpin's D. C. R.* 31.

A consul's certificate of any fact is not evidence between third persons, unless expressly or impliedly made so by statute. *Levy v. Burley*, 2 Sumner's C. C. R. 355.

Under the consular act of 1803, the penalty of 500 dollars for not depositing the ship's register with the consul, on arrival at a foreign port, must be sued for within two years, the limitation prescribed by the act of 1790; it not being a revenue law within the meaning of the act of 1804. *Parsons v. Hunter*, 2 Sumner's C. C. R. 419.

And for the direction of the consuls and vice-consuls of the United States in certain cases.

SEC. 2. *Be it enacted by the authority aforesaid,* That they shall have right in the ports or places to which they are or may be severally appointed of receiving the protests or declarations, which such captains, masters, crews, passengers and merchants, as are citizens of the United States may respectively choose to make there; and also such as any foreigner may choose to make before them relative to the personal interest of any citizens of the United States; and the copies of the said acts duly authenticated by the said consuls or vice-consuls, under the seal of their consulates, respectively, shall receive faith in law, equally as their originals would in all courts in the United States. It shall be their duty where the laws of the country permit, to take possession of the personal estate left by any citizen of the United States, other than seamen belonging to any ship or vessel who shall die within their consulate; leaving there no legal representative, partner in trade or trustee by him appointed to take care of his effects, they shall inventory the same with the assistance of two merchants of the United States, or for want of them, of any others at their choice; shall collect the debts due to the deceased in the country where he died, and pay the debts due from his estate which he shall have there contracted; shall sell at auction after reasonable public notice such part of the estate as shall be of a perishable nature and such further part, if any, as shall be necessary for the payment of his debts, and at the expiration of one year from his decease, the residue; and the balance of the estate they shall transmit to the treasury of the United States, to be holden in trust for the legal claimants. But if at any time before such transmission, the legal representative of the deceased shall appear and demand his effects in their hands, they shall deliver them up, being paid their fees, and shall cease their proceedings.

Right of Consuls and Vice Consuls,

to take charge of personal estates of deceased persons, &c.

To collect debts, &c. and transmit balance to the Treasury of the U. S. if not called for by legal representative.

For the information of the representative of the deceased, it shall be the duty of the consul or vice-consul authorized to proceed as aforesaid in the settlement of his estate, immediately to notify his death in one of the gazettes published in the consulate, and also to the Secretary of State, that the same may be notified in the state to which the deceased shall belong; and he shall also, as soon as may be, transmit to the Secretary of State, an inventory of the effects of the deceased taken as before directed.

Consul to notify the death in a gazette published in the consulate.

SEC. 3. *And be it further enacted,* That the said consuls and vice-consuls, in cases where ships or vessels of the United States shall be stranded on the coasts of their consulates respectively, shall, as far as the laws of the country will permit, take proper measures, as well for the purpose of saving the said ships or vessels, their cargoes and appurtenances, as for storing and securing the effects and merchandise saved, and for taking an inventory or inventories thereof; and the merchandise and effects saved with the inventory or inventories thereof taken as aforesaid, shall, after deducting therefrom the expense, be delivered to the owner or owners. *Provided,* That no consul or vice-consul shall have authority to take possession of any such goods, wares, merchandise or other property, when the master, owner or consignee thereof is present or capable of taking possession of the same.

Duty as to stranded vessels.

SEC. 4. *And be it further enacted,* That it shall and may be lawful for every consul and vice-consul of the United States, to take and receive the following fees of office for the services which he shall have performed.

Fees.

For authenticating under the consular seal, every protest, declaration, deposition, or other act, which such captains, masters, mariners, seamen, passengers, merchants or others as are citizens of the United States may respectively choose to make, the sum of two dollars.

For the taking into possession, inventorying, selling and finally settling and paying, or transmitting as aforesaid, the balance due on the personal estate left by any citizen of the United States who shall die within the limits of his consulate, five per centum on the gross amount of such estate.

For taking into possession and otherwise proceeding on any such estate which shall be delivered over to the legal representative before a final settlement of the same, as is herein before directed, two and an half per centum on such part delivered over as shall not be in money, and five per centum on the gross amount of the residue.

Consuls to receipt for them.

And it shall be the duty of the consuls and vice-consuls of the United States, to give receipts for all fees which they shall receive by virtue of this act, expressing the particular services for which they are paid.

President authorized to grant a salary to Consuls in Barbary. 1797, ch. 12.

SEC. 5. *And be it further enacted*, That in case it be found necessary for the interest of the United States, that a consul or consuls be appointed to reside on the coast of Barbary, the President be authorized to allow an annual salary, not exceeding two thousand dollars to each person so to be appointed: *Provided*, That such salary be not allowed to more than one consul for any one of the states on the said coast.

Consuls to give bond with sureties to be approved by the Secretary of State;

SEC. 6. *And be it further enacted*, That every consul and vice-consul shall, before they enter on the execution of their trusts, or if already in the execution of the same, within one year from the passing of this act, or if resident in Asia, within two years, give bond with such sureties as shall be approved by the Secretary of State, in a sum of not less than two thousand nor more than ten thousand dollars, conditioned for the true and faithful discharge of the duties of his office according to law, and also for truly accounting for all monies, goods and effects which may come into his possession by virtue of this act: and the said bond shall be lodged in the office of the Secretary of the Treasury.

where to be lodged.

Provision for mariners left in foreign ports.

Repealed by the fifth section of the Act of Feb. 28, 1803.

SEC. 7. *And be it further enacted*, That to prevent the mariners and seamen, employed in vessels belonging to citizens of the United States, in cases of shipwreck, sickness or captivity, from suffering in foreign ports, it shall be the duty of the consuls and vice-consuls respectively, from time to time to provide for them in the most reasonable manner, at the expense of the United States, subject to such instructions as the Secretary of State shall give, and not exceeding an allowance of twelve cents to a man per diem; and all masters and commanders of vessels belonging to citizens of the United States, and bound to some port of the same, are hereby required and enjoined to take such mariners or seamen on board of their ships or vessels, at the request of the said consuls or vice-consuls respectively, and to transport them to the port, in the United States to which such ships or vessels may be bound free of costs or charge; but that the said mariners or seamen shall, if able, be bound to do duty on board such ships or vessels according to their several abilities: *Provided*, That no master or captain of any ship or vessel, shall be obliged to take a greater number than two men to every one hundred tons burthen of the said ship or vessel, on any one voyage: and if any such captain or master shall refuse the same on the request or order of the consul or vice-consul, such captain or master shall forfeit and pay the sum of thirty dollars for each mariner or seaman so refused, to be recovered for the benefit of the United States by the said consul or vice-consul in his own name, in any court of competent jurisdiction.

Duty of masters of vessels respecting discharged seamen and of Consuls neglecting it.

Repealed by the 5th section

SEC. 8. *And be it further enacted*, That where a ship or vessel belonging to citizens of the United States is sold in a foreign port or place, the master, unless the crew are liable by their contract or do consent to be discharged there, shall send them back to the state where they entered on board, or furnish them with means sufficient for their return, to be ascertained by the consul or vice-consul of the United States,

having jurisdiction of the port or place. And in case of the master's refusal, the said consul or vice-consul may (if the laws of the land permit it) cause his ship, goods and person to be arrested and held until he shall comply with his duty herein.

of the Act of
Feb. 28, 1803.

SEC. 9. *And be it further enacted*, That the specification of certain powers and duties, in this act, to be exercised or performed by the consuls and vice-consuls of the United States, shall not be construed to the exclusion of others resulting from the nature of their appointments, or any treaty or convention under which they may act.

Powers de
fined.

APPROVED, April 14, 1792.

STATUTE I.

CHAP. XXV.—*An Act authorizing the grant and conveyance of certain Lands to the Ohio Company of Associates.*

April 21, 1792.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That a certain contract expressed in an indenture executed on the twenty-seventh day of October, in the year one thousand seven hundred and eighty-seven, between the then board of treasury for the United States of America, of the one part, and Manasseh Cutler, and Winthrop Sergeant, as agents for the directors of the Ohio Company of Associates, of the other part, so far as the same respects the following described tract of land; that is to say: "Beginning at a station where the western boundary line of the seventh range of townships, laid out by the authority of the United States in Congress assembled, intersects the river Ohio; thence extending along that river south-westerly to a place where the western boundary line of the fifteenth range of townships, when laid out agreeably to the land ordinance passed the twentieth day of May, one thousand seven hundred and eighty-five, would touch the said river; thence running northerly on the said western bounds of the said fifteenth range of townships, 'till a line drawn due east to the western boundary line of the said seventh range of townships, will comprehend, with the other lines of this tract, seven hundred and fifty thousand acres of land, besides the several lots and parcels of land in the said contract reserved or appropriated to particular purposes; thence running east to the western boundary line of the said seventh range of townships, and thence along the said line to the place of beginning," be and the same is hereby confirmed: And that the President of the United States be and he hereby is authorized and empowered to issue letters patent in the name and under the seal of the United States, thereby granting and conveying to Rufus Putnam, Manasseh Cutler, Robert Oliver, and Griffin Green, and to their heirs and assigns, in fee simple, the said described tract of land, with the reservations in the said indenture expressed, in trust for the persons composing the said Ohio company of associates, according to their several rights and interests, and for their heirs and assigns, as tenants in common.

Certain tract
of land contract-
ed for in 1787

confirmed, and
President of the
United States to
grant letters pa-
tent in the name
of Rufus Put-
nam, &c.

SEC. 2. *And be it further enacted*, That the President be and he hereby is further authorized and empowered, by letters patent as aforesaid, to grant and convey to the said Rufus Putnam, Manasseh Cutler, Robert Oliver and Griffin Green, and to their heirs and assigns, in trust, for the uses above expressed, one other tract of two hundred and fourteen thousand, two hundred and eighty-five acres of land. *Provided*, That the said Rufus Putnam, Manasseh Cutler, Robert Oliver and Griffin Green, or either of them, shall deliver to the Secretary of the Treasury within six months, warrants which issued for army bounty-rights sufficient for that purpose, according to the provision of a resolve of Congress of the twenty-third day of July, one thousand seven hundred and eighty-seven.

To grant one
other tract to
Rufus Putnam,
&c.

on certain con-
ditions.

To grant one other tract to Rufus Putnam, and others.

SEC. 3. *And be it further enacted*, That the President be and he hereby is further authorized and empowered by letters patent as aforesaid, to grant and convey to the said Rufus Putnam, Manasseh Cutler, Robert Oliver and Griffin Green, and to their heirs and assigns, in fee simple, in trust for the uses above expressed, a farther quantity of one hundred thousand acres of land. *Provided always nevertheless*, That the said grant of one hundred thousand acres shall be made on the express condition of becoming void, for such part thereof, as the said company shall not have, within five years from the passing of this act, conveyed in fee simple, as a bounty and free of expense, in tracts of one hundred acres, to each male person, not less than eighteen years of age, being an actual settler at the time of such conveyance.

On an express condition.

Where to be located.

SEC. 4. *And be it further enacted*, That the said quantities of two hundred and fourteen thousand, two hundred and eighty-five acres, and of one hundred thousand acres, shall be located within the limits of the tract of one million, five hundred thousand acres of land, described in the indenture aforesaid, and adjoining to the tract of land described in the first section of this act, and in such form as the President in the letters patent, shall prescribe for that purpose.

APPROVED, April 21, 1792.

STATUTE I.

April 27, 1792.

CHAP. XXVI.—*An Act to indemnify the Estate of the late Major General Nathaniel Green, for a certain bond entered into by him during the late war.*

Estate of the late General Green indemnified for amount of a certain bond,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States shall and will indemnify the estate of the late General Green, for the sum of eight thousand six hundred and eighty-eight pounds six shillings sterling money, being the amount due on the first day of May, one thousand seven hundred and eighty-six, on a certain bond executed to Messieurs Newcomen and Collet, by the said General Green, as surety for John Banks and Company, and the interest thereon; excepting therefrom a certain conditional bond given in June one thousand seven hundred and eighty-six, for about one thousand six hundred pounds sterling, (be the same more or less) being part of the aforesaid sum of eight thousand six hundred and eighty-eight pounds six shillings, which was to be paid, only in case the said General Green should recover from the said Banks, or Banks and Company, a sum sufficient for his indemnity; *Provided* it shall appear upon due investigation, by the officers of the treasury, that the said General Green, in his lifetime, or his executors, since his decease, have not been already indemnified, or compensated for the said sum of eight thousand six hundred and eighty-eight pounds six shillings, except as aforesaid: *And also provided*, That the said executors shall account for a sum being about two thousand pounds sterling, (be the same more or less) recovered of John Ferrie, one of the partners of the said Banks and Company, by the said executors, to be in part of the indemnification aforesaid; and also shall make over to the Comptroller of the Treasury and his successors, for the United States, all mortgages, bonds, covenants, or other counter securities whatsoever, now due, which were obtained by the said General Green, in his lifetime, from the said Banks and Company, on account of his being surety for them as aforesaid, to be sued for in the name of the said executors for the use of the United States. And the officers of the treasury are hereby authorized to liquidate and settle the sum due to the estate of the said General Green, to indemnify the same, as aforesaid, according to the true intent and meaning of this act, and to pay the same, out of the treasury of the United States, to the said executors, to be accounted for by them, as part of the said estate.

on certain conditions,

duty of the officers of the Treasury herein.

APPROVED, April 27, 1792.

CHAP. XXVII.—*An Act for raising a further sum of money for the protection of the frontiers, and for other purposes therein mentioned.*

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 last day of June next, the duties now in force upon the articles herein after enumerated and described, at their importation into the United States, shall cease, and that in lieu thereof, there shall be thenceforth laid, levied and collected upon the said articles, at their said importation, the several and respective rates or duties following, viz :

WINES, namely: Madeira, of the quality of London particular, per gallon, fifty-six cents; Madeira, of the quality of London market, per gallon, forty-nine cents; other Madeira wine, per gallon, forty cents; Sherry, per gallon, thirty-three cents; Saint Lucar, per gallon, thirty cents; Lisbon, per gallon, twenty-five cents; Oporto, per gallon, twenty-five cents; Teneriffe and Fayall, per gallon, twenty cents. All other wines, forty per centum ad valorem, provided that the amount of the duty thereupon shall, in no case, exceed thirty cents per gallon.

SPIRITS, distilled wholly or chiefly from grain: of the first class of proof, per gallon, twenty-eight cents; of the second class of proof, per gallon, twenty-nine cents; of the third class of proof, per gallon, thirty-one cents; of the fourth class of proof, per gallon, thirty-four cents; of the fifth class of proof, per gallon, forty cents; of the sixth class of proof, per gallon, fifty cents.

All other distilled spirits: of the second class of proof and under, per gallon, twenty-five cents; of the third class of proof and under, per gallon, twenty-eight cents; of the fourth class of proof and under, per gallon, thirty-two cents; of the fifth class of proof and under, per gallon, thirty-eight cents; of the sixth class of proof and under, per gallon, forty-six cents. Which several classes or denominations of proof shall be deemed and taken to correspond with those mentioned in the "act repealing after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the same."

Beer, ale and porter, per gallon, eight cents; steel, per hundred weight, one hundred cents; nails, per pound, two cents; cocoa, per pound, two cents; chocolate, per pound, three cents; playing cards, per pack, twenty-five cents; shoes and slippers of silk, twenty cents: all other shoes and slippers for men and women, clogs and goloshoes, ten cents: all other shoes and slippers for children, seven cents; on hemp, for every one hundred and twelve pounds, one hundred cents; on cables, for every one hundred and twelve pounds, one hundred and eighty cents; on tarred cordage, for every one hundred and twelve pounds, one hundred and eighty cents; on untarred cordage and yarn, for every one hundred and twelve pounds, two hundred and twenty-five cents; on twine and packthread, for every one hundred and twelve pounds, four hundred cents; on coal, per bushel, four and a half cents; on salts called Glauber salts, for every one hundred and twelve pounds, two hundred cents.

Articles ad valorem: China wares, looking glass, window and other glass, and all manufactures of glass, black quart bottles excepted; muskets, pistols, and other fire arms; swords, cutlasses, hangers and other side arms; starch, hair powder, wafers, glue, laces, lines, fringes, tassels, and trimmings commonly used by upholsterers, coachmakers and saddlers, and paper hangings; painters' colors, whether dry or ground in oil, fifteen per centum ad valorem; cast, slit, and rolled iron, and generally, all manufactures of iron, steel, tin, pewter, copper, brass, or of which either of these metals is the article of chief value, not being

STATUTE I.

May 2, 1792.

[Obsolete.]

On 30th June, 1792, duties now in force on certain articles to cease, and others to be collected in their stead.

1792, ch. 32.

Specific duties on certain enumerated articles.

Altered 1800, ch. 66, sec. 2.

1791, ch. 15.

Duties ad valorem.

otherwise particularly enumerated, brass and iron wire excepted; cabinet wares; leather tanned and tawed, and all manufactures of leather, or of which leather is the article of chief value, not otherwise particularly enumerated; medicinal drugs, except those commonly used in dyeing; hats, caps, and bonnets, of every sort; gloves and mittens; stockings; millinery ready made; artificial flowers, feathers and other ornaments for women's head dresses; fans; dolls dressed and undressed; toys; buttons of every kind; carpets and carpeting; mats and floor cloths; sail cloth; sheathing and cartridge paper; all powders, pastes, balls, balsams, ointments, oils, waters, washes, tinctures, essences, or other preparations or compositions commonly called sweet scents, odors, perfumes or cosmetics; all dentifrice powders, tinctures, preparations, or compositions whatsoever for the teeth or gums, ten per centum ad valorem.

1794, ch. 54,
1804, ch. 57.

Exemption of
articles con-
tinued.
August 4, 1790,
ch. 56.

Duty on salt
after 30th June,
how to be col-
lected; and

on goods not
enumerated in
this act.

Certain addi-
tional duty of
10 per cent.
continued:

Drawbacks
not already abo-
lished, contin-
ued:

Drawbacks.
Duty on salted
provisions ex-
ported—allow-
ance to vessels
employed in the
fisheries.

1792, ch. 6.

Duties, draw-
backs, &c. to
apply to any
quantity.

SEC. 2. *Provided always, and be it further enacted,* That all articles which are excepted and exempted from duty by the "act making farther provision for the payment of the debts of the United States," shall continue to be so excepted and exempted, and that, to the articles heretofore made free from duty, the following shall be added, namely, copper in pigs and bars, lapis calaminaris, unmanufactured wool, wood, sulphur.

SEC. 3. *And be it further enacted,* That from and after the last day of June next, in computing the duty heretofore laid upon salt, a bushel of salt shall be deemed not to exceed the weight of fifty-six pounds avoirdupois: and as often as the actual bushel of salt shall exceed the said weight, such salt shall be charged in the proportion of the present rate of duty per bushel for every fifty-six pounds of its actual weight.

SEC. 4. *And be it further enacted,* That after the said last day of June next, there shall be laid, levied and collected, in addition to the present duty thereupon, a duty of two and an half per centum ad valorem, upon all goods, wares and merchandises, not above enumerated or described, which, if imported in ships or vessels of the United States, are now chargeable with a duty of five per centum ad valorem.

SEC. 5. *And be it further enacted,* That the addition of ten per centum made by the second section of the "act making farther provision for the debts of the United States," to the rates of duties on goods, wares and merchandise, imported in ships or vessels not of the United States, shall continue in full force and operation, after the said last day of June next, in relation to the articles herein before enumerated and described.

SEC. 6. *And be it further enacted,* That all drawbacks and allowances authorized by the act aforesaid, which have not been heretofore abolished or changed, shall continue to operate, as in the said act prescribed in relation to the several duties which shall become payable by virtue of this act, and that in addition thereto, there shall be allowed and paid upon provisions salted within the United States, except upon dried fish, upon the exportation thereof to any foreign port or place, as follows, to wit: On pickled fish, at the rate of eight cents per barrel, and on other provisions at the rate of five cents per barrel; and from and after the first day of January next, there shall be an addition of twenty per centum to the allowances, respectively granted to ships or vessels employed in the bank or other cod fisheries, and in the terms provided by an act, intituled "An act concerning certain fisheries of the United States, and for the regulation and government of the fishermen employed therein," and during the continuance of the said act.

SEC. 7. *And be it further enacted,* That all duties, drawbacks and allowances, which, by virtue of this act, shall be payable or allowable on any specific quantity of goods, wares and merchandise, shall be deemed to apply, in proportion, to any quantity more or less than such specific quantity.

SEC. 8. *And be it further enacted,* That the term of credit for the

payment of duties on salt shall be nine months, and on all articles, the produce of the West Indies, salt excepted, where the amount of the duty to be paid by one person or co-partnership shall exceed fifty dollars, shall be four months, and that the duties on all other articles, except wines and teas, which shall be imported after the last day of June next, shall be payable, one half in six, one quarter in nine, and the other quarter in twelve calendar months from the time of each respective importation.

Terms of credit for payment of duties.

SEC. 9. *And be it further enacted*, That the act, intituled "An act to provide more effectually for the collection of duties imposed by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships and vessels," and as touching the duties on distilled spirits only, the act, intituled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad and laying others in their stead; and also upon spirits distilled within the United States, and for appropriating the same," shall extend to, and be in full force for the collection of the duties specified and laid in and by this act, and generally for the execution thereof, as fully and effectually, as if every regulation, restriction, penalty, provision, clause, matter and thing therein contained had been herein inserted and re-enacted.

Certain acts declared in force as to duties specified in this act.

1790, ch. 35.
1791, ch. 15.

SEC. 10. *And be it further enacted*, That all wines, which, after the said last day of June next, shall be imported into the United States, shall be landed under the care of the inspector of the port where the same shall be landed, and for that purpose, every permit for landing any wines, which shall be granted by a collector, shall, prior to such landing be produced to the said inspector, who, by endorsement thereupon under his hand, shall signify the production thereof to him, and the time when, after which, and not otherwise, on pain of forfeiture, it shall be lawful to land the said wines. And the said inspector shall make an entry of all such permits, and of the contents thereof, and each pipe, butt, hogshead, cask, case, box or package whatsoever, containing such wines, shall be marked by the officer under whose immediate inspection the same shall be landed, in legible and durable characters, with progressive numbers, the name of the said officer, and the quality or kind of wine, as herein before enumerated and distinguished. And the said officer shall grant a certificate for each such pipe, butt, hogshead, cask, case, box or package, specifying therein the name or names of the importer or importers, the ship or vessel in which the same shall have been imported, and the number thereof, to accompany the same wheresoever it shall be sent. And if any pipe, butt, hogshead, cask, case, box or package, containing wine, shall be found without such marks and certificates, the same shall be liable to be seized, and the want of such marks and certificates shall be presumptive evidence, that such wine was unlawfully imported and landed.

Wines imported after 30th June, how landed.

Duty of inspector.

SEC. 11. *And be it further enacted*, That every person, who shall have in his or her possession, wines which are intended for sale, in quantity exceeding one hundred and fifty gallons, shall, prior to the said last day of June next, make entry thereof in writing at some office of inspection in the city, town, or county where he or she shall reside, specifying and describing the casks, cases, boxes and other packages containing the same, and the kinds, qualities and quantities thereof, and where, and in whose possession they are; and the officer of inspection at whose office such entry may be made, shall, as soon as may be thereafter, visit and inspect, or cause to be visited and inspected, the wines so reported, and shall mark, or cause to be marked, the casks, cases, boxes and packages containing the same, with progressive numbers, with the name of the person to whom the same may belong, the kind or kinds thereof, and the words "Old Stock," and shall grant a certificate for each cask, case, box

Persons having certain quantity of wines for sale after 30th June next to make entry thereof, &c.

or package, containing such wine, describing therein the said cask, case, box or package, and the wines therein contained, which certificate shall accompany the same, wherever it may be sent. And if any person who may have wines in his or her possession for sale, shall not, prior to the said last day of June next, make entry thereof, as above directed, he or she, for such omission or neglect, shall forfeit and pay the value of the wine omitted to be entered, to be recovered with costs of suit, for the benefit of any person who shall give information thereof, and the wines so omitted to be entered, shall be forfeited.

How beer, &c. shall be brought into U. States.

SEC. 12. *And be it further enacted,* That from and after the last day of December next, no beer, ale or porter shall be brought into the United States, from any foreign port or place, except in casks or vessels, the capacity whereof shall not be less than forty gallons, or in packages containing not less than six dozen of bottles, on pain of forfeiture of the said beer, ale or porter, and of the ship or vessel, in which the same shall be brought.

Duties aforesaid how long to be collected.

SEC. 13. *And be it further enacted,* That the several and respective duties aforesaid, except that mentioned in the fourth section of this act, shall continue to be levied, collected and paid, until the debts and purposes, to and for which the duties, hereby directed to cease after the last day of June next, were pledged and appropriated, shall have been fully paid and satisfied; and that so much thereof, as may be necessary, shall be, and are hereby pledged and appropriated, in the same manner, for the same purposes, and with the same force and effect, as those, which are hereby directed to cease after the said last day of June next, and that so much of the residue thereof, as may be necessary, shall be, and are hereby appropriated for making good deficiencies in any funds, which may have been designated for satisfying grants and appropriations heretofore made.

Limitation of ad valorem duties, specified in 4th section.

SEC. 14. *And be it further enacted,* That the additional duty of two and an half per centum ad valorem, specified in the fourth section of this act, shall continue for the term of two years, from the commencement thereof, and no longer.

Appropriation of surplus duties. 1792, ch. 9.

SEC. 15. *And be it further enacted,* That the sum of one hundred and fifty thousand dollars, out of the surplus of the duties, which accrued to the end of the year one thousand seven hundred and ninety-one, and a farther sum of five hundred and twenty-three thousand five hundred dollars, out of the surplus of the duties hereby established as the same shall accrue, making together the sum of six hundred and seventy-three thousand five hundred dollars, shall be, and are hereby appropriated and applied, in addition to any former appropriation for the military establishment of the United States, towards carrying into execution the act, intituled "An act for making farther and more effectual provision for the protection of the frontiers of the United States."

President of U. States to take on loan from the bank, &c. a certain sum of money.

SEC. 16. *And be it further enacted,* That the President of the United States be empowered to take on loan, on account of the United States, from the President, directors and company of the bank of the United States, who are hereby authorized and empowered to lend the same, from any other body politic or corporate within the United States, or from any other person or persons, the whole or any part of the aforesaid sum of five hundred and twenty-three thousand five hundred dollars, to be applied to the purpose, to and for which the same is above appropriated, and to be reimbursed out of the aforesaid surplus of the duties by this act imposed, which surplus is, accordingly, appropriated to the said reimbursement. *Provided,* That the rate of interest of such loan shall not exceed five per centum per annum, and that the principal thereof may be reimbursed at the pleasure of the United States.

SEC. 17. *And be it further enacted,* That so much of the act, intituled "An act to provide more effectually for the collection of duties imposed

by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels," as hath rated the livre tournois of France at eighteen and an half cents, be and the same is hereby repealed.

Rate of livre tournois of France altered, 1790, ch. 35.

SEC. 18. *And be it enacted and declared*, That if the principal, in any bond which shall be given to the United States, for duties on goods, wares, and merchandise imported, shall be insolvent, or if such principal being dead, his or her estate and effects, which shall have come to the hands of his or her executors or administrators, shall be insufficient for the payment of his or her debts, and if, in either of the said cases, any surety in the said bond, or the executors and administrators of such surety, shall pay to the United States the monies thereupon due, such surety, his or her executors or administrators, shall have and enjoy the like advantage, priority and preference, for the recovery and receipt of the said monies out of the estate and effects of such insolvent or deceased principal, as are reserved and secured to the United States, by the forty-fourth section of the act, intituled "An act to provide more effectually for the collection of duties imposed by law on goods, wares, and merchandise imported into the United States, and on the tonnage of ships or vessels," and shall and may bring and maintain a suit upon the said bond, in law or equity, in his, her or their own name or names, for the recovery of the monies which shall have been paid thereupon. *And it is further declared*, That the cases of insolvency in the said forty-fourth section mentioned, shall be deemed to extend, as well to cases in which a debtor, not having sufficient property to pay all his or her debts, shall have made a voluntary assignment thereof, for the benefit of his or her creditors, or in which the estate and effects of an absconding, concealed or absent debtor shall have been attached by process of law, as to cases, in which an act of legal bankruptcy shall have been committed. (a)

Mode of procedure in case of insolvency of principal bonds, &c.

1790, ch. 35.

SEC. 19. *And be it further enacted*, That the President of the United States be, and hereby is authorized to appoint such place within the district of Vermont to be the port of entry and delivery within the said district, as he may deem expedient, any thing in the act, intituled "An act giving effect to the laws of the United States within the state of Vermont," to the contrary notwithstanding.

President of U. States to appoint port of entry and delivery in Vermont.

1791, ch. 12.

APPROVED, May 2, 1792.

(a) Priority of the United States. In all cases of insolvency or bankruptcy of a debtor of the United States, they are entitled to payment out of his effects. *The United States v. Fisher et al.*, 2 Cranch, 358; 1 Cond. Rep. 421.

The United States have no lien on the estate of their debtor, until suit brought, or a notorious insolvency or bankruptcy has taken place; or, being unable to pay all his debts, he has made a voluntary assignment of all his property; or the debtor having absconded, concealed, or absented himself, his property has been attached by process of law. *United States v. Hoe et al.*, 3 Cranch, 73; 1 Cond. Rep. 458.

The 5th section of the act of March 3, 1797, giving a priority of payment to the United States out of the effects of their debtors, did not apply to a debt due before the passing of the act, although the balance was not adjusted at the treasury until after the act was passed. *United States v. Bryan et al.*, 9 Cranch, 374; 3 Cond. Rep. 436.

In case of insolvency the United States are not entitled to a priority of payment, unless the insolvency be a legal and known insolvency, manifested by some notorious act of the debtor, pursuant to the act of Congress. *Prince v. Bartlett*, 8 Cranch, 431; 3 Cond. Rep. 199.

The United States are not entitled to a priority over all creditors, under the 65th section of the act of March 2, 1799, upon the ground of the debtor having made an assignment for the benefit of his creditors, unless it is proved that it is all the debtor's property. *United States v. Howland et al.*, 4 Wheat. 108; 4 Cond. Rep. 404.

The priority of the United States does not attach by the mere concealment of the debtor when insolvent. *Ibid.*

It has never been decided by the Supreme Court, that the priority of the United States will divest a specific lien attached to anything, whether it be accompanied by possession or not. *Conard v. The Atlantic Ins. Comp.*, 1 Peters, 439.

The priority of the United States extends as well to debts by bonds which are payable after insolvency or decease of the obligor, as to those actually due or payable at the period thereof. *The United States v. The State Bank of North Carolina*, 6 Peters, 29.

The priority of the United States for debts due to them by an insolvent debtor, or by the estate of a deceased debtor, does not extend to affect the lien of an incorporated bank on the stock held by one indebted to the bank, when by the charter of the bank such a lien is given. *Brent v. The Bank of Washington*, 10 Peters, 596.

STATUTE I.

May 2, 1792.

[Repealed.]
President of
U. States how
to proceed in
case of invasion
by foreign na-
tions, &c.

1795, ch. 36,
sec. 10.

Insurrection
against the gov-
ernment of any
state;

or opposition to
the execution of
the laws of U.
States.

By proclama-
tion to order in-
surgents to dis-
perse.

Pay of the
militia employ-
ed by U. States.

Penalty on
disobeying the
President of U.
States.

Courts martial
how composed.

CHAP. XXVIII.—*An Act to provide for calling forth the Militia to execute the laws of the Union, suppress insurrections and repel invasions.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whenever the United States shall be invaded, or be in imminent danger of invasion from any foreign nation or Indian tribe, it shall be lawful for the President of the United States, to call forth such number of the militia of the state or states most convenient to the place of danger or scene of action, as he may judge necessary to repel such invasion, and to issue his orders for that purpose, to such officer or officers of the militia as he shall think proper; and in case of an insurrection in any state, against the government thereof, it shall be lawful for the President of the United States, on application of the legislature of such state, or of the executive (when the legislature cannot be convened) to call forth such number of the militia of any other state or states, as may be applied for, or as he may judge sufficient to suppress such insurrection.

SEC. 2. *And be it further enacted,* That whenever the laws of the United States shall be opposed, or the execution thereof obstructed, in any state, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by this act, the same being notified to the President of the United States, by an associate justice or the district judge, it shall be lawful for the President of the United States to call forth the militia of such state to suppress such combinations, and to cause the laws to be duly executed. And if the militia of a state, where such combinations may happen, shall refuse, or be insufficient to suppress the same, it shall be lawful for the President, if the legislature of the United States be not in session, to call forth and employ such numbers of the militia of any other state or states most convenient thereto, as may be necessary, and the use of militia, so to be called forth, may be continued, if necessary, until the expiration of thirty days after the commencement of the ensuing session.

SEC. 3. *Provided always, and be it further enacted,* That whenever it may be necessary, in the judgment of the President, to use the military force hereby directed to be called forth, the President shall forthwith, and previous thereto, by proclamation, command such insurgents to disperse, and retire peaceably to their respective abodes, within a limited time.

SEC. 4. *And be it further enacted,* That the militia employed in the service of the United States, shall receive the same pay and allowances, as the troops of the United States, who may be in service at the same time, or who were last in service, and shall be subject to the same rules and articles of war: And that no officer, non-commissioned officer or private of the militia shall be compelled to serve more than three months in any one year, nor more than in due rotation with every other able-bodied man of the same rank in the battalion to which he belongs.

SEC. 5. *And be it further enacted,* That every officer, non-commissioned officer or private of the militia, who shall fail to obey the orders of the President of the United States in any of the cases before recited, shall forfeit a sum not exceeding one year's pay, and not less than one month's pay, to be determined and adjudged by a court martial; and such officer shall, moreover, be liable to be cashiered by sentence of a court martial: and such non-commissioned officers and privates shall be liable to be imprisoned by a like sentence, on failure of payment of the fines adjudged against them, for the space of one calendar month for every five dollars of such fine.

SEC. 6. *And be it further enacted,* That courts martial for the trial of militia shall be composed of militia officers only.

SEC. 7. *And be it further enacted,* That all fines to be assessed, as

aforsaid, shall be certified by the presiding officer of the court martial before whom the same shall be assessed, to the marshal of the district, in which the delinquent shall reside, or to one of his deputies; and also to the supervisor of the revenue of the same district, who shall record the said certificate in a book to be kept for that purpose. The said marshal or his deputy shall forthwith proceed to levy the said fines with costs, by distress and sale of the goods and chattels of the delinquent, which costs and the manner of proceeding, with respect to the sale of the goods distrained, shall be agreeable to the laws of the state, in which the same shall be, in other cases of distress; and where any non-commissioned officer or private shall be adjudged to suffer imprisonment, there being no goods or chattels to be found, whereof to levy the said fines, the marshal of the district or his deputy may commit such delinquent to gaol, during the term, for which he shall be so adjudged to imprisonment, or until the fine shall be paid, in the same manner as other persons condemned to fine and imprisonment at the suit of the United States, may be committed.

Fines to be certified,

and duty of marshals herein.

SEC. 8. *And be it further enacted*, That the marshals and their deputies shall pay all such fines by them levied to the supervisor of the revenue, in the district in which they are collected, within two months after they shall have received the same, deducting therefrom five per centum, as a compensation for their trouble; and in case of failure, the same shall be recoverable by action of debt or information in any court of the United States, of the district, in which such fines shall be levied, having cognizance thereof, to be sued for, prosecuted and recovered, in the name of the supervisor of the district, with interest and costs.

To pay the fines to the supervisor, &c.

SEC. 9. *And be it further enacted*, That the marshals of the several districts and their deputies, shall have the same powers in executing the laws of the United States, as sheriffs and their deputies in the several states have by law, in executing the laws of their respective states.

Powers of the marshals.

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

Continuation of this act.

APPROVED, May 2, 1792.

STATUTE I.

May 5, 1792.

CHAP. XXIX.—*An Act for the relief of persons imprisoned for Debt.*(a)

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That persons imprisoned on executions issuing from any court of the United States for satisfaction of judgments in any civil actions shall be entitled to like privileges of the yards or limits of the respective gaols as persons confined in such gaols for debt on judgments rendered in the courts of the several states are entitled to, and under the like regulations and restrictions.

Persons imprisoned on executions issuing from courts of U. States, to have like privileges as are allowed by state courts.

(a) The acts relating to imprisonment for debt, passed subsequent to this act, are: An act to continue in force the act for the relief of persons imprisoned for debt, passed May 30, 1794, chap. 34; an act for the relief of persons imprisoned for debt, passed May 28, 1796, chap. 38; an act supplementary to an act entitled, "An act for the relief of persons imprisoned for debts due to the United States," passed June 6, 1798, chap. 50; an act for the relief of persons imprisoned for debt, passed January 6, 1800, chap. 4; an act supplementary to "an act for the relief of persons imprisoned for debts due to the United States," passed March 3, 1817, chap. 114; an act supplementary to an act entitled, "An act for the relief of persons imprisoned for debt," passed January 7, 1824, chap. 3; an act supplementary to the act entitled, "An act supplementary to the act entitled, 'An act for the relief of persons imprisoned for debt,'" passed April 22, 1824, chap. 40; an act for the relief of certain insolvent debtors of the United States, passed March 2, 1831, chap. 62; an act in addition to an act entitled "An act for the relief of certain insolvent debtors of the United States," passed July 14, 1832, chap. 230; an act to extend, for a longer period, the several acts now in force for the relief of certain insolvent debtors of the United States, passed March 2, 1837, chap. 23; an act to extend for a longer period the several acts now in force for the relief of insolvent debtors to the United States, passed May 27, 1840, chap. 10; an act to re-enact, and continue in operation, the several acts now in force for the relief of insolvent debtors of the United States, passed January 28, 1843, chap. 20.

Mode of proceeding with respect to persons imprisoned.

SEC. 2. *And be it further enacted*, That any person imprisoned as aforesaid, may have the oath or affirmation herein after expressed administered to him by any judge of the United States, or of the general or supreme court of law of the state in which the debtor is imprisoned, the creditor, his agent or attorney, if either live within one hundred miles of the place of imprisonment, or within the district in which the judgment was rendered, having had at least thirty days previous notice, by a citation served on him, issued by any such judge, to appear at the time therein mentioned, at the said gaol, if he see fit, to show cause why the said oath or affirmation should not be so administered; at which time and place, if no sufficient cause, in the opinion of the judge, be shown or doth from examination appear to the contrary, he may, at the request of the debtor, proceed to administer to him the following oath or affirmation, as the case may be, viz: "You solemnly swear (or affirm) that you have not estate, real or personal, nor is any to your knowledge holden in trust for you to the amount or value of twenty dollars, nor sufficient to pay the debt for which you are imprisoned." Which oath or affirmation being administered, the judge shall certify the same under his hand, to the prison keeper, and shall fix a reasonable allowance for the debtor's support, not exceeding one dollar per week; and if the creditor shall thereafter any week fail to furnish the debtor with such weekly support, by paying or advancing the money to him, or to the prison keeper, for his use, the debtor shall be discharged from his imprisonment on such judgment, 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.

Penalty on false swearing. 1790, ch. 9, sec. 18.

SEC. 3. *And be it further enacted*, That if any person shall falsely take the oath or affirmation aforesaid, such person shall be deemed guilty of perjury, and suffer the pains and penalties in that case provided.

Limitation of this act.

SEC. 4. *And be it further enacted*, That this act shall continue and be in force, for the space of one year from the passing thereof, and from thence to the end of the next session of Congress, and no longer.

APPROVED, May 5, 1792.

STATUTE I.

May 5, 1792.

CHAP. XXX.—*An Act authorizing the grant and conveyance of certain Lands to John Cleves Symmes, and his Associates.*

President authorized to grant a certain number of acres to J. C. Symmes, on certain conditions.

Act of March 2, 1799, ch. 34. 1801, ch. 23.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be and he hereby is authorized and empowered to issue letters patent in the name and under the seal of the United States, thereby granting and conveying to John Cleves Symmes and his associates, and to their heirs and assigns, in fee simple, such number of acres of land as the payments already made by the said John Cleves Symmes, his agents or associates, under their contract of the fifteenth day of October one thousand seven hundred and eighty-eight, will pay for, estimating the lands at two thirds of a dollar per acre, and making the reservations specified in the said contract.

To grant one other tract.

SEC. 2. *And be it further enacted*, That the President be and he hereby is further authorized and empowered, by letters patent as aforesaid, to grant and convey to the said John Cleves Symmes and his associates, and to their heirs and assigns in fee simple, one other tract of one hundred and six thousand eight hundred and fifty-seven acres, with the reservations as aforesaid: *Provided*, That the said John Cleves Symmes, or his agents or associates, or any of them, shall deliver to the Secretary of the Treasury, within six months, warrants which issued

for army bounty rights sufficient for that purpose, according to the provision of the resolves of Congress of the twenty-third of July, and second of October, one thousand seven hundred and eighty-seven; but in case so many warrants should not be delivered, then the letters patent last aforesaid to be given for such number of acres, as shall be in proportion to the warrants so delivered.

SEC. 3. *And be it further enacted*, That the President be and he is hereby authorized and empowered, by letters patent as aforesaid, to grant and convey unto the said John Cleves Symmes and his associates, their heirs and assigns, in trust for the purpose of establishing an academy and other public schools and seminaries of learning, one complete township, conformably to an order of Congress of the second of October, one thousand seven hundred and eighty-seven, made in consequence of the application of the said John Cleves Symmes, for the purchase of the tract aforesaid.

One township granted for seminaries of learning.

SEC. 4. *And be it further enacted*, That the several quantities of land, to be granted and conveyed as aforesaid, shall be included and located within such limits and lines of boundary, as the President may judge expedient, agreeably to an act passed the twelfth day of April one thousand seven hundred and ninety-two, "for ascertaining the bounds of a tract of land purchased by John Cleves Symmes."

The lands to be located agreeable to a former act.

Ante, p. 251.

APPROVED, May 5th, 1792.

CHAP. XXXI.—*An Act to alter the time for the next Annual Meeting of Congress.*

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

APPROVED, May 5, 1792.

STATUTE I.

May 5, 1792.

[Obsolete.]

CHAP. XXXII.—*An Act concerning the Duties on Spirits distilled within the United States.*

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 last day of June next, the present duties upon spirits distilled within the United States, and on stills shall cease, and that in lieu thereof, upon all spirits which after the said day shall be distilled within the United States wholly or in part from molasses, sugar or other foreign materials, there shall be paid the duties following, that is to say:

[Repealed.] Act of April 6, 1802, ch. 19, sec. 1.

Former duties after the last day of June to cease, and

For every gallon of those spirits of the first class of proof, ten cents;—for every gallon of those spirits of the second class of proof, eleven cents;—for every gallon of those spirits of the third class of proof, twelve cents;—for every gallon of those spirits of the fourth class of proof, fourteen cents;—for every gallon of those spirits of the fifth class of proof, eighteen cents;—for every gallon of those spirits of the sixth class of proof, twenty-five cents.—And upon all spirits which after the said day shall be distilled within the United States from materials of the growth or produce of the United States, in any city, town or village, at any distillery at which there shall be one or more stills which singly or together shall be of the capacity of four hundred gallons or upwards, there shall be paid the duties following, that is to say:

Other duties to be paid upon spirits distilled from foreign materials.

For every gallon of those spirits of the first class of proof, seven cents;—for every gallon of those spirits of the second class of proof, eight cents;—for every gallon of those spirits of the third class of proof, nine cents;—for every gallon of those spirits of the fourth class of proof,

On spirits distilled of the materials of the U. States.

eleven cents;—for every gallon of those spirits of the fifth class of proof, thirteen cents;—for every gallon of those spirits of the sixth class of proof, eighteen cents.—And upon stills which after the said day shall be employed in distilling spirits from materials of the growth or produce of the United States, at any other place than a city, town or village, or at any distillery in a city, town or village, at which there shall be one or more stills which, singly if only one, or together if more than one, shall be of less capacity than four hundred gallons, there shall be paid the yearly duty of fifty-four cents for every gallon English wine measure of the capacity or content of each and every such still including the head thereof: *Provided*, That it shall be at the option of the proprietor or possessor of any such still, instead of the said yearly duty, either to pay seven cents for every gallon of spirits by him or her distilled, or to pay at the rate of ten cents per gallon of the capacity for each and every month of the employment of any such still; and in case the said proprietor or possessor shall elect to pay either the said rate of seven cents per gallon, of the spirits by him or her distilled, or the said monthly rate of ten cents, according to the capacity of his or her still or stills, he or she at the time of making entry of his or her still or stills in manner herein after directed, shall by writing under his or her hand, left at the office of inspection where such entry shall be made, notify the said election, and if the same shall be to pay the said monthly rate of ten cents, shall demand a license for the term of time, specifying the day of commencing and the day of ending, during which he or she shall intend to work his or her still or stills, which license shall without delay or expense to the said proprietor or possessor be granted, and shall be signed by the supervisors of the revenue, and countersigned by the officer at whose office application for the same shall have been made. And in the case of an election to pay the said monthly rate of ten cents, it shall not be lawful for any person by whom the same shall have been made, to work his or her still or stills, at any time, within the year from the date of his or her entry thereof, other than that for which a license shall have been granted, unless he or she shall have previously obtained another license for such further time, which upon like application shall and may be granted, in like manner, and if any such person shall work his or her still or stills, contrary to the direction or provision aforesaid, he or she shall forfeit and pay for every such offence, two hundred dollars. And in every case in which any proprietor or possessor of a still or stills subject to the payment of duty according to the capacity of such still or stills, shall not make election to pay according to one or the other of the alternatives aforesaid; or shall not duly comply therewith, he or she shall be liable to pay, and shall pay the said yearly rate of fifty-four cents for every gallon of the capacity or capacities of his or her still or stills.

SEC. 2. *And be it further enacted*, That there be in each county comprehended within any district, at least one office of inspection, at which every person having or keeping a still or stills within such county shall, between the last day of May and the first day of July in each year, make entry of such still or stills; and at which every person, who being a resident within the county shall procure a still or stills, or who removing within a county, shall bring therein a still or stills, shall, within thirty days after such procuring or removal, and before he or she shall begin to use such still or stills, make entry thereof. And every entry, besides describing each still and the capacity thereof, shall specify the place where, and the person in whose possession it is, and the purpose for which it is intended, as whether for sale or use in distilling; and in the case of removal, shall specify the place from which every such still shall have been brought.

SEC. 3. *And be it further enacted*, That every proprietor and possessor of a still shall be jointly and severally liable for the duty thereupon;

Duty on stills.

How paid.

Owners in what cases &c. how to make entry of stills, &c.

and to obtain license for working them.

Penalty for working stills without license.

1798, ch. 10.

Office of inspection in each county for entry of stills, &c.

and that every owner of land, upon which any still shall be worked, shall be liable for the duty thereupon, unless the same shall be worked by a lawful and bona fide tenant of the land of an estate, not less than for the term of one year, or unless such owner can make it appear, that the possessor of, or person by whom such still shall have been worked, was during the whole time of working the same, a trespasser or intruder on his land.

SEC. 4. *And be it further enacted,* That every officer of inspection within whose survey any distillery of geneva or sweet cordials, subject to the payment of duty by the gallon of the spirits distilled thereon may be, shall forbear to visit or inspect for a space not exceeding two hours in each day, such part of the said distillery as he may be required by the proprietor, possessor or manager of such distillery to forbear to visit and inspect, for which purpose it shall be necessary for the said proprietor, possessor or manager, to give notice in writing to the said officer, describing therein particularly the part of such distillery, which it shall be his desire that the said officer may forbear to visit and inspect, and specifying the time of each day for which such forbearance shall be desired.

SEC. 5. *And be it further enacted,* That it shall be in the discretion of the secretary of the treasury to regulate as well the marks, to be set upon the casks, vessels and packages containing distilled spirits, as the forms of the certificates which are to accompany the same, and that when any cask or vessel in which distilled spirits have been contained, shall have been emptied of its contents, it shall be lawful for the marks thereupon to be effaced by, or in the presence of an officer of inspection, and if the said cask or vessel shall afterwards be used for putting therein other spirits, the same may be marked anew.

SEC. 6. *And be it further enacted,* That instead of a notice of twenty-four hours heretofore required to be given of the intent to export distilled spirits in order to the benefit of the drawback of the duties thereupon, six hours shall be sufficient.

SEC. 7. *And be it further enacted,* That there be an abatement for leakage at the rate of two per cent. in every case in which the duty shall be payable by the gallon of the spirits distilled, to be allowed at the distillery where such spirits shall be made.

SEC. 8. *And be it further enacted,* That the officer of inspection within whose survey any still shall be, the duty whereupon is payable according to the capacity of the still shall identify by progressive numbers and other proper marks, every such still within his survey, and the duty thereupon shall operate as a specific lien upon the said still.

SEC. 9. *And be it further enacted,* That every distiller of, and dealer in spirits, who may have in his or her possession, distilled spirits not marked or certified, pursuant to the act, intitled "An act repealing after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the same," shall, prior to the last day of September next, report the spirits in his or her possession, in writing at some office of inspection, to the end that such spirits may be marked and certified as old stock. And that from and after the said last day of September next, casks and vessels of the capacity of twenty gallons and upwards, containing distilled spirits, which shall be found in the possession of any distiller or dealer in spirits, except at a distillery where the same were made, or in going from one place to another, without being marked according to law, or without having a certificate from some proper officer, shall be liable to seizure and forfeiture, and that it shall be the duty of the several officers of inspection, upon request of any dealer or distiller, to take measures for the marking of casks, vessels and packages containing

Proprietors &c. how liable for duty on stills.

Officers to forbear inspecting distillery of geneva for two hours, &c.

on written notice from the proprietors.

Secretary of the treasury to regulate marks upon casks, &c.

Notice to be given for obtaining drawback on spirits exported.

Abatement for leakage. 1791, ch. 15, sec. 52.

Duty of officer of inspection herein.

Distilleries &c. of spirits when to report the quantity on hand; 1791, ch. 15.

casks not marked according to law liable to seizure, &c.

Inspection of-
ficer to mark
casks, &c.

After April
1793, spirits to
be brought into
U. States in
casks of 90 gal-
lons, &c.

Drawbacks on
what quantity
allowed.

After June
next how spirits
shall be import-
ed.

Penalty on ne-
glecting to make
entry of stills.

Certain spirits
imported liable
to forfeiture—

Penalties how
disposed of.

Continuation
of duties laid
herein, for what
purpose appro-
priated.

1791, ch. 15.

Reduction of
duty herein
made good by
product of a
certain act.

1792, ch. 27.

Allowance to
supervisors, &c.

1791, ch. 15.

distilled spirits, and to furnish such dealer or distiller, free from expense, with certificates to accompany the same: *Provided*, That it shall not be incumbent upon any such officer to mark or certify any cask, vessel or package which ought to have been before marked or certified according to any law of the United States.

SEC. 10. *And be it further enacted*, That from and after the last day of April, one thousand seven hundred and ninety-three, no distilled spirits except arrack and sweet cordials, shall be brought into the United States from any foreign port or place, except in casks or vessels of the capacity of ninety gallons and upwards.

SEC. 11. *And be it further enacted*, That no drawback of the duty on distilled spirits which shall be exported after the last day of June next, shall be allowed upon any quantity less than one hundred gallons.

SEC. 12. *And be it further enacted*, That after the last day of June next, no distilled spirits shall be brought into the United States, from any foreign port or place in any cask or vessel, which shall have been marked pursuant to any law of the United States concerning distilled spirits, on pain of forfeiture of the spirits so brought, and of the ship or vessel in which they shall be brought.

SEC. 13. *And be it further enacted*, That if the owner or possessor of any still or stills shall neglect to make entry thereof, within the time and in the manner prescribed by the second section of this act, such owner or possessor shall forfeit and pay the sum of two hundred and fifty dollars; and if any distilled spirits, except arrack and sweet cordials, shall, after the last day of April next, be brought into the United States in casks or vessels of less capacity than ninety gallons, all such spirits, and the casks and vessels containing the same, shall be subject to seizure and forfeiture, and every such penalty or forfeiture shall be one half to the use of the United States, and the other half to the use of the person who shall first discover and make known the matter or thing whereby the same shall have been incurred.

SEC. 14. *And be it further enacted and declared*, That the duties hereby laid shall continue in force, for the same time, and are hereby pledged and appropriated to and for the same purposes, as those, in lieu of which they are laid, and pursuant to the act, intituled "An act repealing after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States and for appropriating the same."

SEC. 15. *And be it further enacted*, That to make good any deficiency which may happen in consequence of the reduction hereby made in the rates of the duties on spirits distilled within the United States, and on stills, so much of the product of the duties laid by the act, intituled "An act for raising a farther sum of money for the protection of the frontiers, and for other purposes therein mentioned," as may be necessary, shall be and is hereby pledged and appropriated to the same purposes, to and for which the duties, hereby reduced, were pledged and appropriated.

SEC. 16. *And be it further enacted*, That the President of the United States be authorized to make such allowances for their respective services to the supervisors, inspectors and other officers of inspection, as he shall deem reasonable and proper, so as the said allowances, together with the incidental expenses of collecting the duties on spirits distilled within the United States, shall not exceed seven and an half per centum of the total product of the duties on distilled spirits, for the period to which the said allowances shall relate, computing from the time the act, intituled "An act repealing after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United

States, and for appropriating the same, took effect: *And provided also*, That such allowance shall not exceed the annual amount of seventy thousand dollars, until the same shall be further ascertained by law. not to exceed \$70,000.

SEC. 17. *And be it further enacted*, That the act, intituled "An act repealing after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the same," shall extend to and be in full force for the collection of the several duties herein before mentioned and for the recovery and distribution of the penalties and forfeitures herein contained and generally for the execution of this act, as fully and effectually as if every regulation, restriction, penalty, provision, clause, matter, and thing therein contained were inserted in and re-enacted by this present act, subject only to the alterations hereby made. Certain act in force for collection of the duties, &c. herein.

1791, ch. 15.

APPROVED, May 8, 1792.

STATUTE I.

CHAP. XXXIII.—*An Act more effectually to provide for the National Defence by establishing an Uniform Militia throughout the United States.*(a) May 8, 1792.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That each and every free able-bodied white male citizen of the respective states, resident therein, who is or shall be of the age of eighteen years, and under the age of forty-five years (except as is herein after excepted) shall severally and respectively be enrolled in the militia by the captain or commanding officer of the company, within whose bounds such citizen shall reside, and that within twelve months after the passing of this act. And it shall at all times hereafter be the duty of every such captain or commanding officer of a company to enrol every such citizen, as aforesaid, and also those who shall, from time to time, arrive at the age of eighteen years, or being of the age of eighteen years and under the age of forty-five years (except as before excepted) shall come to reside within his bounds; and shall without delay notify such citizen of the said enrolment, by a proper non-commissioned officer of the company, by whom such notice may be proved. That every citizen so enrolled and notified, shall, within six months thereafter, provide himself with a good musket or firelock, a sufficient bayonet and belt, two spare flints, and a knapsack, a pouch with a box therein to contain not less than twenty-four cartridges, suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball: or with a good rifle, knapsack, shot-pouch and powder-horn, twenty balls suited to the bore of his rifle, and a quarter of a pound of powder; and shall appear, so armed, accoutred and provided, when called out to exercise, or into service, except, that when called out on company days to exercise only, he may appear without a knapsack. That the commissioned officers shall severally be armed with a sword or hanger and esponton, and that from and after five years from the passing of this act, all muskets for arming the militia as herein required, shall be of bores sufficient for Militia how and by whom to be enrolled.

How to be armed and accoutred.

1803, ch. 15.

(a) The acts for the establishment of an uniform system for the government of the militia, are: An act more effectually to provide for the national defence by establishing an uniform militia throughout the United States, May 8, 1792, chap. 33; an act providing arms for the militia throughout the United States, July 6, 1798, chap. 65; an act in addition to an act entitled, "An act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States," March 2, 1803, chap. 15; an act more effectually to provide for the organizing of the militia of the District of Columbia, March 3, 1803, chap. 20; an act establishing rules and articles for the government of the armies of the United States, April 10, 1806, chap. 20; an act in addition to the act entitled, "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and to repeal the act now in force for those purposes," April 18, 1814, chap. 32; an act concerning field officers of the militia, April 20, 1816, chap. 64; an act to establish an uniform mode of discipline and field exercise for the militia of the United States, May 12, 1820, chap. 96; an act to reduce and fix the military peace establishment of the United States, March 2, 1821, chap. 12, sec. 14.

balls of the eighteenth part of a pound. And every citizen so enrolled, and providing himself with the arms, ammunition and accoutrements required as aforesaid, shall hold the same exempted from all suits, distresses, executions or sales, for debt or for the payment of taxes.

Executive officers, &c. exempted.

SEC. 2. *And be it further enacted*, That the Vice President of the United States; the officers judicial and executive of the government of the United States; the members of both Houses of Congress, and their respective officers; all custom-house officers with their clerks; all post-officers, and stage drivers, who are employed in the care and conveyance of the mail of the post-office of the United States; all ferrymen employed at any ferry on the post road; all inspectors of exports; all pilots; all mariners actually employed in the sea service of any citizen or merchant within the United States; and all persons who now are or may hereafter be exempted by the laws of the respective states, shall be, and are hereby exempted from militia duty, notwithstanding their being above the age of eighteen, and under the age of forty-five years.

1810, ch. 37, sec. 33.

Militia how to be arranged, and

SEC. 3. *And be it further enacted*, That within one year after the passing of this act, the militia of the respective states shall be arranged into divisions, brigades, regiments, battalions and companies, as the legislature of each state shall direct; and each division, brigade and regiment, shall be numbered at the formation thereof; and a record made of such numbers in the adjutant-general's office in the state; and when in the field, or in service in the state, each division, brigade and regiment shall respectively take rank according to their numbers, reckoning the first or lowest number highest in rank. That if the same be convenient, each brigade shall consist of four regiments; each regiment of two battalions; each battalion of five companies; each company of sixty-four privates. That the said militia shall be officered by the respective states, as follows: To each division, one major-general and two aids-de-camp, with the rank of major; to each brigade, one brigadier-general, with one brigade inspector, to serve also as brigade-major, with the rank of a major; to each regiment, one lieutenant-colonel commandant; and to each battalion one major; to each company one captain, one lieutenant, one ensign, four sergeants, four corporals, one drummer and one fifer or bugler. That there shall be a regimental staff, to consist of one adjutant and one quartermaster, to rank as lieutenants; one paymaster; one surgeon, and one surgeon's mate; one sergeant-major; one drum-major, and one fife-major.

by whom officered.

1803, ch. 15, sec. 3.

Each battalion to have one company of grenadiers, &c. and one company of artillery.

Officers how to be armed.

SEC. 4. *And be it further enacted*, That out of the militia enrolled, as is herein directed, there shall be formed for each battalion at least one company of grenadiers, light infantry or riflemen; and that to each division there shall be at least one company of artillery, and one troop of horse: there shall be to each company of artillery, one captain, two lieutenants, four sergeants, four corporals, six gunners, six bombardiers, one drummer, and one fifer. The officers to be armed with a sword or hanger, a fusee, bayonet and belt, with a cartridge-box to contain twelve cartridges; and each private or matross shall furnish himself with all the equipments of a private in the infantry, until proper ordnance and field artillery is provided. There shall be to each troop of horse, one captain, two lieutenants, one cornet, four sergeants, four corporals, one saddler, one farrier, and one trumpeter. The commissioned officers to furnish themselves with good horses of at least fourteen hands and an half high, and to be armed with a sword and pair of pistols, the holsters of which to be covered with bearskin caps. Each dragoon to furnish himself with a serviceable horse, at least fourteen hands and an half high, a good saddle, bridle, mailpillion and valise, holsters, and a breast-plate and crupper, a pair of boots and spurs, a pair of pistols, a sabre, and a cartouch-box, to contain twelve cartridges for pistols. That each company of artillery and troop of horse shall be formed of volunteers from the brigade, at the

Troops of horse how officered, &c.

Artillery and horse of whom to be formed;

discretion of the commander-in-chief of the state, not exceeding one company of each to a regiment, nor more in number than one eleventh part of the infantry, and shall be uniformly clothed in regimentals, to be furnished at their own expense; the colour and fashion to be determined by the brigadier commanding the brigade to which they belong.

SEC. 5. *And be it further enacted*, That each battalion and regiment shall be provided with the state and regimental colours by the field officers, and each company with a drum and fife, or bugle-horn, by the commissioned officers of the company, in such manner as the legislature of the respective states shall direct.

SEC. 6. *And be it further enacted*, That there shall be an adjutant-general appointed in each state, whose duty it shall be to distribute all orders from the commander-in-chief of the state to the several corps; to attend all public reviews when the commander-in-chief of the state shall review the militia, or any part thereof; to obey all orders from him relative to carrying into execution and perfecting the system of military discipline established by this act; to furnish blank forms of different returns that may be required, and to explain the principles on which they should be made; to receive from the several officers of the different corps throughout the state, returns of the militia under their command, reporting the actual situation of their arms, accoutrements, and ammunition, their delinquencies, and every other thing which relates to the general advancement of good order and discipline: all which the several officers of the divisions, brigades, regiments, and battalions, are hereby required to make in the usual manner, so that the said adjutant-general may be duly furnished therewith: from all which returns he shall make proper abstracts, and lay the same annually before the commander-in-chief of the state.

SEC. 7. *And be it further enacted*, That the rules of discipline, approved and established by Congress in their resolution of the twenty-ninth of March, one thousand seven hundred and seventy-nine, shall be the rules of discipline to be observed by the militia throughout the United States, except such deviations from the said rules as may be rendered necessary by the requisitions of this act, or by some other unavoidable circumstances. It shall be the duty of the commanding officer at every muster, whether by battalion, regiment, or single company, to cause the militia to be exercised and trained agreeably to the said rules of discipline.

SEC. 8. *And be it further enacted*, That all commissioned officers shall take rank according to the date of their commissions; and when two of the same grade bear an equal date, then their rank to be determined by lot, to be drawn by them before the commanding officer of the brigade, regiment, battalion, company, or detachment.

SEC. 9. *And be it further enacted*, That if any person, whether officer or soldier, belonging to the militia of any state, and called out into the service of the United States, be wounded or disabled while in actual service, he shall be taken care of and provided for at the public expense.

SEC. 10. *And be it further enacted*, That it shall be the duty of the brigade-inspector to attend the regimental and battalion meetings of the militia composing their several brigades, during the time of their being under arms, to inspect their arms, ammunition, and accoutrements; superintend their exercise and manœuvres, and introduce the system of military discipline before described throughout the brigade, agreeable to law, and such orders as they shall from time to time receive from the commander-in-chief of the state; to make returns to the adjutant-general of the state, at least once in every year, of the militia of the brigade to which he belongs, reporting therein the actual situation of the arms, accoutrements, and ammunition of the several corps, and every other thing which, in his judgment, may relate to their government and the

to be uniformly clad at their own expense.

1803, ch. 15.

What colors &c. and by whom to be furnished.

Adjutant-general in each state, his duty.

1803, ch. 15.

Rules of discipline.

Officers how to take rank.

Provision in case of wounds, &c.

Brigade inspector's duty.

1803, ch. 15.

general advancement of good order and military discipline; and the adjutant-general shall make a return of all the militia of the state to the commander-in-chief of the said state, and a duplicate of the same to the President of the United States.

Artillery &c.
now existing,

And whereas sundry corps of artillery, cavalry, and infantry now exist in several of the said states, which by the laws, customs, or usages thereof have not been incorporated with, or subject to the general regulations of the militia :

to retain their
privileges.

SEC. II. *Be it further enacted*, That such corps retain their accustomed privileges, subject, nevertheless, to all other duties required by this act, in like manner with the other militia.

APPROVED, May 8, 1792.

STATUTE I.

May 8, 1792.

CHAP. XXXIV.—*An Act relative to the compensations to certain officers employed in the collection of the duties of impost and tonnage.*

[Obsolete.]
Additional
specific allow-
ance from 1st of
July next to cer-
tain surveyors
and collectors.
1790, ch. 35.
sec. 53.
Act of March
2, 1799, ch. 23.

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 last day of June next, in addition to the fees and emoluments which may accrue to the officers employed in the collection of the duties of impost and tonnage, by the provisions already made, they shall severally have and be entitled to the respective allowances following, to wit: The surveyors of Newburyport, Salem, St. Mary's and Wilmington, in North Carolina, the yearly sum of one hundred dollars each; the surveyors of Beverly, North Kingston, East Greenwich, Warren, Bristol, Pawcatuck river, Providence, Patuxet, New Haven, Lewellensburg, Alexandria, Beaufort, Hertford, Winton, Bennet's creek, Plymouth, Windsor, Skewarkey, Murfreesborough, Nixonton, Indiantown, Currituck inlet, Pasquotank river bridge, and Newbiggen creek, the yearly sum of eighty dollars each; the surveyor of Portsmouth, the yearly sum of sixty dollars; the surveyors of Ipswich, Portland, Newport, Stonington, Middleton, Bermuda hundred, Petersburg, Richmond, and Savannah, the yearly sum of fifty dollars each; the surveyors of Gloucester, New London, and Swansborough, the yearly sum of thirty dollars each; the surveyors of Hudson, Little Egg Harbour, Suffolk, Smithfield, Urbanna, and Fredericksburg, the yearly sum of twenty dollars each; the collector of the district of Wilmington, in North Carolina, the yearly sum of one hundred and fifty dollars; the collectors of the districts of Portsmouth, Gloucester, Albany, Annapolis, Vienna, Nottingham, Yorktown, Dumfries, and Louisville, the yearly sum of one hundred dollars each; the collector of the district of Fairfield, the yearly sum of eighty dollars; the collectors of the districts of Marblehead, Plymouth, Barnstable, Nantucket, New Bedford, Dighton, York, Biddeford, and Pepperelborough, Bath, Wiscasset, Machias, Newport, New Haven, Perth Amboy, Great Egg Harbour, Wilmington, in Delaware, Chester, Cedar Point, Georgetown, Hampton, South Quay, Washington, Plank Bridge, and Georgetown, in South Carolina, the yearly sum of fifty dollars each; the naval officer of the district of Portsmouth, the yearly sum of one hundred dollars; the naval officers of the districts of Newburyport, Newport, Providence, Wilmington, in North Carolina, and Savannah, the yearly sum of fifty dollars each; the collector of the district of Salem and Beverly, one fourth of one per centum on the amount of all monies by him received on account of the said duties; and to the collectors of the districts of Portsmouth, Newburyport, Gloucester, Marblehead, Plymouth, Nantucket, Edgartown, New Bedford, Dighton, York, Biddeford, and Pepperelborough, Portland, Bath, Wiscasset, Penobscot, Frenchman's bay, Machias, Newport, Providence, New Haven, Fairfield, Perth Amboy, Burlington, Great Egg Harbour, Wilmington, in Delaware, Oxford, Vienna, Snowhill, Annapo-

lis, Nottingham, Cedar Point, Georgetown, in Maryland, Hampton, Yorktown, Yeocomico, Dumfries, Foley landing, Cherrystone, South Quay, Wilmington, in North Carolina, Newbern, Washington, Edenton, Plank Bridge, Georgetown, in South Carolina, Beaufort, and Savannah, each, one half of one per centum on the amount of all monies by them respectively received on account of the duties aforesaid.

SEC. 2. *And be it further enacted*, That from and after the last day of June next, the allowance of three fourths of one per centum to the collectors of the districts of Pennsylvania, and the city of New York, on the amount of all monies by them respectively received, on account of the duties of impost and tonnage, shall cease, and instead thereof, they shall, after that time, be entitled to one half of one per centum on all such monies by them respectively received.

To collectors of N. York and Pennsylvania $\frac{1}{2}$ of 1 per cent. &c.

SEC. 3. *And be it further enacted*, That from and after the last day of June next, the expense of fuel, office rent and necessary stationary, for the collectors of the districts of Salem and Beverly, Boston and Charlestown, the cities of New York, Philadelphia and Charleston, the towns of Baltimore, Norfolk, and Portsmouth, shall be paid, three fourths by the said collectors and the other fourth by the respective naval officers in those districts.

Office rent, &c. of certain collectors, how to be paid.

SEC. 4. *And be it further enacted*, That whenever a collector shall die, the commissions, to which he would have been entitled on the receipt of all duties bonded by him, shall be equally divided between the legal representatives of such deceased collector and his successor in office, whose duty it shall be to collect the same; and for this purpose the said representatives shall deliver over to such successor all the public or official books, papers and accounts of the said deceased.

Commissions on death of a collector, how disposed of.

APPROVED, May 8, 1792.

CHAP. XXXV.—*An Act to continue in force the act intituled "An act to provide for mitigating or remitting the Penalties and Forfeitures accruing under the Revenue Laws in certain Cases," and to make further Provision for the payment of Pensions to Invalids.*

STATUTE I.
May 8, 1792.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the act, intituled "An act to provide for mitigating or remitting the forfeitures and penalties accruing under the revenue laws in certain cases therein mentioned," shall be and hereby is, continued in full force for the term of three years from the passing of this act, and no longer. *Provided*, That nothing in the said act shall be construed to limit or restrain the power of the President of the United States to grant pardons for offences against the United States.

[Obsolete.]
1790, ch. 12.
The act for remitting or mitigating forfeitures, &c. continued for three years.
1797, ch. 3.

SEC. 2. *And be it further enacted*, That the yearly pensions which have been, or may be allowed by, or in pursuance of, any act or law of the United States, to persons who were wounded and disabled in the public service shall for the space of one year from the fourth day of March last be paid out of the treasury of the United States, under such regulations as the President of the United States may direct.

Pensions to be paid for one year from 4th March last.

APPROVED, May 8, 1792.

CHAP. XXXVI.—*An Act for regulating Processes in the Courts of the United States, and providing Compensations for the Officers of the said Courts, and for Jurors and Witnesses.* (a)

STATUTE I.
May 8, 1792.

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

Writs by whom and how attested.

(a) An act to ascertain the fees in admiralty proceedings in the district courts of the United States, and for other purposes, March 1, 1793; an act to amend "an act for regulating process in the courts of the United States," March 3, 1821. See notes to act of September 29, 1789, chap. 21,—note page 93.

processes issuing from the supreme or a circuit court, shall bear test of the chief justice of the supreme court (or if that office shall be vacant) of the associate justice next in precedence; and all writs and processes issuing from a district court, shall bear test of the judge of such court (or if that office shall be vacant) of the clerk thereof, which said writs and processes shall be under the seal of the court from whence they issue, and signed by the clerk thereof. The seals shall be provided at the expense of the United States.

and seals provided.

Forms of writs, 1789, ch. 21.

When plaintiff may take out a *capias ad satisfaciendum* in first instance.

Fees for serving writs &c.

SEC. 2. *And be it further enacted*, That the forms of writs, executions and other process, except their style and the forms and modes of proceeding in suits in those of common law shall be the same as are now used in the said courts respectively in pursuance of the act, entitled "An act to regulate processes in the courts of the United States," in those of equity and in those of admiralty and maritime jurisdiction, according to the principles, rules and usages which belong to courts of equity and to courts of admiralty respectively, as contradistinguished from courts of common law; except so far as may have been provided for by the act to establish the judicial courts of the United States, subject however to such alterations and additions as the said courts respectively shall in their discretion deem expedient, or to such regulations as the supreme court of the United States shall think proper from time to time by rule to prescribe to any circuit or district court concerning the same: *Provided*, That on judgments in any of the cases aforesaid where different kinds of executions are issuable in succession, a *capias ad satisfaciendum* being one, the plaintiff shall have his election to take out a *capias ad satisfaciendum* in the first instance.

SEC. 3. *And be it further enacted*, That from and after the passing this act, the fees and compensations to the several officers and other persons hereafter mentioned, shall be as follows; that is to say, to the marshals of the several districts of the United States, for the service of any writ, warrant, attachment or process in chancery, on each person named in the same, two dollars; for his travel out in serving each writ, warrant, attachment or process aforesaid, five cents per mile, to be computed from the place of service to the court where the writ or process shall be returned; and if more persons than one are named therein, the travel shall be computed from the court to the place of service which is most remote, adding thereto the extra travel necessary to serve it on the other: *Provided*, That the fee for travel where there is one person named in such writ, warrant, attachment or process, shall in no case exceed seven dollars, and when there are more than one the fee for extra travel shall not exceed one dollar above seven dollars for each person. For each bail bond, fifty cents; for selling goods and vessels condemned, and receiving and paying the money, three per cent.; for every commitment or discharge of a prisoner, fifty cents; for summoning witnesses, where he does it, each thirty cents; for summoning a grand or petit jury, each three dollars: *Provided*, That in those states where jurors by the laws of the state are drawn by constables or other officers of corporate towns or places by lot, the marshals shall receive for the use of such constables or officers the fees allowed for summoning juries: For attending the supreme, circuit or district courts, five dollars per day, and at the rate of ten cents per mile for his expenses and time in travelling from the place of his abode to either of the said courts: For levying an execution, and for all other services not herein enumerated, such fees or compensation as are allowed in the supreme court of the state where the

for bail bonds; for selling vessels and goods; commitment or discharge of a prisoner; summoning juries.

Proviso in favor of state constables;

for attending courts;

levying execution, &c.

The act for regulating process in the courts of the United States, provides that the forms and modes of proceeding in courts of equity and in those of admiralty and maritime jurisdiction, shall be according to the principles, rules, and usages, which belong to courts of equity, and to courts of admiralty, respectively, as contradistinguished from courts of common law, subject, however, to alterations by the courts, &c. This act has been generally understood to adopt the principles, rules, and usages of the courts of chancery of England. *Hinde v. Vattier*, 5 Peters, 398.

services shall be rendered: (a) To the clerk of the supreme court of the United States, ten dollars per day for his attendance in court, and for his other services in discharging the duties of his office, double the fees of the clerk of the supreme court of that state in which the supreme court of the United States shall be holden. To the clerk of the district and circuit courts such fees in each state respectively as are allowed in the supreme courts of the same; and five dollars per day for his attendance on any circuit or district court, and at the rate of ten cents per mile for his expenses and time in travelling from the place of his abode to either of the said courts. And in case any clerk of a court of the United States shall in discharging the duties of his office perform any kind of service which is not performed by the clerks of the courts of the state, and for which the laws of the state make no allowance, the court in which such service shall be rendered may allow a reasonable compensation therefor. To each grand and petit juror fifty cents per day for attending in court, and for travelling, at the rate of five cents per every mile from their respective places of abode to the place where the court is held, and the like allowance for returning: To witnesses summoned in any of the courts of the United States the same compensations in each state respectively as are allowed in the supreme courts of the same; To the attorney of the United States for the district, such fees in each state respectively as are allowed in the supreme courts of the same, and also the like compensation for travelling as is above allowed to the clerk of the district and circuit courts.

fees of clerks.

Jurors.

Witnesses.

Attornies.

1796, ch. 48, sec. 2.

1799, ch. 19, sec. 9.

Marshal to have the custody of vessels seized, and be paid certain expenses of fuel &c. and receive and pay the fees of jurors &c.

SEC. 4. *And be it further enacted*, That the marshal shall have the custody of all vessels and goods seized by any officer of the revenue, and shall be allowed such compensation therefor as the court may judge reasonable: And there shall be paid to the marshal the amount of the expense for fuel, candles, and other reasonable contingencies that may accrue in holding the courts within his district, and providing the books necessary to record the proceedings thereof; and such amount, as also the compensations aforesaid to the grand and petit jurors,—To the witnesses summoned on the part of the United States, to the clerk of the supreme court for his attendance,—to the clerks of the district and circuit courts for their travelling and attendance,—to the attorney of the district for travelling to court—to the marshal for his attendance at court; for summoning grand and petit jurors and witnesses in behalf of any prisoner to be tried for a capital offence; for the maintenance of prisoners confined in gaol for any criminal offence, and for the commitment or discharge of such prisoner,—and also the legal fees of the clerk, attorney and marshal, in criminal prosecutions, shall be included in the account of the marshal; and the same having been examined and certified by the court or one of the judges of it in which the service shall have been rendered, shall be passed in the usual manner at, and the amount thereof paid out of the treasury of the United States, to the marshal, and by him shall be paid over to the persons entitled to the same, and the marshal shall be allowed two and an half per cent. on the amount by him so paid over to be charged in his future account.

his allowance therefor.

SEC. 5. *And be it further enacted*, That in every prosecution for any fine or forfeiture incurred under any statutes of the United States, if judgment is rendered against the defendant he shall be subject to the payment of costs—And on every conviction for any other offence not capital, the court may, in their discretion, award that the defendant shall pay the costs of prosecution—And if any informer or plaintiff on a penal statute to whose benefit the penalty or any part thereof if recovered is directed by law to accrue shall discontinue his suit or prosecution or

Rules for payment of costs incurred by prosecutions for fines &c.

(a) Marshal.—The marshal shall have an attachment to enforce the payment of his fees of office against suitors in the court. So also against the endorser on the writ, who by the *lex loci*, is liable to respond for costs. 2 Gallis' C. C. R. 101.

shall be nonsuit in the same, or if upon trial a verdict shall pass for the defendant, the court shall award to the defendant his costs, unless such informer or plaintiff be an officer of the United States specially authorized to commence such prosecution, and the court before whom the action or information shall be tried, shall at the trial in open court, certify upon record, that there was reasonable cause for commencing the same, in which case no costs shall be adjudged to the defendant. (a)

1813, ch. 14.

Fees herein how to be recovered.

SEC. 6. *And be it further enacted*, That the fees and compensations to the several officers and persons herein before mentioned, other than those which are above directed to be paid out of the treasury of the United States, shall be recovered in like manner as the fees of the officers of the states respectively for like services are recovered.

Penalty on demanding unlawful fees.

SEC. 7. *And be it further enacted*, That if any officer herein before mentioned, or his deputy, shall by reason or colour of his office willfully and corruptly demand and receive any greater fees than those allowed by this act, he shall on conviction thereof in any court of the United States, forfeit and pay a fine not exceeding five hundred dollars, or be imprisoned not exceeding six months, at the discretion of the court before whom the conviction shall be.

Certain acts repealed.

SEC. 8. *And be it further enacted*, That the act passed at the last session of Congress, entitled "An act to continue in force for a limited time, an act passed at the first session of Congress, entitled An act to regulate processes in the courts of the United States;" and also another act passed at the last session of Congress, entitled "An act providing compensations for the officers of the judicial courts of the United States, and for jurors and witnesses and for other purposes," be and the same are hereby repealed.

1791, ch. 8.

Clerk of supreme court to transmit to clerks of circuit courts the form of a writ of error.

SEC. 9. *And be it further enacted*, That it shall be the duty of the clerk of the supreme court of the United States, forthwith to transmit to the clerks of the several circuit courts the form of a writ of error, to be approved by any two of the judges of the supreme court, and it shall be lawful for the clerks of the said circuit courts to issue writs of error agreeably to such forms, as nearly as the case may admit, under the seal of the said circuit courts, returnable to the supreme court, in the same manner as the clerk of the supreme court may issue such writs, in pursuance of the act, intitled "An act to establish the judicial courts of the United States."

1789, ch. 20.

When clerks may take recognizances *de bene esse*;

and affidavits of surveyors, &c.

SEC. 10. *And be it further enacted*, That it shall and may be lawful for the clerks of the district and circuit courts, in the absence or in case of the disability of the judges, to take recognizances of special bail, *de bene esse*, in any action depending in either of the said courts, and also the affidavits of all surveyors relative to their reports, and to administer oaths to all persons identifying papers found on board of vessels or elsewhere, to be used on trials in admiralty causes.

1812, ch. 25.

SEC. 11. *And be it further enacted*, That in all suits and actions in

(a) Costs are not to be awarded against the United States. *The United States v. Hoe et al.*, 3 Cranch, 73; 1 Cond. Rep. 453. *The Antelope*, 12 Wheat. 546; 6 Cond. Rep. 629.

Where there appeared some ground for the prosecution, costs were refused. *The United States v. La Vengeance*, 3 Dall. 297; 1 Cond. Rep. 132.

It is undoubtedly a general rule that no court can give a direct judgment against the United States in a suit to which they are a party, either in behalf of any suitor, or any officer of the government. But it by no means follows that they are not liable for their own costs. No direct suit can be maintained against the United States. But when an action is brought by the United States, to recover money in the hands of a party, who has a legal claim against them for costs, it would be a very rigid principle to deny to him the right of setting up such claim in a court of justice, and turn him round to an application to Congress. If the right of the party is fixed by the existing law, there can be no necessity for an application to Congress, except for the purpose of remedy. And no such necessity can exist, where the right can be properly set up by way of defence to a suit by the United States. *The United States v. Ringgold et al.*, 8 Peters, 150.

If a witness recognized for the defendant, is marked on the indictment and sent to the grand jury by the district attorney, the United States on the acquittal of the prisoner, must pay the witness his costs. *The United States v. Coulter*, Circuit Court of Pennsylvania, April, 1803.

any district court of the United States, in which it shall appear that the judge of such court is, any ways, concerned in interest, or has been of counsel for either party, it shall be the duty of such judge on application of either party, to cause the fact to be entered on the minutes of the court, and also to order an authenticated copy thereof, with all the proceedings in such suit or action, to be forthwith certified to the next circuit court of the district, which circuit court shall, thereupon, take cognizance thereof, in the like manner, as if it had been originally commenced in that court, and shall proceed to hear and determine the same accordingly.

Where judges act as counsel for a party,

their duty in such case.

SEC. 12. *And be it further enacted*, That all the records and proceedings of the court of appeals heretofore appointed, previous to the adoption of the present constitution, shall be deposited in the office of the clerk of the supreme court of the United States, who is hereby authorized and directed to give copies of all such records and proceedings, to any person requiring and paying for the same, in like manner as copies of the records and other proceedings of the said court are by law directed to be given: which copies shall have like faith and credit as all other proceedings of the said court.

Records of court of appeals to be deposited with clerk of supreme court.

APPROVED, May 8, 1792.

STATUTE I.

CHAP. XXXVII.—*An Act making alterations in the Treasury and War Departments.*(a)

May 8, 1792.

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

(a) The acts for the establishment and regulation of the Treasury department, have been: An act to establish the Treasury department, September 2, 1789, chap. 12; an act supplemental to the act "establishing the Treasury department," and for further compensation to certain officers, March 3, 1791, chap. 18; an act making alterations in the Treasury and War departments, May 8, 1792, chap. 37; an act to amend the act entitled, "An act making alterations in the Treasury and War departments," February 13, 1795, chap. 21; an act for the more effectual recovery of debts due from individuals to the United States, March 3, 1795, chap. 48; an act to alter and amend the several acts for the establishment and regulation of the Treasury, War, and Navy departments, July 16, 1798, chap. 85; an act supplementary to the act entitled, "An act to establish the Treasury department," May 10, 1800, chap. 58; an act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy departments, March 3, 1809, chap. 28; an act authorizing the Secretary of the Treasury to appoint a clerk in the office of the commissioner of revenue, with power to sign licenses, November 22, 1814, chap. 7; an act supplementary to an act making alterations in the Treasury and War departments, passed 8th day of May, 1792, April 29, 1816, chap. 140; an act to provide for the prompt settlement of public accounts, March 3, 1817, chap. 45; an act making appropriation for the payment of arrearages which have been incurred for the support of the military establishment previous to the first of January, one thousand eight hundred and seventeen, February 16, 1818, chap. 10; an act supplementary to the act entitled, "An act to provide for the prompt settlement of public accounts," February 24, 1819, chap. 43; an act to provide for obtaining accurate statements of the foreign commerce of the United States, February 10, 1820, chap. 11; an act in addition to the several acts for the establishment and regulation of the Treasury, War, and Naval departments, May 1, 1820, chap. 50; an act to provide for the better organizing the Treasury department, May 15, 1820, chap. 107. (See *The United States v. Maurice et al.*, 2 Brockenb. C. C. R. 96.) An act further to amend the several acts relative to the Treasury, War, and Naval departments, May 7, 1822, chap. 98; an act to organize the general land office, July 4, 1836, chap. 352, sec. 12; an act to authorize the proper officers of the Treasury department to credit the account of the Treasurer of the United States, with the amount of unavailable funds standing to his debit on the books of the Treasury, to transfer the amount of the debit of banks and individuals indebted for the same, and to authorize the Secretary of the Treasury to compromise and settle the same, March 3, 1837, chap. 33.

Department of War. The acts establishing and regulating the department of War, are: An act to establish an executive department to be denominated the Department of War, August 7, 1789, chap. 7; an act making alterations in the Treasury and War departments, May 8, 1792, chap. 37; an act to amend the act entitled, "An act making alterations in the Treasury and War departments," February 13, 1795, chap. 21; an act to alter and amend the several acts for the establishment and regulation of the Treasury, War, and Naval departments, July 16, 1798, chap. 85; an act concerning public contracts, April 21, 1808, chap. 48, sec. 5; an act further to amend the several acts for the establishment and regulation of the Treasury, War, and Naval departments, March 3, 1809, chap. 28; an act concerning the annual sum appropriated for arming and equipping the militia, April 29, 1816, chap. 135; an act supplementary to "an act making alterations in the Treasury and War departments," passed 8th May, 1792, April 29, 1816, chap. 140; an act to provide for the prompt settlement of public accounts, March 3, 1817, chap. 45; an act in addition to the several acts for the establishment and regulation of the Treasury, War, and Navy departments, May 1, 1820, chap. 50; an act to amend the several acts relative to the Treasury, War, and Navy departments, May 7, 1822, chap. 47.

Accountant
in the war de-
partment, his
duty.

May 27, 1796.

Salary.

Duty of the
Treasurer of the
U. S. herein.

Paymaster of
the troops, his
duty.
1822, ch. 98.

To give bond.

His salary.

Assignment
of pay by a sol-
dier after 1st
June next not
valid.

Contracts for
supplying the
army to be made
under the Sec-
retary of the
Treasury.

To direct the
collection of du-
ties, &c.

Assistant Sec-
retary abolish-
ed, and Com-
missioner of the
Revenue substi-
tuted,
his duty.

be an accountant to the department of war, who shall be charged with the settlement of all accounts relative to the pay of the army, the subsistence of officers, bounties to soldiers, the expenses of the recruiting service, the incidental and contingent expenses of the department; and who shall report from time to time, all such settlements as shall have been made by him, for the inspection and revision of the accounting officers of the treasury; and the said accountant shall also be charged with the settlement of all claims for personal service authorized by the act of this Congress of the twenty-seventh of March last, and of all military claims lodged in the late office of the paymaster general and commissioner of army accounts, which are not foreclosed by the acts of limitation of the late Congress, and he shall report from time to time, all such settlements as have been made by him, for the inspection and revision of the Comptroller of the Treasury. The compensation of the said accountant shall be a yearly salary of one thousand two hundred dollars.

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

SEC. 3. *And be it further enacted*, That there be a paymaster to reside near the head-quarters of the troops of the United States. That it shall be the duty of the said paymaster, to receive from the treasurer all the monies which shall be entrusted to him for the purpose of paying the pay, the arrears of pay, subsistence or forage, due to the troops of the United States. That he shall receive the pay abstracts of the paymasters of the several regiments or corps, and compare the same with the returns or muster rolls which shall accompany the said pay abstracts. That he shall certify accurately to the commanding officer, the sums due to the respective corps, which shall have been examined as aforesaid, who shall thereon issue his warrant on the said deputy paymaster, for the payment accordingly. That copies of all reports to the commanding officer, and the warrants thereon, shall be duly transmitted to the office of the accountant of the war department, in order to be there examined and finally adjusted at the treasury. That the said paymaster shall give bond in the sum of twenty thousand dollars, with two sufficient sureties, for the faithful discharge of his duty, and he shall take an oath faithfully to execute the duties of his office. That the compensation to the said paymaster shall be sixty dollars monthly, with the same rations and forage as a major.

SEC. 4. *And be it further enacted*, That no assignment of pay made after the first day of June next, by a non-commissioned officer or private, shall be valid.

SEC. 5. *And be it further enacted*, That all purchases and contracts for supplying the army with provisions, clothing, supplies in the quartermaster's department, military stores, Indian goods, and all other supplies or articles for the use of the department of war, be made by or under the direction of the treasury department.

SEC. 6. *And be it further enacted*, That the Secretary of the Treasury shall direct the superintendence of the collection of the duties on impost and tonnage as he shall judge best. That the present office of assistant to the Secretary of the Treasury, be abolished, and that instead thereof there be an officer in the department of the treasury, to be denominated Commissioner of the Revenue, who shall be charged with superintending, under the direction of the head of the department, the collection of the other revenues of the United States, and shall execute such other services, being conformable to the constitution of the department, as shall be directed by the Secretary of the Treasury. That the

compensation of the said commissioner shall be a salary of one thousand nine hundred dollars per annum.

Salary.

SEC. 7. *And be it further enacted*, That in every case of an account or claim not finally adjusted, upon which the present comptroller of the treasury, as auditor, may have decided, it shall be the duty of the commissioner of the revenue, and of the auditor of the treasury, finally to adjust the same, and in case of disagreement between the said commissioner and auditor, the decision of the attorney general shall be final.

And powers, with the Auditor and Attorney-General.

SEC. 8. *And be it further enacted*, That in case of the death, absence from the seat of government, or sickness of the Secretary of State, Secretary of the Treasury, or of the Secretary of the War department, or of any officer of either of the said departments whose appointment is not in the head thereof, whereby they cannot perform the duties of their said respective offices, it shall be lawful for the President of the United States, in case he shall think it necessary, to authorize any person or persons at his discretion to perform the duties of the said respective offices until a successor be appointed, or until such absence or inability by sickness shall cease.

Power of the President on death, &c. of the heads of the three departments.

1795, ch. 21.

SEC. 9. *And be it further enacted*, That the forms of keeping and rendering all public accounts whatsoever, shall be prescribed by the department of the Treasury.

Treasury department to prescribe forms for keeping accounts.

1789, ch. 13.

SEC. 10. *And be it further enacted*, That in addition to the compensations allowed to the comptroller, auditor, treasurer, and register of the treasury, by the "act for establishing the salaries of the executive officers of government, their assistants and clerks," and to the attorney general by the "act for allowing certain compensations to the judges of the supreme and other courts, and to the attorney general of the United States," the said officers respectively shall be allowed the following yearly sums, viz: the comptroller four hundred dollars; the auditor four hundred dollars; the treasurer four hundred dollars; the register five hundred dollars; the attorney general four hundred dollars.

Yearly allowance to certain officers of the Treasury and Attorney General.

1789, ch. 18.

SEC. 11. *And be it further enacted*, That the Secretary of the Treasury be authorized to have two principal clerks, each of whom to have a salary of eight hundred dollars per annum; and that the salary of the chief clerk of the department of war, be at the rate of eight hundred dollars per year.

Secretary of the Treasury allowed two principal clerks.

SEC. 12. *And be it further enacted*, That the restriction on the clerks of the department of the treasury so far as respects the carrying on of any trade or business, other than in the funds or debts of the United States or of any state, or in any kind of public property, be abolished, and that such restriction, so far as respects the funds or debts of the United States, or of any state, or any public property of either, be extended to the commissioner of the revenue, to the several commissioners of loans, and to all persons employed in their respective offices, and to all officers of the United States concerned in the collection or disbursement of the revenues thereof, under the penalties prescribed in the eighth section of the act, intitled "An act to establish the treasury department," and the provisions relative to the officers in the treasury department, contained in the "Act to establish the post-office and post roads," shall be and hereby are extended and applied to the commissioner of the revenue.

Restriction on his clerks as to carrying on trade abolished; and that as to the funds extended to all revenue officers, &c.

1789, ch. 12.

1792, ch. 7.

Privilege of franking extended to Commissioner of the Revenue.

APPROVED, May 8, 1792.

STATUTE I.

May 8, 1792.

CHAP. XXXVIII.—*An Act supplementary to the act making provision for the Debt 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 term

[Obsolete.]
1790, ch. 34.

Term for receiving on loan the unsubscribed domestic debt of U. States extended.

Subscription books to be opened.

1790, ch. 34.

Interest to non-subscribing creditors.

Term for receiving state debts extended,

subscription books to be opened.

Certain certificates of N. Carolina excluded.

Debt due to certain foreign officers, President to cause to be paid.

Certain persons appointed Commissioners to purchase debt of the U. S. &c.

for receiving on loan that part of the domestic debt of the United States, which hath not been subscribed pursuant to the terms proposed in the act, intituled, "An act making provision for the debt of the United States," shall be, and it is hereby extended, on the same terms, as in and by the said act is provided, to the first day of March next; and books, for receiving such farther subscription, shall be opened at the treasury of the United States, and by the commissioners of loans in each of the said states, on the first day of June next, which shall continue open until the said first day of March next inclusively; for which purpose, the said commissioners, respectively, are hereby invested with the like powers, and required to perform the like duties, as in and by the said act is directed.

SEC. 2. *And be it further enacted*, That such of the creditors of the United States, as have not subscribed and shall not subscribe to the said loan, shall nevertheless receive a rate per centum on the amount of so much of their respective demands, as well for interest as principal, as, on or before the first day of March, shall be registered, conformably to the directions of the said act, as shall be equal to the interest payable to the subscribing creditors, which shall be payable at the same times and places, and by the same persons, as in and by the said act is directed.

SEC. 3. *And be it further enacted*, That the term for receiving upon loan that part of the debts of the respective states, which hath not been subscribed pursuant to the terms proposed in the act aforesaid, shall be, and it is hereby enlarged on the same terms, as in and by the said act is provided, until the first day of March, one thousand seven hundred and ninety-three inclusively; for which purpose, books shall be opened at the treasury of the United States, and by the commissioners of loans in each of the said states, on the first day of June next, which shall continue open until the first day of March, one thousand seven hundred and ninety-three inclusively; for which purposes the said commissioners are hereby invested with the like powers, and required to perform the like duties, as, in and by the said act, is directed.

SEC. 4. *Provided always, and be it further enacted*, That the commissioner of loans for North Carolina shall not be allowed to receive any certificate issued by Patrick Travers, commissioner of Cumberland county, or by the commissioners of army accounts at Warrenton.

SEC. 5. And whereas the United States are indebted to certain foreign officers, on account of pay and services during the late war, the interest whereof, pursuant to the certificates granted to the said officers by virtue of a resolution of the United States in Congress assembled, is payable at the house of Grand, banker, at Paris, and it is expedient to discharge the same. *Be it therefore enacted*, That the President of the United States be, and he hereby is authorized to cause to be discharged the principal and interest of the said debt, out of any of the monies, which have been or shall be obtained on loan, in virtue of the act aforesaid, and which shall not be necessary ultimately to fulfil the purposes for which the said monies are, in and by the said act, authorized to be borrowed.

SEC. 6. *And be it further enacted*, That the President of the Senate, the Chief Justice, the Secretary of State, the Secretary of the Treasury, and the Attorney General, for the time being, shall be commissioners, who, or any three of whom, are hereby authorized, with the approbation of the President of the United States, to purchase the debt of the United States, at its market price, if not exceeding the par or true value thereof; for which purchase the interest on so much of the public debt, as has already been, or may hereafter be purchased for the United States, or as shall be paid into the treasury, and so much of the monies appropriated for the payment of the interest on the foreign and domestic debt, as shall exceed what may be sufficient for the payment of such interest

to the creditors of the United States, shall be and are hereby appropriated. And it shall be the duty of the said commissioners to render to the legislature, within two months after the commencement of the first session thereof in every year, a full and precise account of all such purchases made, and public debt redeemed, in pursuance of this act.

Account to be rendered annually.

SEC. 7. And whereas it is expedient to establish a fund for the gradual reduction of the public debt: *Be it further enacted*, That the interest on so much of the debt of the United States, as has been or shall be purchased or redeemed for or by the United States, or as shall be paid into the treasury thereof in satisfaction of any debt or demand, and the surplus of any sum or sums appropriated for the payment of the interest upon the said debt, which shall remain after paying such interest, shall be, and hereby are appropriated and pledged firmly and inviolably for and to the purchase and redemption of the said debt, to be applied under the direction of the President of the Senate, the Chief Justice, the Secretary of State, the Secretary of the Treasury and the Attorney General for the time being, or any three of them, with the approbation of the President of the United States, for the time being, in manner following, that is to say: First, to the purchase of the several species of stock constituting the debt of the United States, at their respective market prices, not exceeding the par or true value thereof, and as nearly as may be, in equal proportions, until the annual amount of the said funds, together with any other provisions which may be made by law, shall be equal to two per centum of the whole amount of the outstanding funded stock bearing a present interest of six per centum. Thenceforth, secondly, to the redemption of the said last mentioned stock, according to the right for that purpose reserved to the United States, until the whole amount thereof shall have been redeemed. And lastly, after such redemption, to the purchase, at its market price, of any other stock consisting of the debt of the United States, which may then remain unredeemed: and such purchase, as far as the fund shall at any time extend, shall be made within thirty days next after each day, on which a quarterly payment of interest on the debt of the United States shall become due, and shall be made by a known agent, to be named by the said commissioners.

Out of a fund created for the purpose.

how to be applied.

SEC. 8. *And be it further enacted*, That all future purchases of public debt on account of the United States, shall be made at the lowest price, at which the same can be obtained by open purchase, or by receiving sealed proposals, to be opened in the presence of the commissioners, or persons authorized by them to make purchases, and the persons making such proposals.

Purchases how to be made.

SEC. 9. *And be it further enacted*, That quarter yearly accounts of the application of the said fund shall be rendered for settlement, as other public accounts, accompanied with returns of the sums of the said debt, which shall have been from time to time purchased or redeemed; and a full and exact report of the proceedings of the said commissioners, including a statement of the disbursements, which shall have been made, and of the sums which shall have been purchased or redeemed under their direction, and specifying dates, prices, parties, and places, shall be laid before Congress, within the first fourteen days of each session which may ensue the present, during the execution of the said trust.

Quarterly accounts of application of said fund to be rendered &c.

APPROVED, May 8, 1792.

STATUTE I.

CHAP. XXXIX.—*An Act to provide for a Copper Coinage.*

May 8, 1792.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the director of the mint, with the approbation of the President of the United States, be authorized to contract for and purchase a quantity of copper,

Director of the mint to purchase copper

and have coined into cents &c.

April 24, 1800, ch. 1.

1792, ch. 16.

whence to issue.

Director to publish when a certain sum has been paid into the Treasury.

Penalty for offering to pass other copper coins.

not exceeding one hundred and fifty tons, and that the said director, as soon as the needful preparations shall be made, cause the copper by him purchased to be coined at the mint into cents and half cents, pursuant to "the act establishing a mint, and regulating the coins of the United States;" and that the said cents and half cents, as they shall be coined, be paid into the treasury of the United States, thence to issue into circulation.

SEC. 2. *And be it further enacted,* That after the expiration of six calendar months from the time when there shall have been paid into the treasury by the said director, in cents and half cents, a sum not less than fifty thousand dollars, which time shall forthwith be announced by the treasurer in at least two gazettes or newspapers, published at the seat of the government of the United States, for the time being, no copper coins or pieces whatsoever, except the said cents and half cents, shall pass current as money, or shall be paid, or offered to be paid or received in payment for any debt, demand, claim, matter or thing whatsoever; and all copper coins or pieces, except the said cents and half cents, which shall be paid or offered to be paid or received in payment contrary to the prohibition aforesaid, shall be forfeited, and every person by whom any of them shall have been so paid or offered to be paid or received in payment, shall also forfeit the sum of ten dollars, and the said forfeiture and penalty shall and may be recovered with costs of suit for the benefit of any person or persons by whom information of the incurring thereof shall have been given.

APPROVED, May 8, 1792.

STATUTE I.

May 8, 1792.

Stationary, &c. allowed to Commissioners of Loans.

CHAP. XL.—*An Act for making compensations to the Commissioners of Loans for extraordinary expenses.*

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

APPROVED, May 8, 1792.

STATUTE I.

May 8, 1792.

Specific appropriations.

CHAP. XLI.—*An Act making certain appropriations therein specified.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That there be granted and appropriated the following sums for the following purposes, to wit:—For the discharge of a balance to the commissioners appointed under the act of Congress of the fifteenth of March, one thousand seven hundred and eighty-five, two thousand seven hundred and eighty-seven dollars and eighty-eight cents: For additional salary to the first clerk of the commissioners for settling accounts between the United States and individual states, one hundred and eighty-seven dollars and ninety-one cents: For defraying the expense of stating and printing certain public accounts, pursuant to the order of the House of Representatives of the thirtieth of December one thousand seven hundred and ninety-one, eight hundred dollars: For discharging the accounts of officers of the courts of the United States, jurors and witnesses, in aid of the fund heretofore appropriated, seventeen thousand dollars: For making good deficiencies in former appropriations, for defraying the expense of the enumeration of the inhabitants of the United States,

four thousand six hundred and ninety-five dollars and fifty-nine cents: For discharging certain accounts against the treasury department, to the end of the year one thousand seven hundred and ninety-one, including a sum of six hundred dollars, for furnishing the supervisors of the revenue with screw presses, seals, and other articles, one thousand nine hundred and fifty-five dollars, and sixty-one cents: For a balance due to Lieutenant John Freeman of the late Maryland line, on account of subsistence for the years one thousand seven hundred and eighty-two and one thousand seven hundred and eighty-three, forty-one dollars and seventy-five cents: For compensations to the clerks of the acting commissioner of army accounts, and contingencies of his office, one thousand three hundred and twenty-nine dollars and sixteen cents: For additional compensations to the doorkeepers of the House of Representatives, pursuant to a resolution of the House, of the twenty-fourth of March last, seven hundred dollars: For the discharge of such demands against the United States, not otherwise provided for, as shall have been ascertained and admitted, in due course of settlement at the treasury, and which are of a nature, according to the usage thereof, to require payment in specie, five thousand dollars. All which said sums, amounting together, to thirty-four thousand four hundred and ninety-seven dollars and ninety cents, shall and may be paid out of the funds following, any, or all of them; namely, the surpluses which may remain of appropriations heretofore made, after satisfying the purposes of such appropriations; monies which have been paid into the treasury, in consequence of balances which have been found due from individuals, relating to transactions prior to the present government of the United States; the surplus, not heretofore appropriated, of the duties on imports and tonnage, which accrued to the end of the year one thousand seven hundred and ninety-one.

out of what funds payable.

SEC. 2. *And be it further enacted*, That so much of the aforesaid surplus of the duties on imports and tonnage, which accrued to the end of the year one thousand seven hundred and ninety-one, as may be necessary, shall be and is hereby appropriated, in addition to the provision heretofore made, towards defraying the expenses, which shall have been incurred in the execution of the act for raising and adding another regiment to the military establishment of the United States, and for making farther provision for the protection of the frontiers, within the limits of the sum of three hundred and twelve thousand, six hundred and eighty-six dollars, and twenty cents thereby authorized; and towards reimbursing any sums, which may have been borrowed, or advances of money which may have been obtained for that purpose.

Additional appropriations for expense of adding another regiment to military establishment.

1791, ch. 28.

SEC. 3. *And be it further enacted*, That a sum of fifty thousand dollars in addition to the provision heretofore made be appropriated to defray any expense which may be incurred in relation to the intercourse between the United States and foreign nations, to be paid out of any monies, which may be in the treasury, not otherwise appropriated, and to be applied under the direction of the President of the United States who, if necessary, is authorized to borrow, on the credit of the United States, the said sum of fifty thousand dollars; an account of the expenditure whereof as soon as may be, shall be laid before Congress.

For intercourse with foreign nations.

President may borrow \$50,000.

APPROVED, May 8, 1792.

STATUTE I.

May 8, 1792.

CHAP. XLII.—*An Act respecting the government of the territories of the United States northwest and south of the river Ohio.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the laws of the territory northwest of the river Ohio, that have been or hereafter may be enacted by the governor and judges thereof, shall be printed under the direction of the Secretary of State, and two hundred copies

Laws of northwestern territory how to be published, distributed, &c. 1789, ch. 8.

thereof, together with ten sets of the laws of the United States, shall be delivered to the said governor and judges, to be distributed among the inhabitants for their information, and that a like number of the laws of the United States shall be delivered to the governor and judges of the territory southwest of the river Ohio.

Power of Governor and Judges herein.

SEC. 2. *And be it further enacted,* That the governor and judges of the territory northwest of the river Ohio shall be, and hereby are authorized to repeal their laws by them made, whensoever the same may be found to be improper.

Power of the secretaries.

SEC. 3. *And be it further enacted,* That the official duties of the secretaries of the said territories shall be under the control of such laws, as are or may be in force in the said territories.

One supreme judge may hold court.

SEC. 4. *And be it further enacted,* That any one of the supreme or superior judges of the said territories, in the absence of the other judges, shall be and hereby is authorized to hold a court.

Seals by whom provided.

SEC. 5. *And be it further enacted,* That the secretary of state, provide proper seals for the several and respective public offices in the said territories.

The limitation act passed by the governor and judges disapproved.

SEC. 6. *And be it further enacted,* That the limitation act, passed by the governor and judges of the said territory, the twenty-eighth day of December, one thousand seven hundred and eighty-eight, be and hereby is disapproved.

Certain expenses allowed to John C. Symmes, &c.

SEC. 7. *And be it further enacted,* That the expenses incurred by John Cleves Symmes and George Turner, two of the judges of the said territory, in sending an express, and in purchasing a boat to go the circuit, in the year one thousand seven hundred and ninety, shall be liquidated by the officers of the treasury, and paid out of the treasury of the United States.

APPROVED, May 8, 1792.

May 8, 1792.

The Secretary of the Treasury to furnish to the collectors printed clearances, on the back of which the methods for obtaining fresh from salt water, shall be published.

RESOLVED by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury cause to be provided, for the use of the several collectors in the United States, printed clearances, on the back whereof shall be a printed account of the methods, which have been found to answer for obtaining fresh, from salt water, and of constructing extempore stills, of such implements, as are generally on board of every vessel, with a recommendation, in all cases, where they shall have occasion to resort to this expedient for obtaining water, to publish the result of their trial in some gazette, on their return to the United States, or to communicate it for publication, to the office of the Secretary of State, in order that others may, by their success, be encouraged to make similar trials, and be benefited by any improvements or new ideas which may occur to them in practice.

APPROVED, May 8, 1792.

ACTS OF THE SECOND CONGRESS

OF THE

UNITED STATES,

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

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

STATUTE II.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

What ships or vessels may be registered.

June 27, 1797, ch. 5. March 27, 1804, ch. 52.

Registry benefits of, confined to actual residents,

unless in capacity of consul or agent for a house of trade.

Ships or vessels by whom registered.

Ships or vessels name &c. to be painted on the stern, &c.

forfeiture on neglect thereof.

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

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

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

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

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

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

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

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

Registry how to be obtained, substance of the oath to be taken before registering officer.

Substance of oath for obtaining registry of ships or vessels.

Forfeiture of vessel, &c. on swearing falsely.

How recovered.

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

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

How the oath may be varied.

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

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

within 90 days.

Before whom,

on failure, certificate of registry forfeited.

Ships, &c. how and by whom measured,

1790, ch. 35.

certificate thereof given.

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

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

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

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

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

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

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

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

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

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

Collector to keep record of registry,

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

and grant certificate thereof.

Form of certificate of registry.

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

How certificate of registry may be varied.

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

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

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

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

March 3, 1813, ch. 50.

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

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

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

Vessels purchased by agents how registered.

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

Oath to be taken on losing certificate of registry.

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

Vessels sold &c. to be registered anew.

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

March 2, 1797, ch. 7.

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

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

Owner or master to report such change to collector.

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

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

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

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

Collector, how to proceed on delivering up the register.

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

Certificates of registry to be numbered.

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

Ships built in U. S. after 15th Aug. 1789, how to obtain registry.

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

Collector to have them surveyed.

1790, ch. 35, sec. 44.

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

And grant certificate of the record.

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

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

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

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

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

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

Certificate to be produced on entry,

in failure to forfeit privileges of this act.

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

Fees,

how distributed,

How distributed.

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

Penalty on making false registers, or demanding unlawful fees.

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

On fraudulently using certificate of registry.

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

On making false oath.

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

1790, ch. 9, sec. 18.

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

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

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

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

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

APPROVED, December 31, 1792.

STATUTE II.

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

Jan. 14, 1793.

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

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

APPROVED, January 14, 1793.

STATUTE II.

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

Jan. 14, 1793.

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

APPROVED, January 14, 1793.

STATUTE II.

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

Feb. 9, 1793.

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

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

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

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

APPROVED, February 9, 1793.

STATUTE II.

Feb. 9, 1793.

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

Rates of foreign coins established.

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

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

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

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

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

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

Other foreign coins to be coined anew.

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

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

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

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

APPROVED, February 9, 1793.

STATUTE II.

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

Feb. 12, 1793.

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

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

1790, ch. 34.

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

Auditor how to keep record

of claims presented.

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

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

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

APPROVED, February 12, 1793.

STATUTE II.

Feb. 12, 1793.

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

Fugitives from justice how to be apprehended and secured.

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

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

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

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

Expenses of apprehending. Agent to transport the fugitive.

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

Penalty on persons rescuing fugitive.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Penalty on obstructing claimants of fugitives from labour.

APPROVED, February 12, 1793.

STATUTE II.

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

Feb. 18, 1793.

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

What ships shall be deemed of the United States.

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

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

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

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

Dec. 31, 1792, ch. 1.

1812, ch. 40.

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

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

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

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

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

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

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

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

Form of enrolment.

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

1798, ch. 77, sec. 2.

On what conditions collectors may enrol vessels.

Vessels may be registered on giving up enrolment.

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

Penalty on failure to deliver up enrolment and license.

Licenses for carrying on the coasting trade.

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

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

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

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

Form of license.

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

Form of license to coasting vessels.

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

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

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

Certain vessels not complying with this act.

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

To pay foreign duties.

Such ship or vessel to be forfeited.

Collectors to number licenses.

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

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

To be forfeited. Proviso.

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

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

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

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

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

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

A new license to be given.

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

When owners may cancel license, and obtain new ones.

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

Abatement of the tonnage duty.
Licensed vessels to have name and port painted on the stern.

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

1792, ch. 1, sec. 3.
Proceedings on change of masters of licensed vessels.

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

Forfeiture in case of neglect.

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

By whom enrolments may be inspected.

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

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

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

1799, ch. 22.

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

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

1799, ch. 22.

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

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

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

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

Act of March 2, 1799, ch. 22.

Forfeiture on neglecting it.

Amount of forfeiture.

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

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

And obtain permits for un-lading.

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

In what cases masters of vessels may be exempt from delivering manifests.

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

In others how to be provided with them.

Forfeiture on neglect thereof.

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

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

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

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

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

Also to New York across New Jersey.

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

Owner or consignee to report the same to the collector.

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

Proviso.

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

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

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

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

Duty of collectors on masters of vessels having lost their manifests. To take bond for foreign duties.

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

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

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

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

Masters of foreign vessels.

Manifests on oath.

Forfeiture on neglect thereof. Proviso.

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

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

Enrolment, &c.
by whom issued.

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

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

How vessels under twenty tons shall be admeasured, &c.

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

Revenue officers may go on board vessels without their districts.

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

Collector's duty in cases of seizure.

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

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

Forfeiture on recording enrolment, &c. contrary to this act.

Penalty on persons in office refusing or neglecting to do their duty.

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

Penalties on swearing falsely.

1790, ch. 9, sec. 13.

On counterfeiting, or falsifying enrolment.

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

Penalty on obstructing the execution of this act.

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

On transferring vessels to foreigners, &c.

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

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

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

Fees allowed under this act.

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

Fees for admeasuring ships or vessels.

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

For every certificate of enrolment, fifty cents:

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

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

For every endorsement on a license, twenty cents:

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

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

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

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

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

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

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

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

Disposal of fees under this act.

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

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

Penalties and forfeitures how sued for and recovered.

1790, ch. 35.

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

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

Act 1799 ch. 11, sec. 22, repealed with exceptions.

1789, ch. 22.

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

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

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

APPROVED, February 18, 1793.

STATUTE II.

Feb. 18, 1793.

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

Act of Sept.
24, 1789, ch. 19.
Compensation
to the President
and Vice Presi-
dent.

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

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

APPROVED, February 18, 1793.

STATUTE II.

Feb. 21, 1793.

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

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

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

APPROVED, February 21, 1793.

STATUTE II.

Feb. 21, 1793.

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

Act of 1790,
ch. 7.

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

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

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

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

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

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

Letters patent
how and by
whom made out.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

It is not enough that the thing designed to be embraced by the patent, should be made apparent on the trial, by comparison of the new with the old machine. The patent for the invention must distinguish the new from the old, so as to point out in what the improvement consists. *Dixon v. Moyer*, 4 Wash. C. C. R. 68.

Patents and the specifications annexed thereto, should be construed fairly and liberally, and not be subject to any over nice or critical refinements. *Ames v. Howard*, 1 Sumner's C. C. R. 482.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

To bear teste by the President, and

be examined by the Attorney General.

1800, ch. 25.

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

The liberty of using an improvement defined.

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

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

How to proceed to obtain letters patent.

1800, ch. 25, sec. 2.

Specification.

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

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

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

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

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

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

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

One who has patented his invention cannot take out a new patent for the same invention until the first is surrendered, repealed, or declared void. *Morris v. Huntington*, *Paine's C. C. R. 348*.

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

Specification.

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

Inventors may assign their titles.

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

Forfeiture on using patented inventions without leave.

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

How defendants may give this act in evidence.

And judgment shall be given.

State rights to inventions when to be deemed void.

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

1790, ch. 7.

Proceedings to be had on in-

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

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

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

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

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

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

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

terfering applications.

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

And against persons surreptitiously obtaining patents.

Repeal of a patent illegally obtained.

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

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

Copying fees.

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

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

Proviso.

APPROVED, February 21, 1793.

STATUTE II.

Feb. 27, 1793.

Duty on beasts imported for breed, to be repealed.

1799, ch. 22, sec. 94.

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

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

APPROVED, February 27, 1793.

STATUTE II.

Feb. 27, 1793.

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

1792, ch. 5.

Vermont not to be regarded in apportioning balances,

Act of August 5, 1790, ch. 38.

and Kentucky to be included with Virginia.

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

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

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

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

APPROVED, February 27, 1793.

STATUTE II.

Feb. 28, 1793.

1792, ch. 11.

Sections of certain former act repealed.

Evidence relative to invalids, how taken.

Evidence.

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

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

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

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

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

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

Evidence how taken.

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

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

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

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

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

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

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

by whom they are to be stated to Congress.

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

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

March 23, 1792, ch. 11.

Duty of Secretary at War, and Attorney General.

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

Limitation of claims under this act.

APPROVED, February 28, 1793.

STATUTE II.

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

Feb. 28, 1793.

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

[Expired.] Specific appropriations for the year 1793.

Specific appropriations for the year 1793.

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

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

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

Specific appropriations for the year 1793.

1792, ch. 38.

1791, ch. 15,
sec. 37.

Specific appropriations for the year 1793.

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

Out of what funds payable.

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

1790, ch. 34.

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

President may borrow not exceeding \$800,000.

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

On what terms and of whom.

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

APPROVED, February 28, 1793.

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

STATUTE II.

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

March 1, 1793.

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

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

Trade with the Indian tribes to be under licenses.

1790, ch. 33.

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

Power of the person granting such licenses.

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

Forfeiture on attempting to trade without a license.

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

Punishment on committing crimes against friendly Indians.

Forfeiture in cases of settlement on their lands.

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

Horses not to be purchased of Indians without license.

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

Forfeiture by the persons granting license trading with Indians.

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

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

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

Proviso.

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

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

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

to what amount in value.

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

Before what courts crimes against this act may be tried.

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

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

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

Disposition of fines and forfeitures under this act.

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

Construction of this act defined.

Acts within the purview of this act repealed.

Limitation of this act.

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

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

APPROVED, March 1, 1793.

STATUTE II.

March 1, 1793.

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

[Expired.]

Fees in courts of admiralty of maritime jurisdiction, established.

1796, ch. 11.
1799, ch. 19,
sec. 3.
Of the attornies.

Fees of the clerks.

1799, ch. 19,
sec. 3.

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 May next, there shall not be taxed or adjudged to any officer or other person, any greater or other fee or reward, for, or in respect of any service to be done or performed, in any of the district courts of the United States, in cases of admiralty or maritime jurisdiction, than such as is herein after specified; that is to say:

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

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

Drawing interrogatories, three dollars;

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

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

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

And for engrossing each sheet, ten cents;

Entering the return of process, fifteen cents;

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

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

Entering each proclamation, fifteen cents;

Entering each default, twelve cents;

Entering every rule of court, fifteen cents;

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

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

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

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

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

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

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

Every certificate, twenty cents;

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

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

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

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

Fees of the clerks.

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

Swearing each witness in court, ten cents;

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

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

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

Of the Marshals.

For summoning every witness or appraiser, fifteen cents;

Making each proclamation, fifteen cents;

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

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

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

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

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

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

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

Limitation of this act.

APPROVED March 1, 1793.

STATUTE II.

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

March 2, 1793.

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

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

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

Allowance to the commissioners, &c.

APPROVED, March 2, 1793.

STATUTE II.

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

March 2, 1793.

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

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

1793, ch. 20.

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

1802, ch. 31.

Rule for giving judgment in circuit courts in certain cases.

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

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

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

Duty of clerk in such cases;

Such sessions may be adjourned.

Privilege granted to district courts of Maine and Kentucky.

Bail for appearance by whom taken.

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

Writs of ne exeat by whom and when granted.

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

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

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

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

Subpoenas for witnesses how far to extend.

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

Courts to make rules for returning writs, &c.

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

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

APPROVED, March 2, 1793.

STATUTE II.

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

March 2, 1793.

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

[Obsolete.]
Times for holding spring circuits of eastern district and N. Carolina altered.
1790, ch. 17.
1797, ch. 27.
1806, ch. 13.

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

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

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

1802, ch. 31.

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

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

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

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

APPROVED, March 2, 1793.

STATUTE II.

March 2, 1793.

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

Hardwick in
Georgia estab-
lished a district.

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

One port of
entry therein
and a collector.

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

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

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

Champlain in N. York established a district.

President to appoint port of entry and collector therein.

1790, ch. 35, sec. 69.

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

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

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

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

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

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

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

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

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

President may increase mariners to the cutters.

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

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

APPROVED, March 2, 1793.

STATUTE II.

March 2, 1793.

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

[Obsolete.]
President may apply certain monies

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he hereby is authorized and empowered to apply two hundred thousand dollars, of the monies which may have been borrowed, in pursuance of the fourth section of the act, intituled "An act making provision for the reduction of the public debt," in payment of the first instalment, due to the Bank of the United States, upon a loan made of the said bank, in pursuance of the eleventh section of the act for incorporating the subscribers to the said bank.

to pay first instalment to Bank of U. S.

1790, ch. 47.

APPROVED, March 2, 1793.

STATUTE II.

March 2, 1793.

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

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

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

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

Privilege of non-subscribing creditors.

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

APPROVED, March 2, 1793.

STATUTE II.
March 2, 1793.

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

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

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

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

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

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

APPROVED, March 2, 1793.

STATUTE II.
March 2, 1793.

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

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

[Obsolete.]
Appropriation of certain monies for defraying certain specific demands.

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

Appropriations
for defraying
certain specific
demands.

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

APPROVED, March 2, 1793.

STATUTE II.

March 2, 1793.

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

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

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

APPROVED, March 2, 1793.

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

ACTS OF THE THIRD CONGRESS

OF THE

UNITED STATES,

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

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

STATUTE I.

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

Jan. 13, 1794.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the first day of May, Anno Domini, one thousand seven hundred and ninety-five, the flag of the United States, be fifteen stripes alternate red and white. That the Union be fifteen stars, white in a blue field.(a)

APPROVED, January 13, 1794.

Alteration in
Flag of United
States.

STATUTE I.

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

March 3, 1794.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the passing this act it shall be the duty of the treasurer of the mint to receive and give receipts for all metals which may lawfully be brought to the mint to be coined; and for the purpose of ascertaining their respective qualities, shall deliver from every parcel so received, a sufficient number of grains to the assayer, who shall assay all such of them as may require it. And the said treasurer shall from time to time deliver the said metals to the chief coiner to be coined in such quantities as the director of the mint may prescribe.

Duty of Treas-
urer of the mint
herein.
Act of April
2, 1792, ch. 16.

Assay.

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

Assayer and
chief coiner to
give bond, &c.

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

Part of cer-
tain act repeal-
ed.
1792, ch. 16.

APPROVED, March 3, 1794.

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

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

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

STATUTE I.

March 7, 1794.

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

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

Remission of tonnage duty to certain French vessels.

On what proof.

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

APPROVED, March 7, 1794.

STATUTE I.

March 14, 1794.

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

Specific appropriations for support of government for 1794.

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

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

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

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

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

For defraying the expense of clerks of courts, jurors and witnesses, in aid of the fund arising from fines, forfeitures and penalties, twelve thousand dollars:

For defraying the expenses of prosecutions for offences against the United States, and for the safe keeping of prisoners, four thousand dollars:

For compensation to the Secretary of State, clerks and persons employed in his office, six thousand eight hundred dollars:

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

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

Specific appropriations for support of government for 1794.

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

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

For compensation to the Comptroller of the Treasury, clerks and persons employed in his office, ten thousand two hundred dollars:

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

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

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

For compensation to the Auditor of the Treasury, clerks and persons employed in his office, ten thousand four hundred and fifty dollars:

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

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

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

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

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

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

For wood and candles in the several offices of the treasury department (except the Treasurer's office) one thousand two hundred dollars:

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

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

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

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

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

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

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

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

Specific appropriations for support of government for 1794.

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

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

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

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

For the purchase of copper, in the year one thousand seven hundred and ninety-four, seven thousand three hundred and fifty dollars:

For compensations to the governors, secretaries and judges of the territory northwest, and the territory south of the river Ohio, ten thousand three hundred dollars:

For expenses of stationery, office rent, printing patents for lands, and other contingent expenses in both the said territories, seven hundred dollars:

For the payment of sundry pensions granted by the late government, two thousand three hundred and sixty-seven dollars and seventy-three cents:

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

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

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

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

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

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

For the purchase of hydrometers, for the use of the officers of the customs, and inspectors of the revenue, one thousand five hundred dollars:

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

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

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

SEC. 2. *And be it further enacted*, That the several appropriations

1793, ch. 14.

1792, ch. 26.

herein before made, shall be paid and discharged out of the funds following, to wit :

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

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

1790, ch. 34.

APPROVED, March 14, 1794.

STATUTE I.

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

March 20, 1794.

[Obsolete.]

Act of July 1, 1790, ch. 22.

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

1796, ch. 41.

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

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

Certain acts continued in force.

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

APPROVED, March 20, 1794.

STATUTE I.

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

March 20, 1794.

[Obsolete.]

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

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

APPROVED, March 20, 1794.

STATUTE I.

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

March 20, 1794.

[Obsolete.]

Certain ports and harbors to be fortified.

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

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

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

Cause cannon to be purchased.

And receive cessions of certain lands.

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

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

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

APPROVED, March 20, 1794.

STATUTE I.

March 21, 1794.

[Obsolete.]

Specific appropriations for military establishment for 1794.

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

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

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

SEC. 2. *And be it further enacted*, That the several appropriations herein before made, shall be paid and discharged out of the funds following, to wit: First, the surplus of the sum of six hundred thousand dollars, reserved by the act "making provision for the debt of the United States," and which will accrue during the year one thousand seven hundred and ninety-four: Secondly, the surplus of revenue and income, beyond the appropriations heretofore charged thereupon, to the end of the year one thousand seven hundred and ninety-four: And thirdly, the surplus which may remain unexpended, of the monies appropriated for the use of the war department, in the year one thousand seven hundred and ninety-three.

APPROVED, March 21, 1794.

Out of what funds payable.

1790, ch. 34.

STATUTE I.

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

March 22, 1794.

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

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

(a) The acts prohibiting and punishing the Slave trade, are: An act to prohibit the carrying on the slave trade from the United States to any foreign place or country, March 22, 1794, chap. 11; an act in addition to the act entitled, "An act to prohibit the carrying on the slave trade from the United States to any foreign place or country," May 10, 1800; an act to prevent the introduction of certain persons into certain states, where by the laws thereof their admission is prohibited, February 28, 1803, chap. 10; an act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States from and after the first of January one thousand eight hundred and eight, March 2, 1807, chap. 22; an act in addition to an act entitled, "An act to prohibit the importation of slaves within the jurisdiction of the United States from and after the first day of January one thousand eight hundred and eight," April 20, 1818, chap. 86; an act to continue in force "an act to protect the commerce of the United States, and punish the crime of piracy," and also to make further provision for punishing the crime of piracy, May 15, 1820, chap. 112, sec. 4, 5.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1800, ch. 51.

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

Forfeiture on persons aiding or abetting contrary to this act.

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

In what cases owners of foreign vessels shall give bond.

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

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

APPROVED, March 22, 1794.

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

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

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

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

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

STATUTE I.

March 27, 1794.

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

[Obsolete.]

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

How officered.

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

SECTION 1. *Be it therefore enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be authorized to provide, by purchase or otherwise, equip and employ four ships to carry forty-four guns each, and two ships to carry thirty-six guns each.

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

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

How manned.

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

President of
United States

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

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

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

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

Pay and subsistence.

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

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

Pay to petty officers to be fixed by the President.

Not to exceed certain sum.

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

Component parts of ration.

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

When proceedings under this act shall cease.

APPROVED, March 27, 1794.

STATUTE I.

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

March 27, 1794.

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

Allowance to General La Fayette.

APPROVED, March 27, 1794.

STATUTE I.

April 2, 1794.

[Obsolete.]

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

STATUTE I.

April 3, 1794.

[Obsolete.]

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

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

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

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

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

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

APPROVED, April 2, 1794.

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

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

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

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

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

APPROVED, April 3, 1794.

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

STATUTE I.

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

April 3, 1794.

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

APPROVED, April 3, 1794.

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

STATUTE I.

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

April 5, 1794.

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

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

APPROVED, April 5, 1794.

Secretary of Treasury to place buoys off certain harbors.

Appropriation therefor.

STATUTE I.

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

April 21, 1794.

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

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

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

Proceedings
to be had for
establishing
claims.

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

By whom and
how long to be
received.

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

APPROVED, April 21, 1794.

STATUTE I.

May 8, 1794.

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

[Obsolete.]
Establishment
of Post Roads
after first June
next.
1799, ch. 43.
1810, ch. 37.

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

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

Establishment
of Post Roads
after first June
next.

Establishment
of Post Roads
after first June
next.

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

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

Establishment of Post-roads after first June next.

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

Certain road in Kentucky how long to continue.

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

Postmaster General may provide for carrying mail on certain roads.

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

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

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

General Post Office at seat of government.

Postmaster General, his powers.

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

and with persons employed by him.

To take oath.

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

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

and lodge the contract in Comptroller's office.

Deputy Postmaster to keep an office.

Allowance to Postmaster General and his assistant.

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

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

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

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

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

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

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

Rates of postage.

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

Rates of letters passing by sea.

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

Penalty on demanding or receiving beyond stipulated postage.

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

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

Duty of collectors herein.

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

Of Postmasters on receipt of foreign letters.

Penalty on persons offending against this act.

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

Deputies to account with Postmaster General for way-letters.

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

On detaining or secreting letters.

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

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

Penalty on detaining or secreting letters.

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

On persons robbing the mail.

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

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

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

Certain letters to be conveyed free of postage.

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

Penalty on counterfeiting the franking of letters.

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

Privilege of newspaper printers.

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

Newspapers how to be put up for the mail.

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

Postmaster General and deputies to keep separate accounts of them.

Fine on enclosing letters, &c. in newspapers.

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

On embezzling newspapers.

Postmaster General may permit contractors to carry newspapers,

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

And allow commission to deputies.

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

and at Burlington on Lake Champlain.

Allowance to certain deputies who rise in the night.

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

Allowance of stationery, &c.

Extra allowance to postmaster of Philadelphia.

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

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

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

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

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

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

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

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

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

Postmaster general to prosecute deputies neglecting to settle, and

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

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

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

The postmaster general cannot sue in the federal courts under that part of the constitution which gives jurisdiction to those courts in consequence of the character of the party, nor is he authorized to sue by the judiciary act. He comes into the courts of the United States under the authority of an act of Congress, the constitutionality of which rests upon the admission that his suit is a case arising under a law of the United States. *Osborn et al. v. The Bank of United States*, 9 Wheat. 738; 5 Cond. Rep. 741.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Penalty on his neglect thereof.

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

Appropriation of penalties, &c.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPROVED, May 8, 1794.

STATUTE I.

May 9, 1794.

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

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

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

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

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

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

Postmasters &c. exempt from militia duty.

Letter carriers

may receive two cents for each letter.

When this act shall be in force.

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

1802, ch. 9.

How incorporated with the corps of artillery.

To be denominated corps of artillerists and engineers.

Organization.

Pay and allowance.

Secretary at War to provide books and apparatus.

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

APPROVED, May 9, 1794.

President how to employ said corps.

STATUTE I.

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

May 9, 1794.

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

APPROVED, May 9, 1794.

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

On what condition.

STATUTE I.

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

May 9, 1794.

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

[Expired.]

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

Apportionment.

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

How officered.

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

President may accept certain corps as volunteers.

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

Time of service.

Pay and allowance.

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

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

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

Limitation of this act.

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

APPROVED, May 9, 1794.

STATUTE I.

May 13, 1794.

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

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

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

President to appoint superintendent.

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

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

Appropriation therefor.

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

APPROVED, May 13, 1794.

STATUTE I.

May 19, 1794.

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

Secretary of Treasury to

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

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

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

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

APPROVED, May 19, 1794.

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

President to appoint superintendent.

Appropriation therefor.

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

Appropriation therefor.

STATUTE I.

May 19, 1794.

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

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

APPROVED, May 19, 1794.

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

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

STATUTE I.

May 22, 1794.

CHAP. XXXIII.—*An Act prohibiting for a limited time the Exportation of Arms and Ammunition, and encouraging the Importation of the same.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall not be lawful to export from the United States any cannon, muskets, pistols, bayonets, swords, cutlasses, musket balls, lead, bombs, grenades, gunpowder, sulphur or saltpetre, but the exportation of all the aforesaid articles are hereby prohibited for and during the term of one year.

SEC. 2. *And be it further enacted*, That any of the aforesaid articles, excepting such of them as may constitute a part of the equipment of any vessel, which during the continuance of this prohibition shall be found on board of any vessel in any river, port, bay or harbor within the territory of the United States, with an intent to be exported from the United States to any foreign country, shall be forfeited, and in case the value thereof shall amount to four hundred dollars, the vessel on board of which the same shall be seized, together with her tackle, apparel and furniture shall also be forfeited. *Provided nevertheless*, That nothing in this act shall be construed to prohibit the removal or transportation of any of the articles aforesaid from one port to another port within the

[Obsolete.]
Exportation of arms and ammunition prohibited for one year. 1795, ch. 53. 1797, ch. 2.

Forfeiture on landing any of the said articles with intent to export them, &c.

United States in any vessel having a license as a coasting vessel, the master, agent or owner of which shall have given bond with one or more sufficient sureties to the collector of the district from which such vessel is about to depart, in a sum double the value of such vessel and of such of the said articles as may be laden on board her, that the said articles shall be re-landed and delivered in some port of the United States.

Vessel exporting said articles liable to forfeiture, &c.

SEC. 3. *And be it further enacted*, That if any of the articles aforesaid shall, contrary to the prohibitions of this act, be exported to any foreign country, the vessel in which the same shall have been exported together with her tackle, apparel and furniture, shall be liable to forfeiture, and the captain or master of such vessel shall forfeit and pay a sum not exceeding one thousand dollars.

Duty of custom-house officers herein.

SEC. 4. *And be it further enacted*, That it shall be the duty of the custom-house officers, and of all persons employed in the collection of the revenue, to attend to the execution of this law, and all forfeitures and penalties incurred under it, shall be sued for, prosecuted, adjudged and distributed in like manner as is provided in the act, entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships and vessels."

1790, ch. 35.

Importation of brass cannon, muskets, &c. for two years free of duty.

SEC. 5. *And be it further enacted*, That all brass cannon, muskets and firelocks with bayonets suited to the same, pistols, swords, cutlasses, musket ball, lead, and gunpowder which shall be imported into the United States from any foreign country within the term of one year, and all sulphur and saltpetre which shall be so imported within the term of two years from and after the passing of this act, shall be free of duty, any thing in any former law to the contrary notwithstanding.

APPROVED, May 22, 1794.

STATUTE I.

May 30, 1794.

CHAP. XXXIV.—*An Act to continue in force the act for the relief of persons imprisoned for debt.*

[Expired.]

Act for relief of persons imprisoned for debt, continued for two years.

Act of May 5, 1792, ch. 29. Repealed 1796, ch. 38.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act, entitled "An act for the relief of persons imprisoned for debt," be continued, and that the same be in force for the term of two years from the passing of this act, and from thence to the end of the next session of Congress and no longer.

APPROVED, May 30, 1794.

STATUTE I.

May 30, 1794.

[Obsolete.]

Congress to meet first Monday in Nov. next.

CHAP. XXXV.—*An Act to alter the time for the next annual meeting of Congress.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after the adjournment of the present session, the next annual meeting of Congress shall be on the first Monday in November next.

APPROVED, May 30, 1794.

STATUTE I.

May 30, 1794.

[Obsolete.]

Domestic debt, term for subscribing extended to 31st Dec. 1794.

1793, ch. 26. 1795, ch. 13.

CHAP. XXXVI.—*An Act further extending the time for receiving on loan the Domestic Debt of the United States.*

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the term for receiving on loan that part of the domestic debt of the United States which shall not have been subscribed in pursuance of the act, entitled "An act for extending the time for receiving on loan that part of the domestic debt of the United States which may not be subscribed

prior to the first day of March, one thousand seven hundred and ninety-three," be, and the same is hereby further extended from and after the last day of June ensuing, until the last day of December next inclusively, on the same terms and conditions as are contained in the act, intituled "An act making provision for the debt of the United States." *Provided*, That the books for receiving the said subscriptions shall be opened only at the treasury of the United States.

1790, ch. 34.

On what terms.

SEC. 2. *And be it further enacted*, That such of the creditors of the United States as have not subscribed and shall not subscribe to the said loan, shall nevertheless receive during the year one thousand seven hundred and ninety-four, a rate per centum on the amount of such of their demands, as have been registered or as shall be registered at the treasury conformable to the directions in the act, intituled "An act making provision for the debt of the United States," equal to the interest which would be payable to them as subscribing creditors.

Provision for non-subscribing creditors.

1790, ch. 34.

APPROVED, May 30, 1794.

STATUTE I.

CHAP. XXXVII.—*An Act making provision for the payment of the interest on the balances due to certain States, upon a final settlement of the accounts between the United States and the individual States.*

May 31, 1794.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That interest upon the balances reported to be due to certain states, by the commissioners for settling accounts between the United States and individual states, be allowed, from the last day of December, one thousand seven hundred and eighty-nine, and to be computed to the last day of December, one thousand seven hundred and ninety-four, at the rate of four per centum per annum: And that the amount of such interest be placed to the credit of the state, to which the same shall be found due, upon the books of the treasury of the United States, and shall bear an interest of three per centum per annum, from and after the said last day of December, one thousand seven hundred and ninety-four.

[Obsolete.]

Allowance of interest on balance due to certain states, &c.

1790, ch. 38.

SEC. 2. *And be it further enacted*, That the interest on the said balances, reported by the said commissioners, as aforesaid, which shall be funded, agreeable to the terms of the act, intituled "An act to provide more effectually for the settlement of the accounts, between the United States and the individual states," together with the interest on the amount placed to the credit of any such state, for arrearages of interest on such balances, agreeable to the terms of this act, be paid quarter yearly, after the said last day of December, one thousand seven hundred and ninety-four; that is to say: one fourth part thereof, on the last days of March, June, September and December, respectively, in each year, at the offices of the commissioners of loans, within such states as shall be intitled to receive the same; the first payment to be made on the last day of March one thousand seven hundred and ninety-five: And for the payment of the said interest, so much of the duties arising, yearly, on imports and tonnage, from and after the last day of December, one thousand seven hundred and ninety-four, as may be necessary, and not heretofore otherwise appropriated, be, and the same is hereby pledged and appropriated; and that the faith of the United States be, and the same is hereby pledged to provide for any deficiency that may happen, by such additional and permanent funds, as may be necessary therefor.

When and how to be paid.

1790, ch. 38.

Out of what funds payable.

APPROVED, May 31, 1794.

STATUTE I.

June 4, 1794.

CHAP. XL.—*An Act providing for the payment of the second instalment due on a Loan made of the Bank of the United States.*

[Obsolete.]
President of United States to pay second instalment to the Bank out of foreign loans.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be, and he hereby is authorized and empowered to apply two hundred thousand dollars of the proceeds of foreign loans heretofore transferred to the United States, in payment of the second instalment due to the Bank of the United States, upon a loan of the said bank, made pursuant to the eleventh section of the act for incorporating the subscribers to the said bank: And that the annual period for the payment of each instalment of the said loan, shall be deemed to be the last day of December in each year.

Annual period for payment of each instalment.

Appropriation for paying interest on said loan.

SEC. 2. *And be it further enacted,* That a sufficient sum of the dividends, which have accrued, or which shall hereafter accrue, on the stock owned by the United States, in the Bank of the United States, be, and the same is hereby appropriated to the payment of the interest, which has, or shall become due, on the loan obtained, as aforesaid.

APPROVED, June 4, 1794.

STATUTE I.

June 4, 1794.

CHAP. XLI.—*An Act to authorize the President of the United States to lay, regulate and revoke Embargoes.*

[Expired.]
President authorized to lay embargoes, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be, and he hereby is authorized and empowered, whenever, in his opinion, the public safety shall so require, to lay an embargo on all ships and vessels in the ports of the United States, or upon the ships and vessels of the United States, or the ships and vessels of any foreign nation, under such regulations as the circumstances of the case may require, and to continue or revoke the same, whenever he shall think proper. And the President is hereby fully authorized to give all such orders to the officers of the United States, as may be necessary to carry the same into full effect: *Provided,* The authority aforesaid shall not be exercised, while the Congress of the United States shall be in session: And any embargo, which may be laid by the President, as aforesaid, shall cease and determine in fifteen days from the actual meeting of Congress, next after laying the same.

Resolution of March 26, 1794, p. 400, post.

Limitation of this act.

SEC. 2. *And be it further enacted,* That this act shall continue and be in force until fifteen days after the commencement of the next session of Congress, and no longer.

APPROVED, June 4, 1794.

STATUTE I.

June 4, 1794.

CHAP. XLII.—*An Act for extending the Benefit of a Drawback and Terms of Credit in certain cases, and for other purposes.*

[Obsolete.]
Further time allowed for benefit of drawback on goods exported.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in all cases where the term allowed by law for the exportation of goods, wares or merchandise, with the benefit of a drawback of the duties thereupon, shall have expired after the last day of January last past, and previous to the last day of July next, there shall be allowed further time for the exportation with the benefit aforesaid until the said last day of July next.

Further time allowed on certain bonds now unpaid.

SEC. 2. *And be it further enacted,* That on all bonds which may have been given for duties on coffee, sugar and indigo imported into the United States, and which shall be unpaid at the passing of this act, all that time from the last day of January last past to the last day of May

instant shall be considered as no part of the time allowed by law for the payment of the said duties, but the importer shall enjoy the same term of credit as if the said period had not intervened. *Provided*, That in every case where the extension of credit is claimed and granted under this act new bonds shall be given for the duties on which such credit is extended, with one or more sureties to the satisfaction of the collector of the district.

When new bonds shall be given.

SEC. 3. *And be it further enacted*, That in cases where the certificates and evidence now required by law for authorizing the payment of any drawback or allowance on any goods, wares or merchandise exported since the first day of July, one thousand seven hundred and ninety-two, or which may be hereafter exported, are not and cannot be obtained, the exporter or exporters of such goods, wares or merchandise shall nevertheless be permitted to offer such other proof as to the delivery thereof without the limits of the United States as he or they may have, to the comptroller of the treasury, who shall, if the same proof shall be satisfactory to him, direct the payment of the drawback or allowance. *Provided always*, That in no case shall a drawback be hereafter paid on any goods, wares or merchandise until the duties on the importation thereof shall have been first received.

Evidence required for payment of drawback.

Proviso.

APPROVED, June 4, 1794.

STATUTE I.

June 4, 1794.

CHAP. XLIII.—*An Act to extend the Term of Credit for Teas imported in the ship Argonaut; and to permit the export of Goods saved out of the wreck of the snow Freelove.*

[Obsolete.]

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the collector of the district of Pennsylvania be, and he hereby is authorized and directed, to take bond, with sufficient surety, for the payment of the duties accruing on teas imported into the said district, in the ship Argonaut, Victor Chabert commander, from China, payable on the fifteenth day of May, one thousand seven hundred and ninety-five, or to receive, on deposit, such of the said teas as may be tendered for that purpose, as security for the said duties.

Collector of Pennsylvania to take certain bonds for teas imported in ship Argonaut.

SEC. 2. *And be it further enacted*, That the said collector be authorized to permit the said teas, or any part thereof, to be exported under the like regulations as other teas are permitted to be exported, at any time before the fifteenth day of May, one thousand seven hundred and ninety-five.

Under what condition may permit said teas to be exported.

SEC. 3. *And be it further enacted*, That the collector aforesaid be authorized and directed to permit the exportation of any sugars, coffee, cocoa or molasses, saved out of the snow Freelove, cast away on Cape Hatteras, as may be required, by the owners thereof, under the like regulations and provisions as goods of a like kind are permitted to be exported, and to allow the drawbacks thereon, as if the same had been directly imported into the district of Pennsylvania.

And coffee, &c. saved out of snow Freelove.

APPROVED, June 4, 1794.

STATUTE I.

June 5, 1794.

CHAP. XLV.—*An Act laying duties upon Carriages for the conveyance of Persons.*(a)

[Repealed.]

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there shall be levied, collected and paid, upon all carriages for the convey-

April 6, 1802. Specific duties on carriages.

(a) The act of Congress of June 5, 1794, laying duties upon carriages for the conveyance of persons, is a constitutional act, and within the authority granted to Congress by the 8th section of the first article of the constitution. *Hylton v. The United States*, 3 Dall. 171; 1 Cond. Rep. 83.

ance of persons, which shall be kept by or for any person, for his or her own use, or to be let out to hire, or for the conveying of passengers, the several duties and rates following, to wit: For and upon every coach, the yearly sum of ten dollars;—for and upon every chariot, the yearly sum of eight dollars;—for and upon every phaeton and coachee, six dollars;—for and upon every other four wheel, and every two wheel top carriage, two dollars;—and upon every other two wheel carriage, one dollar. *Provided always*, That nothing herein contained shall be construed to charge with a duty, any carriage usually and chiefly employed in husbandry, or for the transporting or carrying of goods, wares, merchandise, produce or commodities.

To be levied and collected by supervisors and inspectors.

SEC. 2. *And be it further enacted*, That the duties aforesaid shall be levied, collected, received and accounted for, by and under the immediate direction of the supervisors and inspectors of the revenue, and other officers of inspection, subject to the superintendence, control and direction of the department of the treasury, according to the authorities and duties of the respective officers thereof.

Duty of persons keeping carriages.

SEC. 3. *And be it further enacted*, That every person having or keeping a carriage or carriages, which, by this act, is or are made subject to the payment of duty, shall, within the month of September in each year, make entry of the same with the officer of inspection of the district, in which he or she shall reside, and pay the duty thereon: And such entry shall be in writing, subscribed by the owner of such carriage or carriages, and shall describe each by its proper denomination and number of wheels. And, for the purpose of receiving such entry and payment, it shall be the duty of the supervisor of the district, or of some officer of inspection, to attend, within the month of September in each year, at one of the most public and convenient places in each county, within their respective districts, and to give public notice, at least one month previous to such day, of the time and place of such attendance. And if any person, having or keeping a carriage or carriages, charged with a duty or duties by this act, shall neglect or omit to bring, or send and deliver such list thereof, at or within any monthly period aforesaid, in manner above mentioned, or to pay the duty or duties thereupon payable, he or she shall, for every such neglect or omission, forfeit and pay a sum equal to the duty or duties payable upon the said carriage or carriages, in addition to the said duty or duties.

Of supervisors. Duty of supervisors.

Forfeiture on neglecting to pay duties herein.

When duties may be paid at usual place of abode.

Upon what conditions.

SEC. 4. *And be it further enacted*, That if any person having or keeping a carriage or carriages chargeable with any duty by this act, shall prefer to the mode of payment herein before directed, that of paying the amount of the duties by him or her payable, upon demand of him or her made at his or her usual place of habitation, it shall be at his or her option to make payment in manner last mentioned, upon the condition following, that is to say: that he or she, if having or keeping a carriage or carriages, so liable to duty, on the first day of September next, shall, within the said month of September, or, if beginning to have or keep such carriage or carriages, at any time after the said first day of September, shall, within thirty days after he or she shall so begin to have or keep such carriage or carriages, give notice thereof in writing, at the office of inspection nearest to his or her said place of habitation, by transmitting a list thereof, of the like kind and description with that directed and described in the third section of this act, and expressing thereupon, that he or she doth elect to pay the yearly duty or duties payable upon the carriage or carriages therein mentioned, upon demand of him or her, at his or her said place of habitation, and upon this further condition, that he or she shall pay, upon such demand, in addition to the said duty or duties, a commission of one per centum upon the amount thereof, for the benefit of the officer or person by whom the said demand shall have been made.

SEC. 5. *And be it further enacted*, That every person who shall make such election, as aforesaid, shall pay, or cause to be paid, yearly, and every year, after the month of September, upon the calling for that purpose, at his or her said place of habitation, of any officer of inspection, or person thereunto authorized, the amount of duty or duties by him or her payable, upon the carriage or carriages, whereof he or she shall have transmitted a list, as aforesaid, so long as he or she shall continue to have or keep the same, and until he or she shall give notice in writing, at the office of inspection, to which the said list shall have been transmitted, that he or she hath sold, or otherwise assigned, or alienated, any carriage or carriages therein mentioned: in default of which payment, the duty or duties, and commission thereupon, in respect to which any such default shall be made, shall and may be sued for and recovered in any court of the United States, or of either of them, or shall and may be levied, together with reasonable charges, by distress and sale of the goods and chattels of the person making such default.

Duty of persons electing to pay at usual place of abode.

In default thereof how said duties may be sued for.

SEC. 6. *And be it further enacted*, That if any person, by whom such election, as aforesaid, shall have been made, shall omit to notify, in manner herein before directed, any carriage or carriages liable to duty, by this act, which he or she shall, at any time, have or keep, he or she shall, in respect to such carriage or carriages, stand and be in the same predicament, as persons by whom no such election shall have been made, and shall incur the like penalties and forfeitures, as such persons are by this act made liable to, for neglecting or omitting to bring, or send and deliver, true and exact lists of the carriages by them respectively had or kept, and paying the duties thereupon, in manner herein directed.

Persons neglecting to notify carriage, &c.

How to be proceeded against.

SEC. 7. *Provided always, and be it further enacted*, That it shall be, at any time, lawful for any person, who shall have made any such election, as aforesaid, by notice in writing under his or her hand, sent to, and delivered at the same office of inspection, where the notice of such election shall have been given, to revoke the said election; after which revocation, he or she shall stand and be, as to all matters and things directed and prescribed by this act, in the same situation, as if no such election had been made.

Privilege of persons electing to pay at usual place of abode.

SEC. 8. *And be it further enacted*, That the supervisors of the revenue shall have power, from time to time, to examine upon oath or affirmation, any officers or persons employed under them in the collection and receipts of the duties aforesaid.

Power of supervisors herein.

SEC. 9. *And be it further enacted*, That if any person shall wilfully swear or affirm falsely, touching any matter herein before required to be verified by oath or affirmation, he or she shall suffer the pains and penalties, which by law are prescribed for wilful and corrupt perjury; and, if an officer, shall forfeit his office, and be incapable of afterwards holding any office under the United States.

Penalty on swearing or affirming falsely.

SEC. 10. *And be it further enacted*, That all fines, penalties and forfeitures, which shall be incurred pursuant to this act, shall be divided and distributed, one half thereof to the use of the United States, and the other half thereof to the use of the person, who, if an officer of inspection, shall first discover, if not an officer of inspection, shall first give information of the cause, matter or thing, whereby any of the said penalties or forfeitures shall have been incurred, and as well the duties hereby laid, as the said fines, penalties and forfeitures, all or any of them, shall and may be sued for, and recovered, in any court of the United States, or before any magistrate, or state court, having competent jurisdiction.

Fines and forfeitures in pursuance of this act, how disposed of,

and duties sued for and recovered.

SEC. 11. *And be it further enacted*, That this act shall continue and be in force, for and during the term of two years, and from thence to the end of the next session of Congress, and no longer.

Limitation of this act.

STATUTE I.

June 5, 1794.

CHAP. XLVI.—*An Act to authorize the President of the United States during the recess of the present Congress, to cause to be purchased or built a number of Vessels to be equipped as Galleys, or otherwise, in the service of the United States.*

[Obsolete.]
President of U. S. may cause ten vessels to be built.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be, and he is hereby authorized, during the recess of the present Congress, if the same shall appear to him necessary for the protection of the United States, to cause a number of vessels, not exceeding ten, to be built or purchased, and to be fitted out, manned, armed and equipped as galleys or otherwise in the service of the United States, the officers and men to be on the same pay, and to receive the same subsistence as officers of the same rank and men are entitled to, in the navy of the United States.

How to be fitted out, manned, &c.

Pay and subsistence.

President to appoint the officers, &c.

SEC. 2. *And be it further enacted,* That the said officers shall be appointed, and commissioned by the President of the United States, and the said galleys or vessels be stationed in such parts of the United States, as he may direct.

Appropriation therefor.

SEC. 3. *And be it further enacted,* That there be appropriated for the purpose aforesaid, the sum of eighty thousand dollars to be paid out of the proceeds of any revenue of the United States, which now are, or hereafter during the present session shall be provided, not being otherwise appropriated. And that the President of the United States be authorized to take on loan of the Bank of the United States, or of any other body politic or corporate, person or persons, the said sum of eighty thousand dollars, to be reimbursed, principal and interest, out of the said proceeds, appropriated as aforesaid, according to such contract or contracts, which shall be made concerning the same.

President authorized to borrow \$80,000.

APPROVED, June 5, 1794.

STATUTE I.

June 5, 1794.

CHAP. XLVII.—*An Act authorizing a settlement of certain expenses of the Commissioners of Loans.*

[Obsolete.]
Commissioners of loans, certain allowance in settlement of their accounts.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the commissioners of loans in the several states shall be allowed in the settlement of their accounts such sums as shall appear to have been necessarily expended by them in the purchase of stationary for the use of their several offices, and also for the hire of clerks to assist in executing the duties of their respective offices, from and after the first day of March, one thousand seven hundred and ninety-three, until the last day of the year one thousand seven hundred and ninety-four inclusively.

Specific appropriation therefor.

SEC. 2. *And be it further enacted,* That a sufficient sum of the proceeds of the duties on imports and tonnage not exceeding the sum of fifteen thousand dollars, be and the same is hereby appropriated to the payment of such of the expenses before mentioned as shall accrue during the present year and be allowed on settlement at the treasury.

APPROVED, June 5, 1794.

STATUTE I.

June 5, 1794.

CHAP. XLVIII.—*An Act laying duties on licenses for selling Wines and foreign distilled spirituous liquors by retail.*

Repealed by Act of April 6, 1802.

Certain persons declared to be retail dealers in wines.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That every person, who shall deal in the selling of wines, to be carried or sent out of the house, building or place of his or her dwelling, in a less quantity, or in less quantities, at one time, than thirty gallons, except in the original cask, case, box or package, wherein the same shall have been imported,

shall be deemed to be, and hereby is declared to be, a retail dealer in wines, within the meaning of this act; and that every person, who shall deal in the selling of any foreign distilled spirituous liquors, to be carried or sent out of the house, building or place of his or her dwelling, in less quantities than twenty gallons, at one time, shall be deemed to be, and hereby is declared to be a retail dealer in foreign distilled spirituous liquors: *Provided always*, That nothing herein contained shall be construed to extend to persons, who, as keepers of taverns, inns or houses of entertainment, duly licensed or authorized under any law of a state, shall vend or sell really and truly for consumption, within the houses, buildings or premises, only, by them respectively occupied or kept, as taverns, inns, or other houses of entertainment, wines or distilled spirituous liquors, in whatsoever quantity, nor to physicians, apothecaries, surgeons or chemists, as to any wines or spirituous liquors, which they may use in the preparation or making up of medicines, for sick, lame or diseased persons only.

Certain persons declared to be retail dealers in foreign distilled spirits.

SEC. 2. *And be it further enacted*, That every person, who, on the thirtieth day of September next, shall be a retail dealer in wines, or foreign distilled spirituous liquors, as above described and defined, both, or either of them, shall, before the said day, and every person, who, after the said day, shall become, or intend to become such retail dealer in wines or foreign distilled spirituous liquors, both or either of them shall, before he or she shall begin to vend, or sell, by retail, any wine or wines, or foreign distilled spirituous liquors, apply for and obtain, in manner herein after directed, a license for carrying on the business of retailing wines or foreign distilled spirituous liquors, as the case may be, that is to say; one license for carrying on the business of retailing wines, and another license for carrying on the business of retailing foreign distilled spirituous liquors; which licenses respectively, shall be granted for the term of one year upon the payment of five dollars for each license; and shall be renewed, yearly, upon the payment of the like sum of five dollars for each license. And if any person shall, after the said day, deal in the selling of wines or foreign distilled spirituous liquors, by retail, as above described and defined, without having a license therefor, as aforesaid, continuing in force, such person shall forfeit and pay the sum of fifty dollars, to be recovered with costs of suit. And no such license shall be sufficient for the selling of wines, or foreign distilled spirituous liquors, by retail at more than one place; but any person, who by colour of such license shall sell any wines or foreign distilled spirituous liquors, at more than one place, shall be deemed to be, in respect to such of the said articles, as he or she shall so sell, at more than one place, a retail dealer therein without license, and shall forfeit and pay the like sum of fifty dollars, to be recovered with costs of suit.

Retail dealers in wines, &c. to obtain licenses on 30th Sept. next.

Forfeiture on neglect thereof.

SEC. 3. *And be it further enacted*, That it shall be the duty of the supervisors of the revenue, within their respective districts, to grant licenses for carrying on the said businesses respectively, of retailing wines and foreign distilled spirituous liquors, which licenses shall be marked or stamped with a mark or stamp, denoting the sum of the duty thereupon; and shall be signed by the supervisor of the revenue, who shall issue the same, or cause the same to be issued, and shall be granted to any person, who shall desire the same, upon application made at any office of inspection, for that purpose, in writing, specifying the name of the person, for whom a license is requested, and the place or premises where the business for which the same is requested to be carried on, and also upon payment or tender to the officer thereof, of the sum or duty payable by this act, upon each license requested. And, to the end, that all persons carrying on, or intending to carry on, both or either of the said businesses, may obtain, with ease and dispatch, the licenses, whereof they shall respectively stand in need, it is hereby made the duty

Licenses by whom granted.

How designated and signed, and to whom issued.

Supervisors to furnish officers of inspection with blank licenses.

By whom the same shall be countersigned and issued.

Duties herein under whose direction to be received, &c.

Fines, &c. how sued for and recovered.

President of the U. States to compensate officers of inspection.

Not exceeding two and a half per cent. &c.

Limitation of this act.

Continued 1795, ch. 45.

STATUTE I.

June 5, 1794.

Repealed by Act of April 6, 1802, ch. 19.

Certain powers to President of the U. States as to collection of duties on distilled spirits, &c.

of the respective supervisors, to prepare and furnish to the several officers of inspection acting under them, licenses signed by them, with the proper marks and stamps, in competent number, and with blanks for the names of the persons for whom they shall be requested, and the places or premises respectively where the business or businesses, for which they are requested, is or are to be carried on. And the officer of inspection, to whom such application and payment, or tender as aforesaid, shall be made, shall forthwith issue the license or licenses requested, having first filled the blanks therein, and countersigned the same. *Provided always*, That no license shall be granted to any person to sell wines or foreign distilled spirituous liquors, who is prohibited to sell the same, by the laws of any state.

SEC. 4. *And be it further enacted*, That the duties aforesaid shall be received, collected, accounted for, and paid under and subject to the superintendence, control and direction of the department of the treasury, according to the authorities and duties of the respective officers thereof.

SEC. 5. *And be it further enacted*, That all fines, penalties and forfeitures, which shall be incurred, by force of this act, shall and may be sued for, and recovered, in the name of the United States, or of the supervisor of the revenue within whose district any such fine, penalty or forfeiture shall have been incurred, by bill, plaint or information, one moiety thereof to the use of the United States, and the other moiety thereof to the use of the person, who, if an officer of inspection, shall first discover, if other than an officer of inspection, shall first inform of the cause, matter or thing, whereby any such fine, penalty or forfeiture shall have been incurred, and where the cause of action or complaint shall arise or accrue more than fifty miles distant from the nearest place by law established for the holding of a district court within the district in which the same shall arise or accrue, such suit and recovery may be had before any court of the state holden within the said district having jurisdiction in like cases.

SEC. 6. *And be it further enacted*, That it shall be lawful for the President of the United States, and he is hereby empowered to make such allowances for compensation to the officers of inspection employed in the collection of the duties aforesaid, and for incidental expenses, as he shall judge reasonable, not exceeding in the whole, two and a half per centum of the total amount of the said duties collected.

SEC. 7. *And be it further enacted*, That this act shall continue and be in force for the term of two years, and from thence to the end of the then next session of Congress, and no longer.

APPROVED, June 5, 1794.

CHAP. XLIX.—*An Act making further provision for securing and collecting the Duties on foreign and domestic distilled Spirits, Stills, Wines and Teas.*

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in order to facilitate and secure the collection of the revenue on distilled spirits, and stills, in such states as have been, or hereafter may be erected, and in the territories northwest, and south of the river Ohio, the President of the United States shall be, and he is hereby authorized and empowered to form and erect such new districts and surveys, and to make such alterations in, and additions to the several districts, and in and to the several surveys thereof, as from time to time shall appear, in his judgment, expedient and necessary; and that it shall also be lawful for the President, by and with the advice and consent of the Senate, to appoint such and so many supervisors, inspectors of surveys, and in-

spectors of ports, therein and therefor, as may be found necessary, and to assign to them, compensations proportionate to those heretofore, or which may hereafter be allowed, to the officers of the revenue. *Provided*, That if the appointment of such supervisors and inspectors cannot be made, during the present session of Congress, the President may, and he is hereby empowered to make such appointments, during the recess of the Senate, by granting commissions, which will expire at the end of their next session.

And appointment of supervisors, &c.

SEC. 2. *And be it further enacted*, That all spirits which shall be distilled in the United States, in stills which shall not have been previously entered at some office of inspection, shall be liable, together with the stills or other vessels used in the distillation thereof, to seizure and forfeiture.

Spirits distilled in stills not entered liable to seizure.

SEC. 3. *And be it further enacted*, That no drawback of the duty on distilled spirits, which shall be exported after the first day of July next, shall be allowed upon any quantity less than one hundred and fifty gallons.

Drawback not to be allowed on less than 150 gallons.

SEC. 4. *And be it further enacted*, That it shall be lawful to import into the United States, in the same ship or vessel in which they were exported, any spirits distilled therein, which shall have been previously exported therefrom, on payment of the duties on spirits of equal proof, distilled in the United States, and of a sum equivalent to the duties established by law upon the raw materials, from whence they shall have been distilled; and all such importations shall be made, under the same regulations, and in such manner as is directed by law, in regard to the importation of foreign distilled spirits.

On what condition certain spirits may be imported.

SEC. 5. *And be it further enacted*, That from and after the first day of July next, on the sale of any emptied cask, vessel or package, which has been or shall be lawfully marked, as containing foreign or domestic distilled spirits, wines or teas, and prior to the removal thereof and to the delivery of the same to the purchaser, the marks or numbers which shall or may have been made thereon, by any officer of inspection, or by any person employed or authorized by any such officer, shall be defaced, cut off, or obliterated; and if any such cask, vessel or package shall be sold, removed, delivered or received prior to such defacing, cutting off or obliterating being made, every person concerned in the purchase, sale or delivery, shall forfeit and pay the sum of fifty dollars.

Before sale of emptied casks marks to be defaced.

Forfeiture on neglect thereof.

SEC. 6. *And be it further enacted*, That all stills without heads, or other vessels that shall be used as stills in the distillation of ardent spirits, shall be duly entered by the owner or owners thereof, in the manner prescribed in and by the second section of the act, intituled "An act concerning the duties on spirits distilled within the United States," passed on the eighth day of May, one thousand seven hundred and ninety-two, under the penalty of two hundred and fifty dollars, to be recovered and distributed as other forfeitures under this act, and the act, intituled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the same," to which this is an amendment.

In what manner stills shall be entered.

1792, ch. 32.

1791, ch. 15.

SEC. 7. *And be it further enacted*, That any person or persons, who shall counterfeit the certificates for, or the marks or numbers to be set upon any cask, vessel or package containing wines, teas, or foreign or domestic distilled spirits, or upon stills, which the officers of inspection are, or shall be authorized to make thereon, by and in pursuance of the laws concerning the same, or who shall fraudulently rub out or deface, prior to drawing off, or emptying the contents, any marks or numbers set upon any cask or package of wine or tea, in pursuance of law, shall, for every such offence, forfeit and pay the sum of one hundred dollars.

Forfeiture on counterfeiting certificate or marks of casks, &c.

SEC. 8. *And be it further enacted*, That every owner, or worker of

When owners of still shall make oath.

a licensed still, shall be required to make oath or affirmation, previous to any renewal of his license, that he hath not distilled therein, since the commencement of the term specified in such license, excepting only during the term for which it shall have been granted.

What courts to take cognizance of certain actions.

SEC. 9. *And be it further enacted*, That it shall and may be lawful for the judicial courts of the several states, and of the territory of the United States, northwest of the river Ohio, and of the territory of the United States, south of the river Ohio, to take cognizance of all and every suit and suits, action and actions, cause and causes, arising under or out of the laws for collecting a revenue upon spirits distilled in the United States, and upon stills, which may arise or accrue at a greater distance, than fifty miles from the nearest place established by law for holding a district court.

Proceedings in case of non-existence of office of inspection.

1792, ch. 32.

SEC. 10. *And be it further enacted*, That in case of the non-existence of an office of inspection in any county of the United States, every owner or possessor of a still shall make entry thereof in the manner required by the "Act (of the eighth of May, one thousand seven hundred and ninety-two) concerning the duties on spirits distilled within the United States," at some other office of inspection, comprehended in the division or survey, in which the said still shall be; and that it shall and may be lawful for the President of the United States, to provide offices of inspection in special cases, provided the expense thereof shall not exceed ten thousand dollars.

And power of the President herein.

Duty of rectifiers of low wines, &c.

SEC. 11. *And be it further enacted*, That every rectifier of low wines, or other distilled spirits, and every distiller of cordials and strong waters therefrom, shall enter at some office of inspection, all or any such low wines or other distilled spirits, prior to the removal of them to his distillery or rectifying house, and prior to his beginning the rectifying, improving, or altering the quality, flavour, or proof thereof, under the penalty of one hundred dollars for every cask of one hundred gallons, and in the same proportions, for every greater or less quantity.

Under what penalty for neglect thereof.

Supervisors &c. may appoint deputies.

SEC. 12. *And be it further enacted*, That it shall and may be lawful for the supervisors and inspectors of the revenue, at their own expense, to appoint deputies to aid them in the execution of their duties, in cases of occasional and necessary absence, or of sickness, and not otherwise.

President of the U. States to make additional allowance to inspectors, &c. subsequent to June next.

SEC. 13. *And be it further enacted*, That the President of the United States be authorized to make such additional allowances, for the space of one year, and from thence until the end of the next session of Congress, to the inspectors and collectors of revenue from distilled spirits, for their respective services subsequent to the thirtieth day of June next, as he shall deem reasonable and proper, so as that the additions to be made to the said allowances shall not exceed, in the whole, the sums heretofore allowed, by more than one third.

Supervisors and inspectors prohibited from trading in certain merchandise after first of October next.

Under what penalty.

SEC. 14. *And be it further enacted*, That from and after the first day of October next, no supervisor or inspector of the revenue of the United States, shall be concerned or interested in any foreign trade or commerce, in the goods or merchandise, to which the duties of his office relate, or in the sale of any wines, distilled spirits, or teas; and if any such supervisor or inspector shall be so concerned or interested, every such person shall be disqualified from holding such appointment, for the term of seven years, and shall, moreover, forfeit and pay a sum not exceeding one hundred dollars, for every month, which he or they shall be so interested in such foreign trade, or in the sale of such wines, distilled spirits or teas.

Privilege to proprietors of certain stills.

SEC. 15. *And be it further enacted*, That any proprietor of a still, the capacity of which does not exceed one hundred gallons, may be permitted to enter such still, for any term of time less than one year, and not less than one month, paying at the same rate as per month, any thing in any former law to the contrary notwithstanding.

SEC. 16. *And be it further enacted*, That a personal demand of the proprietor or proprietors of any still, of the duties due, or a notice in writing of the amount thereof left at his dwelling by the collector, shall have all the effect of a demand made, as required by the twenty-third section of the act, intituled "An act repealing after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also upon spirits distilled within the United States, and for appropriating the same.

How collector may demand duties on stills.

1791, ch. 15.

SEC. 17. *And be it further enacted*, That all fines, penalties, and forfeitures, which shall have been incurred by force of any present or future law of the United States for the laying, levying and collecting of any duties or taxes, other than duties on goods, wares and merchandise imported, and on the tonnage of ships and vessels, shall and may be mitigated or remitted, by the like ways and means, and upon and under the like conditions, regulations and restrictions, as are contained, prescribed, authorized and directed, in and by the act, intituled "An act to provide for mitigating or remitting the forfeitures and penalties accruing under the revenue laws in certain cases therein mentioned," touching fines, penalties, and forfeitures incurred or accruing in relation to the cases therein mentioned; which act, and every clause, matter and thing therein contained, shall be of like force and effect, for the mitigating or remitting of fines, penalties and forfeitures, which shall have been incurred in reference to the said other duties and taxes, as if the same were repeated and re-enacted, in the several and respective laws for laying, levying and collecting the said other duties and taxes.

And certain fines, &c. may be mitigated or remitted.

1790, ch. 12.

SEC. 18. *And be it further enacted*, That the judicial courts of the several states, to whom, by this act, a jurisdiction is given, shall and may exercise all and every power, in the cases cognizable before them, for the purpose of obtaining a mitigation or remission of any fine, penalty or forfeiture, which may be exercised by the judges of the district courts, in cases depending before them: The said state courts first causing reasonable notice to be given to the person or persons claiming such fine, penalty or forfeiture, and to the attorney, who may, under warrant from the attorney of the district, prosecute, for the United States, in such court, that each may have an opportunity of showing cause against the mitigation or remission thereof.

How state judicial courts may obtain mitigation of fines, &c.

SEC. 19. *And be it further enacted*, That the act, intituled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the same;" and the act, intituled "An act concerning the duties on spirits distilled in the United States," shall extend to, and be in full force, for the recovery and distribution of the penalties and forfeitures herein contained, and, generally, for the execution of this act, as fully and effectually, as if every regulation, restriction, penalty, provision, clause, matter and thing, therein contained, were inserted in, and re-enacted by this present act, subject only to the alterations hereby made.

Provisions of certain act extended for recovery of penalties, &c. under this.

1791, ch. 15.
1792, ch. 32.

APPROVED, June 5, 1794.

STATUTE I.

CHAP. L.—*An Act in addition to the act for the punishment of certain crimes against the United States.*(a)

June 5, 1794.

SECTION 1. *Be it enacted and declared by the Senate and House of Representatives of the United States of America in Congress assembled*, That if any citizen of the United States shall, within the territory or

Act of April 30, 1790, ch. 9.
Act of April 24, 1800, ch. 35.

(a) Illegal outfit of vessels in the ports of the United States.—Where a vessel had been built in New York, for the purpose of employing her in a war with England, if a war had broken out, and was afterwards sold to a French citizen, who used her as a privateer, the Supreme Court refused to hear counsel

Repealed by Act of April 20, 1818, ch. 53. Punishment on persons accept- jurisdiction of the same, accept and exercise a commission to serve a foreign prince or state in war by land or sea, the person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not more than two thousand dollars, and shall be imprisoned not exceeding three years.

against the allegation that this was an original construction or outfit of the vessel for the purposes of war. *Moodie v. The Alfred*, 3 Dall. 307; 1 Cond. Rep. 135.

A French privateer had taken out her guns, masts, and sails, which remained on shore until the general repairs were completed, and they were again put on board; after which she sailed on a cruise, and captured a British vessel, which she sent into Charleston. On a claim of restitution on the ground that the vessel had been originally fitted out in the United States, in a neutral port, the court decided that the mere replacement of her force could not be considered as an augmentation; even if an augmentation of force should be considered a cause for restoration. *Moodie v. The sloop Phœbe Ann*, 3 Dall. 319; 1 Cond. Rep. 139.

A neutral nation may, if so disposed, without a breach of her neutrality, grant permission to both belligerents to equip their vessels of war within her territories. But without such permission, the subjects of such belligerent powers have no right to equip vessels of war, or to augment their force, either with arms or men, within the neutral territory. *The Alerta v. Blas Moran*, 9 Cranch, 359; 3 Cond. Rep. 425.

Such unauthorized acts violate the sovereignty of a neutral nation. All captures made by such equipments are illegal in respect to such nation, and it is competent for her courts to punish the offenders; and if prizes are brought within their jurisdiction, to order and cause them to be restored. *Ibid.*

It is immaterial whether the persons taken on board at the neutral port were native American citizens or foreigners domiciled in the United States. Neither the law of nations, nor the act of Congress recognizes any distinction, except to the subjects of the state in whose service they were enlisted transiently in the United States. *Ibid.*

An augmentation of force, affects only captures made during the original cruise. The offence terminates at the end of the voyage, and does not affect subsequent transactions. But as to captures made during the same cruise, the doctrine has been long established, that such illegal augmentation of force is a violation of the law of nations, as well as of our own municipal laws; and as a violation of our neutrality, it affects the captures subsequently made with the character of torts; and justifies and requires a restitution of the property to such persons as have been injured by such misconduct. *The Santissima Trinidad*, 7 Wheat. 283; 5 Cond. Rep. 284.

The practice is now fully established, that prizes made by vessels which have violated the acts of Congress enacted for the preservation of the neutrality of the United States, if brought within her territory shall be restored. *The Gran Para*, 7 Wheat. 471; 5 Cond. Rep. 328.

It has never been held that the offence adheres to the vessel under whatever change takes place; nor that it does not terminate when the voyage, for which the illegal outfit was made, shall have ended. But if this termination was merely colourable, and the vessel was equipped with the intention of being employed on the cruise during which the capture was made, the violation is not purged. *Ibid.*

Property belonging to a friendly power, captured on the high seas by a privateer, armed and fitted out by citizens of the United States, in the waters of the United States, as a vessel of war, and commanded by a citizen of the United States, is illegally captured; and must be restored to its owner, if brought within our jurisdiction. *The Fanny*, 9 Wheat. 658; 5 Cond. Rep. 722.

A French privateer fitted out in the United States, and commissioned as a privateer by the French minister residing in the United States, being proscribed by the President of the United States, dismantled and sold in Charleston, was afterwards fitted out for war in a foreign port, and was commissioned by France. Captures made by her are not illegal, and are no violation of the neutrality of the United States. *Williamson v. The Betsey*, Bee's Admiralty Decisions, 67.

The laws of neutrality and nations do not, in any case, interdict vessels from going to sea armed and fitted for defensive war. Bee's Adm. Decisions, 69.

It is a violation of the act of June 5, 1794, to concert an expedition from the United States to commit hostilities against a power at peace with the United States; and it is unimportant that such expedition originated beyond seas, if carried on from this country. It is unimportant whether the persons engaged in such a purpose, engage the whole vessel to themselves, or depart as passengers. 1 Peters's C. C. R. 487.

The previous knowledge or approbation of the President of the United States, of the illegal act of a citizen, can afford him no justification of the breach of a constitutional law. *Trial of Smith and Ogden*, 237.

To bring a case within the 5th section of the act of June 5, 1794, made perpetual by the act of April 24, 1800, prohibiting any person within the territory or jurisdiction of the United States from providing or preparing the means of a military expedition or enterprise to be carried on from thence, against the territory or dominions of any foreign prince or state, with whom the United States are at peace, it is immaterial whether or not the vessel, at the identical time of sailing, is in complete readiness for hostile engagement. If the vessel sailed with the means or intent to carry it on, such an enterprise is within the act. *Ibid.*

Indictment under the 3d section of the act for the punishment of certain crimes against the United States, passed April 20, 1818. The indictment charged the defendant with being knowingly concerned in fitting out in the port of Baltimore, a vessel with intent to employ her in the service of a "foreign people," "The United Provinces of Buenos Ayres," against the subjects of the emperor of Brazil, with whom the United States were at peace. The vessel went from Baltimore to St. Thomas, and was there fully armed. She afterwards cruised under the Buenos Ayrean flag. Held:—To bring the defendant within the words of the act, it is not necessary to charge him with being concerned in fitting out and arming the vessel. The words are, fitting out or arming; either will constitute the offence. It is sufficient if the indictment charges the offence in the words of the act. *The United States v. John B. Quincy*, 6 Peters, 445.

The law does not prohibit armed vessels, belonging to citizens of the United States, from sailing out of our ports. It only requires the owner of such vessels to give security, that such vessels shall not be employed by them to commit hostilities against a foreign power at peace with the United States. *Ibid.*

SEC. 2. *And be it further enacted and declared,* That if any person shall within the territory or jurisdiction of the United States enlist or enter himself, or hire or retain another person to enlist or enter himself, or to go beyond the limits or jurisdiction of the United States with intent to be enlisted or entered in the service of any foreign prince or state as a soldier, or as a marine or seaman on board of any vessel of war, letter of marque or privateer, every person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding one thousand dollars, and be imprisoned not exceeding three years. *Provided,* That this shall not be construed to extend to any subject or citizen of a foreign prince or state who shall transiently be within the United States and shall on board of any vessel of war, letter of marque or privateer, which at the time of its arrival within the United States was fitted and equipped as such, enlist or enter himself or hire or retain another subject or citizen of the same foreign prince or state, who is transiently within the United States, to enlist or enter himself to serve such prince or state on board such vessel of war, letter of marque or privateer, if the United States shall then be at peace with such prince or state. *And provided further,* That if any person so enlisted shall within thirty days after such enlistment voluntarily discover upon oath to some justice of the peace or other civil magistrate, the person or persons by whom he was so enlisted, so as that he or they may be apprehended and convicted of the said offence; such person so discovering the offender or offenders shall be indemnified from the penalty prescribed by this act.

SEC. 3. *And be it further enacted and declared,* That if any person shall within any of the ports, harbors, bays, rivers or other waters of the United States, fit out and arm or attempt to fit out and arm or procure to be fitted out and armed, or shall knowingly be concerned in the furnishing, fitting out or arming of any ship or vessel with intent that such ship or vessel shall be employed in the service of any foreign prince or state to cruise or commit hostilities upon the subjects, citizens or property of another foreign prince or state with whom the United States are at peace, or shall issue or deliver a commission within the territory or jurisdiction of the United States for any ship or vessel to the intent that she may be employed as aforesaid, every such person so offending shall upon conviction be adjudged guilty of a high misdemeanor, and shall be fined and imprisoned at the discretion of the court in which the conviction shall be had, so as the fine to be imposed shall in no case be more than five thousand dollars and the term of imprisonment shall not exceed three years, and every such ship or vessel with her tackle, apparel and furniture together with all materials, arms, ammunition and stores which may have been procured for the building and equipment thereof shall be forfeited, one half to the use of any person who shall give information of the offence, and the other half to the use of the United States.

SEC. 4. *And be it further enacted and declared,* That if any person shall within the territory or jurisdiction of the United States increase or augment, or procure to be increased or augmented, or shall be knowingly concerned in increasing or augmenting the force of any ship of war, cruiser or other armed vessel which at the time of her arrival within the United States, was a ship of war, cruiser or armed vessel in the service of a foreign prince or state or belonging to the subjects or citizens of such prince or state the same being at war with another foreign prince or state with whom the United States are at peace, by adding to the number or size of the guns of such vessel prepared for use, or by the addition thereto of any equipment solely applicable to war, every such person so offending shall upon conviction be adjudged guilty of a misdemeanor, and shall be fined and imprisoned at the discretion of the court in which the conviction shall be had, so as that such fine shall not exceed one thousand dollars, nor the term of imprisonment be more than one year.

ing certain commissions.
On enlisting, &c. to go beyond jurisdiction of United States.

Proviso.

Punishment on fitting out ships of war or issuing certain commissions.

1797, ch. 1.

On increasing or augmenting force of any ship, &c.

Punishment of persons setting on foot certain expeditions.

SEC. 5. *And be it further enacted and declared,* That if any person shall within the territory or jurisdiction of the United States begin or set on foot or provide or prepare the means for any military expedition or enterprise to be carried on from thence against the territory or dominions of any foreign prince or state with whom the United States are at peace, every such person so offending shall upon conviction be adjudged guilty of a high misdemeanor, and shall suffer fine and imprisonment at the discretion of the court in which the conviction shall be had, so as that such fine shall not exceed three thousand dollars nor the term of imprisonment be more than three years.

District courts to take cognizance of certain captures.

SEC. 6. *And be it further enacted and declared,* That the district courts shall take cognizance of complaints by whomsoever instituted, in cases of captures made within the waters of the United States, or within a marine league of the coasts or shores thereof.

Power of the President of the United States herein.

SEC. 7. *And be it further enacted and declared,* That in every case in which a vessel shall be fitted out and armed, or attempted so to be fitted out or armed, or in which the force of any vessel of war, cruiser or other armed vessel, shall be increased or augmented, or in which any military expedition or enterprise shall be begun or set on foot contrary to the prohibitions and provisions of this act; and in every case of the capture of a ship or vessel within the jurisdiction or protection of the United States as above defined, and in every case in which any process issuing out of any court of the United States, shall be disobeyed or resisted by any person or persons having the custody of any vessel of war, cruiser or other armed vessel of any foreign prince or state, or of the subjects or citizens of such prince or state, in every such case it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces of the United States or of the militia thereof as shall be judged necessary for the purpose of taking possession of, and detaining any such ship or vessel, with her prize or prizes if any, in order to the execution of the prohibitions and penalties of this act, and to the restoring such prize or prizes, in the cases in which restoration shall have been adjudged, and also for the purpose of preventing the carrying on of any such expedition or enterprise from the territories of the United States against the territories or dominions of a foreign prince or state, with whom the United States are at peace.

SEC. 8. *And be it further enacted and declared,* That it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces of the United States or of the militia thereof, as shall be necessary to compel any foreign ship or vessel to depart the United States, in all cases in which, by the laws of nations or the treaties of the United States, they ought not to remain within the United States.

Prosecution of treason not to be impaired.

SEC. 9. *And be it further enacted,* That nothing in the foregoing act shall be construed to prevent the prosecution or punishment of treason, or any piracy defined by a treaty or other law of the United States.

Continued by act of 1800, ch. 35.

SEC. 10. *And be it further enacted,* That this act shall continue and be in force for and during the term of two years, and from thence to the end of the next session of Congress, and no longer.

APPROVED, June 5, 1794.

STATUTE I.

June 5, 1794.

CHAP. LI.—*An Act laying certain duties upon Snuff and Refined Sugar.*

Act of March 3, 1795, ch. 43.

SECTION 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 thirtieth day of September next, there be levied, collected and paid, upon all snuff, which, after that day, shall be manufactured for

sale, within the United States, at any manufactory, for every pound of snuff, eight cents.

SEC. 2. *And be it further enacted*, That from and after the said thirtieth day of September next, there be levied, collected and paid, upon all sugar which shall be refined within the United States, a duty of two cents per pound.

SEC. 3. *And be it further enacted*, That the duties aforesaid shall be levied, collected and accounted for, by the same officers as are provided by the act, intituled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the same;" subject to the superintendence and control of the department of the treasury, according to the respective authorities and duties of the officers thereof.

SEC. 4. *And be it further enacted*, That every manufacturer of snuff, who shall be such previous to, and on the thirtieth day of September next, shall, on the said day; and every manufacturer of snuff who shall be, and become such, after the said day, shall, twenty days, at the least, previous to commencing the business or trade of manufacturing snuff for sale, make true and exact entry and report in writing, at the office of inspection, which shall be nearest to the house or building where he or she shall carry on, or intend to carry on, the business or trade aforesaid, of every house or building where such business or trade shall be by him or her carried on, or intended so to be, and of every mill, specifying the number of mortars to each, which he or she shall have or keep therein, for the performing of any process, operation, matter or thing in or about the manufacturing of snuff, and shall also give bond in the sum of five thousand dollars, with condition, that he or she shall, and will, from day to day, enter in a book, or on a paper to be kept for that purpose, all snuff, which he or she shall manufacture, or cause to be manufactured, and of the quantities, from day to day, by him or her sent out, or caused to be sent out of the house or building, where the same shall have been manufactured; and shall and will, on the first day of January, April, July and October, in each year, render a just and true account of all the snuff which he or she shall have manufactured or made, and sent out, or caused or procured to be manufactured or made and sent out, first from the time of his or her entry and report aforesaid, until the day which shall first ensue, of the days abovementioned for the rendering of such account, and thenceforth, successively, from the time when such account ought to have been, and up to which it shall have been last rendered, until the day next thereafter, of the days abovementioned for the rendering of such account; producing therewith the original book or paper whereon the entries, from day to day to be made, as aforesaid, have been made, and shall, at the time of rendering each account, pay or secure the duties, which, by this act, ought to be paid upon the snuff, in the said account mentioned and stated: And if any such manufacturer shall omit to make any such entry or report, or to give any such bond as is herein before directed, he or she shall forfeit and lose every mill, together with the mortars and other utensils thereto belonging, which he or she shall have or keep, for the performing of any process, matter or thing, in or about the manufacturing of snuff, and shall also forfeit and pay the sum of five hundred dollars, to be recovered with costs of suit.

SEC. 5. *And be it further enacted*, That every refiner of sugar, who shall be such, immediately before, and on the thirtieth day of September next, shall, on the said day, and every refiner of sugar, who shall be, and become such, after the said day, shall, twenty days, at the least, previous to commencing the business of refining sugar, make true and exact entry and report in writing, at the office of inspection, which

Duties on snuff after 30th September.
On refined sugars.

By whom collected.

1791, ch. 15.

Duty of manufacturers of snuff herein.

Forfeiture on neglect thereof.

Duty of sugar refiners.

Duty of sugar
refiners.

shall be nearest to the house or building where he or she shall carry on, or intend to carry on, the said business, of every house or building, where such business shall be by him or her carried on, or intended so to be, and of every pan or boiler, together with the capacity of each, which he shall have, or employ, for the purpose of refining sugar, and shall also give bond in the sum of five thousand dollars, with condition, that he or she shall and will enter or cause to be entered, in a book or paper to be kept for that purpose, all sugar which he or she shall refine, or cause to be refined, and of the quantities, from day to day, by him or her sent out or caused to be sent out, of the house or building where the same shall have been refined, and shall, on the first day of January, April, July and October, in each year, render a just and true account of all the refined sugar, which he or she shall have sent out, or caused or procured to be sent out, from the first time of his or her entry and report aforesaid, until the day, which shall first ensue, of the days above mentioned, for the rendering of such account; and thenceforth, successively, from the time when such account ought to have been, and up to which it shall have been last rendered, until the day next thereafter of the days above mentioned for the rendering of such account, producing and showing therewith, the original book or paper, whereon the entries, from day to day, to be made, as aforesaid, have been made; and he or she shall, at the time of rendering each account, pay or secure the duties, which by this act ought to be paid upon the refined sugar in the said account mentioned. And if any such refiner shall omit to make any such entry or report, he or she shall forfeit and lose every pan or boiler, which he or she shall have, and use, for the purpose of refining sugar, and shall also forfeit the sum of five hundred dollars, to be recovered with costs of suit.

Forfeiture on
neglect thereof.

Manufacturers
of snuff annually
to make oath,
&c.

Of quantity
manufactured.

Refiners of
sugar to make
oath annually,
&c.

Persons swear-
ing falsely
deemed guilty
of wilful per-
jury.

Manufacturers
of snuff and re-
finers of sugar
when to report
engines, &c.

Forfeiture of
snuff and sugar
on neglecting to
pay duties.

SEC. 6. *And be it further enacted,* That every such manufacturer of snuff shall, yearly, being thereunto required by an officer of inspection, make oath or affirmation, according to the best of his or her knowledge and belief, that the accounts, which have been by him or her rendered of the quantities of snuff by him or her manufactured or made, and sent out, or caused or procured to be manufactured or made, and sent out, have been and are just and true.

SEC. 7. *And be it further enacted,* That every refiner of sugar shall, yearly, being thereunto required by an officer of inspection, make oath or affirmation, according to the best of his or her knowledge and belief, that the accounts, which have been by him or her rendered, of the quantities of refined sugar by him or her sent out of the house or building, where the same shall have been manufactured, or procured or caused so to be sent out, have been just and true.

SEC. 8. *And be it further enacted,* That if any person shall knowingly, and with design, falsely swear or affirm, touching any of the matters herein before required to be verified by oath or affirmation, he or she shall be deemed guilty of wilful and corrupt perjury.

SEC. 9. *And be it further enacted,* That every manufacturer of snuff and every refiner of sugar, shall, at each time of rendering an account, as herein before required, make a true and particular report of the engines, implements and utensils, of the several descriptions herein before mentioned, which he or she, at any time since that of rendering his or her last account, hath used or kept, and shall then have, use, or keep, for carrying on his or her trade or business, on pain of forfeiting, for each and every neglect or omission, all such engines, implements and utensils, together with the sum of five hundred dollars, to be recovered with costs of suit.

SEC. 10. *And be it further enacted,* That all snuff and refined sugar, which shall have been manufactured or made within the United States in manner aforesaid, after the said thirtieth day of September next, whereof

the duties aforesaid have not been duly paid or secured, according to the true intent and meaning of this act, shall, upon default being made in the paying or securing of the said duties, be forfeited, and shall and may be seized, as forfeited, by any officer of the inspection or of the customs.

SEC. 11. *And be it further enacted*, That it shall be lawful for every such manufacturer of snuff, or refiner of sugar, at his or her option, either to pay, upon the rendering of his or her account as aforesaid, the duties, which shall thereby appear to be due and payable, with a deduction or abatement of six per cent. for prompt payment, or to give bond, with one or more sureties to the satisfaction of the officer of inspection, to whom such account shall be rendered, for the payment of the said duties, at the expiration of nine months thereafter: *Provided*, That no person, whose bond for any of the said duties shall remain unpaid, beyond the term allowed for the payment thereof, shall be entitled to future credit for any of the said duties, so long as such bond shall remain unpaid.

How the duties may be paid.

SEC. 12. *And be it further enacted*, That from and after the said thirtieth day of September next, there shall be levied, collected and paid (in addition to the duties now payable thereupon) upon all manufactured tobacco or snuff, and upon all refined sugar, which, after the said day, shall be imported into the United States, from any foreign port or place, the following rates and duties, to wit:

Duties on imported snuff, tobacco and refined sugar.

Upon tobacco, four cents per pound:

Upon snuff, twelve cents per pound:

Upon refined sugar, four cents per pound:

By whom collected.

Which duties shall be collected in the same manner, by the same officers, under the like regulations, and subject to the like pains, penalties and forfeitures, as now are collected the duties heretofore laid upon the said articles, respectively; the act and acts concerning which are hereby declared to be, and shall be in as full force, for the collection of the additional duties hereby laid, as if the said act and acts were herein particularly recited and repeated.

SEC. 13. *And be it further enacted*, That from and after the thirty-first day of December next, no refined loaf or lump sugar shall be imported into the United States, from any foreign port or place, except in ships or vessels of the burthen of one hundred and twenty tons and upwards, and in casks or packages containing, each, not less than six hundred pounds, on pain of forfeiting the said ships, or vessels, and the loaf and lump sugar imported therein, except in such casks or packages, as aforesaid.

After 31st December how and in what vessels refined sugar shall be imported.

SEC. 14. *And be it further enacted*, That from and after the thirtieth day of September next, no drawback of the duties upon any manufactured tobacco, or snuff or refined sugar, which shall have been imported into the United States, from any foreign port or place, shall be allowed, but the duties hereby laid upon snuff manufactured within the United States, and sugar refined within the same, shall and may be drawn back upon all such of the said snuff manufactured within the United States, and upon all such of the said sugar, refined within the United States, after the said thirtieth day of September next, which, after the said day, shall be exported from the United States, to any foreign port or place: And adding to the drawback upon sugar so exported, three cents per pound, on account of duties paid upon the importation of raw sugar. *Provided*, That no drawback shall be allowed on the exportation of either of the said articles in any instance, where the same shall amount to less than twelve dollars.

After 30th September no drawback allowed on manufactured or refined sugar imported.

Allowance on said articles exported.

SEC. 15. *And be it further enacted*, That in order to entitle the exporter or exporters to the benefit of the said allowances, he, she, or they shall, previous to the putting or lading any of the said snuff or refined

Notice to be given by exporters.

To officers of inspection.

sugar on board of any ship or vessel for exportation, give six hours' notice at the least to the proper office, of inspection of the port from which the said snuff or sugar shall be intended to be exported, of his, her, or their intention to export the same, and of the number of packages containing the same, and the respective marks thereof, and the place or places where deposited, and of the place to which, and ship or vessel in which, they or either of them shall be so intended to be exported. Whereupon, it shall be the duty of the said officer to inspect, by himself or deputy, the packages so notified for exportation, and the same, after such inspection, shall be laden on board the same ship or vessel, of which notice shall have been given, and in the presence of the same officer or his deputy, who shall have inspected the same; which officer, after the same shall have been so laden on board, shall certify to the collector of the district the quantity and particulars of the article or articles so laden for exportation.

Under what restrictions said allowance to be made.

SEC. 16. *Provided nevertheless, and be it further enacted*, That the said allowance shall not be made, unless the said exporter or exporters shall make oath or affirmation, that the said snuff or sugar so noticed for exportation and laden on board such ship or vessel, are truly intended to be exported to the place, whereof notice shall have been given, and are not intended to be relanded within the United States, and that he or she doth verily believe that the duties thereupon charged by this act, have been duly paid or secured to be paid; and shall also give bond to the collector, with two sureties one of whom shall be the master, or other person having the command or charge of the ship or vessel, in which the said snuff or sugar shall be intended to be exported; the other, such sufficient person as shall be approved by the said collector, in the full value in the judgment of the said collector, of the said snuff or sugar so intended to be exported, with condition that the said snuff or sugar (the dangers of the seas and enemies excepted) shall be really and truly exported to, and landed in some port or place without the limits of the United States, and that the said snuff or sugar shall not be unshipped from on board of the said ship or vessel whereupon the same shall have been laden for exportation, within the said limits, or any ports or harbors of the United States, or relanded in any other part of the same (shipwreck or other unavoidable accident excepted).

When said allowance shall be paid.

SEC. 17. *Provided also, and be it further enacted*, That the said allowance shall not be paid until nine months after the said snuff or sugar shall have been so exported: *And provided also*, That whenever the owner of any ship or vessel, on board of which, any such snuff or sugar are laden for exportation, shall make known to the collector previous to the departure of such ship or vessel, from the port where such snuff or sugar are laden, that such ship or vessel is not going to proceed on the voyage intended, or the voyage is altered, it shall be lawful for the collector to grant a permit for relanding the same.

Duty of exporters herein.

SEC. 18. *And be it further enacted*, That if any of the said snuff or sugar, after the same shall have been shipped for exportation, shall be unshipped for any purpose whatever, either within the limits of any part of the United States, or within four leagues of the coast thereof, or shall be relanded within the United States, from on board the ship or vessel, wherein the same shall have been laden for exportation, unless the voyage shall not be proceeded on, or shall be altered as aforesaid, or unless in case of necessity or distress to save the ship and goods from perishing, which shall be immediately made known to the principal officer of the customs, residing at the port nearest to which such ship or vessel shall be, at the time such necessity or distress shall arise, then not only the snuff or sugar so unshipped, together with the casks, vessels and cases containing the same, but also the ship or vessel, in, or on board which, the same shall have been so shipped or laden, together with

the guns, furniture, ammunition, tackle and apparel, and also the ship, vessel or boat, into which the said snuff or sugar shall be unshipped or put, after the unshipping thereof, together with her guns, furniture, ammunition, tackle and apparel, shall be forfeited, and may be seized by any officer of the customs or of inspection.

Forfeiture on neglect thereof.

SEC. 19. *And be it further enacted*, That the bonds to be given, as aforesaid, shall, and may be discharged, by producing, within one year from the respective dates thereof (if the same shall be shipped to any part of Europe or America, and within two years, if shipped to any part of Asia or Africa; and if the delivery of the snuff or sugar, in respect to which the same shall have been given, be at any place, where a consul or other agent of the United States resides) a certificate of such consul or agent, or if there be no consul or agent, then a certificate of any two known and reputable American merchants residing at the said place; and if there be not two such merchants residing at the said place, then a certificate of any other two reputable merchants, testifying the delivery of the said snuff or sugar, at the said place. Which certificate shall, in each case, be confirmed by the oath or affirmation of the master and mate, or other like officer of the vessel, in which the said snuff or sugar shall have been exported; and when such certificate shall be from any other than a consul or agent, or merchants of the United States, it shall be a part of the said oath or affirmation, that there were not, upon diligent enquiry, to be found two merchants of the United States at the said place: *Provided always*, That in case of death, the oath or affirmation of the party dying, shall not be deemed necessary: *And provided further*, That the said oath or affirmation, taken before the chief civil magistrate of the place, of the said delivery, and certified under his hand and seal, shall be of the same validity, as if taken before a person qualified to administer oaths within the United States; or such bonds shall and may be discharged, upon proof that the snuff or sugar, so exported, were taken by enemies, or perished in the sea, or destroyed by fire: The examination and proof of the same, being left to the judgment of the collector of the customs, naval officer, and chief officer of inspection, or any two of them, of the place from which such snuff or sugar shall have been exported. And in cases where the certificates herein directed cannot be obtained, the exporter or exporters of such snuff or sugar shall nevertheless be permitted to offer such other proof as to the delivery of the said snuff or sugar, without the limits of the United States, as he or they may have; and if the same shall be deemed sufficient by the said collector, he shall allow the same, except when the drawback to be allowed shall amount to one hundred dollars or upwards: In all which cases, the proofs aforesaid shall be referred to the Comptroller of the Treasury, whose decision thereon shall be final.

Bonds to be given, how discharged.

Proceedings to be had for discharging bonds.

Proviso.

SEC. 20. *And be it further enacted*, That it shall be lawful to export, directly from any manufactory of snuff or of refined sugar, to any foreign port or place, any snuff or refined sugar, which shall have been manufactured at such manufactory, after the said thirtieth day of September next, free from duty: *Provided*, That the same proceedings be had, in all respects, in order thereto, which are herein before prescribed, in order to the obtaining the benefit of the drawbacks of the duties which have been paid, or secured, upon any snuff or sugar, exported to a foreign port or place.

When and in what manner snuff and sugar may be exported directly, &c.

SEC. 21. *And be it further enacted*, That all penalties and forfeitures, which shall be incurred, pursuant to this act, shall be divided and distributed, one half thereof to the use of the United States, and the other half thereof to the use of the person who, if an officer of inspection, shall first discover, or if not an officer of inspection, shall first give information of the cause, matter or thing, whereby any of the said penalties or forfeitures shall have been incurred.

Distribution of penalties, &c. under this act.

Limitation of this act.

SEC. 22. *And be it further enacted*, That this act shall continue and be in force for the term of two years, and from thence till the end of the next session of Congress, and no longer.

APPROVED, June 5, 1794.

STATUTE I.

June 7, 1794.

CHAP. LII.—*An Act in addition to the "Act for making further and more effectual provision for the protection of the frontiers of the United States."*

[Obsolete.] Allowance to widows and orphans of officers dying in service. 1792, ch. 9. 1802, ch. 9, sec. 14, 15.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That if any commissioned officer in the troops of the United States shall, while in the service of the United States, die by reason of wounds received in actual service of the United States, and shall leave a widow, or if no widow, shall leave a child or children, under age, such widow, or if no widow, such child or children, shall be entitled to, and receive the half of the monthly pay, to which the deceased was entitled at the time of his death, for and during the term of five years: And in case of the death or intermarriage of such widow, before the expiration of the said term of five years, the half pay, for the remainder of the term, shall go to the child or children of such deceased officer, while under the age of sixteen years, and, in like manner, the allowance to the child or children of such deceased, where there is no widow, shall be paid no longer than while there is a child or children under the age aforesaid. *Provided*, That no greater sum shall be allowed in any case, to the widow or to the child or children of any officer, than the half pay of a lieutenant colonel.

Army how paid in future.

SEC. 2. *And be it further enacted*, That the army be in future paid in such manner that the arrears shall at no time exceed two months.

President of United States may increase rations of certain troops.

SEC. 3. *And be it further enacted*, That to such of the troops as are or may be employed on the frontiers, and under such special circumstances as in the opinion of the President of the United States, may require an augmentation of some parts of their rations, the President be authorized to direct such augmentation as he may judge necessary, not exceeding four ounces of beef, two ounces of flour and half a gill of rum or whiskey in addition to each ration, and half a pint of salt to one hundred rations.

APPROVED, June 7, 1794.

STATUTE I.

June 7, 1794.

CHAP. LIII.—*An Act for the remission of the duties on certain distilled spirits destroyed by fire.*

Remission of certain duties to Jabez Rogers.

WHEREAS Jabez Rogers, junior, who had erected large works at Middlebury, in the state of Vermont, for distilling spirits from the produce of the country, has had the same twice destroyed by fire with a quantity of spirits therein, on which, by law, duties had become payable to the United States: *And whereas*, considering the equity of the case, said duties ought to be remitted; therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the duties payable to the United States on all such distilled spirits, as shall be proved, to the satisfaction of the supervisor of the district of Vermont, to have been destroyed by fire in the distilleries lately burnt at Middlebury in the state of Vermont, be and are hereby remitted.

APPROVED, June 7, 1794.

STATUTE I.

June 7, 1794.

CHAP. LIV.—*An Act laying additional Duties on Goods, Wares and Merchandise imported into the United States.*

[Obsolete.] 1795, ch. 45.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That from and

after the last day of June instant, there shall be levied, collected and paid upon the following articles imported into the United States, in ships or vessels of the United States, the several duties herein after mentioned, over and above the duties now payable by law;—viz :

Additional duties on certain articles imported in vessels of United States after 30th June inst.

On coffee, clayed or lump sugar, per pound, one cent.

On cocoa, per pound, two cents.

On cheese, per pound, three cents.

On boots, per pair, twenty-five cents.

On shoes and slippers for men and women, and on clogs and golo-shoes, per pair, five cents.

On shoes and slippers for children, per pair, three cents.

On coal, per bushel, one half a cent.

Five per cent. ad valorem.

On millinery ready made, artificial flowers, feathers and other ornaments for women's head-dresses, and on dolls dressed and undressed.

Duties five per cent. ad valorem.

On cast, slit, and rolled iron, and generally, on all manufactures of iron, steel, tin, pewter, copper, brass, or of which either of those metals is the article of chief value, not being otherwise particularly enumerated, (brass and iron wire, locks, hinges, hoes, anvils, and vises excepted.)

On carpets and carpeting.

On leather tanned or tawed, and generally, all manufactures of leather, or of which leather is the article of chief value, not otherwise particularly enumerated.

On medicinal drugs, except those commonly used in dyeing.

On mats and floor cloths.

On hats, caps, and bonnets of every sort.

On gloves, mittens, stockings, fans, buttons and buckles of every kind.

On sheathing and cartridge paper.

On all powders, pastes, ball, balsams, ointments, oils, waters, washes, tinctures, essences, or other preparations, or compositions, commonly called sweet scents or odours, perfumes or cosmetics, and on all dentifrice, powders or preparations for the teeth or gums.

On gold, silver, or plated wares, gold and silver lace, jewellery and paste work, clocks and watches, and the parts of either.

On groceries, to wit: cinnamon, cloves, mace, nutmegs, ginger, aniseed, currants, dates, prunes, raisins, sugar candy, oranges, lemons, limes, and generally all fruits and comfits, olives, capers, pickles of every sort, oil, and mustard in flour.

On all marble, slate, or other stone, on bricks, tiles, tables, mortars, and other stone, and generally on all glass, except window glass, and on all stone, and earthen ware.

On cabinet wares, and all manufactures of wood, or of which wood is the material of chief value.

On all manufactures of cotton or linen, or of muslins; of cotton and linen, or of which cotton or linen is the material of chief value, being printed, stained or coloured.

On carriages, and parts of carriages, four and a half per cent. ad valorem.

SEC. 2. *And be it further enacted,* That after the said last day of June instant, there shall be laid, levied and collected, in addition to the present duty thereupon, a duty of two and a half per cent. ad valorem, upon all goods, wares and merchandise, which, if imported in ships or vessels of the United States, are now chargeable, by law, with a duty of seven and a half per cent. ad valorem.

SEC. 3. *And be it further enacted,* That the fourth section of the act, intituled "An act for raising a further sum of money for the protection of the frontiers, and for other purposes therein mentioned," whereby an additional duty of two and a half per cent. ad valorem, was laid upon

4th section of certain act continued to 1st January 1797.
1792, ch. 27.

certain goods, wares and merchandise, be, and the same is hereby continued in force, until the first day of January, one thousand seven hundred and ninety-seven.

Additional duty on said articles brought in foreign vessels.

SEC. 4. *And be it further enacted*, That an addition of ten per centum, shall be made, to the several rates of duties above specified and imposed, in respect to all goods, wares and merchandise, which, after the said last day of June instant, shall be imported in ships or vessels, not of the United States.

When duties on goods, wares &c. shall be returned.

1800, ch. 64.

Except one per cent.

SEC. 5. *And be it further enacted*, That all duties, which shall be paid, or secured to be paid, by virtue of this act, shall be returned or discharged, in respect to all such goods, wares or merchandise, whereupon they shall have been so paid or secured to be paid, as within twelve calendar months after payment made or security given, shall be exported to any foreign port or place, except one per centum on the amount of the said duties, which shall be retained, as an indemnification for whatever expense may have accrued concerning the same.

Certain act in force as to collection of duties under this.

1790, ch. 35.

1794, ch. 33.

SEC. 6. *And be it further enacted*, That the act, intituled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels," shall extend to, and be in full force for the collection of the duties specified and laid in and by this act, and generally for the execution thereof, as fully and effectually as if every regulation, restriction, penalty, provision, clause, matter and thing, therein contained, had been herein inserted and re-enacted.

This act not to affect certain other act.

SEC. 7. *And be it further enacted*, That nothing in this act shall be construed to extend to, or affect the act, intituled "An act prohibiting for a limited time the exportation of arms and ammunition, and encouraging the importation of the same."

Limitation of this act.

Continued, 1793, ch. 45.

SEC. 8. *And be it further enacted*, That this act shall continue in force until the first day of January, one thousand seven hundred and ninety-seven, and no longer.

APPROVED, June 7, 1794.

STATUTE I.

June 7, 1794.

[Obsolete.]

Additional allowance for one year to the principal Clerks.

CHAP. LV.—*An Act allowing an additional compensation to the principal Clerks in the Department of State, and the Treasury and War Departments, for the year one thousand seven hundred and ninety-four.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the compensations established by law there be allowed, for the present year, the further sum of two hundred dollars to each of the principal clerks employed in the department of State and in the Treasury and War departments, and that the same be paid in the manner and at the times their respective salaries are payable by law.

APPROVED, June 7, 1794.

STATUTE I.

June 7, 1794.

[Obsolete.]

Secretary at War to place certain persons on pension list. 1793, ch. 17.

CHAP. LVII.—*An Act concerning Invalids.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the War department be, and he is hereby directed to place upon the list of invalid pensioners of the United States, all persons who have been returned as such by the judges of the several districts under the act of Congress of the twenty-eighth of February, one thousand seven hundred and ninety-three, intituled "An act to regulate the claims to invalid pensions," and who by legal proofs, are by him found to come clearly within the provisions of the said act, and are reported as having complete evidence of their claims in the report of the said secretary upon

that subject, made to Congress the twenty-fifth day of April, one thousand seven hundred and ninety-four; and all persons placed by virtue of this act on the list of invalid pensioners, shall receive such sums as the returns of the district judges have respectively specified, and be paid, in the same manner as invalid pensioners are paid, who have been heretofore placed on the list: *Provided*, That every commissioned officer, who shall, by virtue of this act, be placed on the pension list, as entitled to a sum less than a full pension, shall receive such pension, only upon compliance with the same rule respecting a return of the commutation which he may have received, as is provided for in the case of Captain David Cook, by an act of Congress passed December the sixteenth, one thousand seven hundred and ninety-one.

APPROVED, June 7, 1794.

How paid.

Proviso, as to commissioned officers.

CHAP. LVIII.—*An Act supplementary to the act intituled "An act to promote the progress of Useful Arts."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all suits, actions, process and proceedings, heretofore had in any district court of the United States, under an act passed the tenth day of April, in the year one thousand seven hundred and ninety, intituled "An act to promote the progress of useful arts," which may have been set aside, suspended or abated, by reason of the repeal of the said act, may be restored, at the instance of the plaintiff or defendant, within one year from and after the passing of this act, in the said courts, to the same situation, in which they may have been, when they were so set aside, suspended or abated; and that the parties to the said suits, actions, process or proceedings, be, and are hereby intitled to proceed in such cases, as if no such repeal of the act aforesaid had taken place. *Provided always*, That before any order or proceeding, other than that for continuing the same suits, after the reinstating thereof, shall be entered or had, the defendant or plaintiff, as the case may be, against whom the same may have been reinstated, shall be brought into court by summons, attachment or such other proceeding, as is used in other cases, for compelling the appearance of a party.

APPROVED, June 7, 1794.

STATUTE I.

June 7, 1794.

[Obsolete.]

Suits, &c. had under certain act, revived.

Act of Feb. 21, 1793, ch. 11.
Act of April 10, 1790, ch. 7.

In what manner.

CHAP. LIX.—*An Act to continue in force for a limited time, the act supplementary to the act for the establishment and support of lighthouses, beacons, buoys, and public piers.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act intituled "An act supplementary to the act for the establishment and support of lighthouses, beacons, buoys, and public piers," be and the same is hereby continued in force, until the first day of July one thousand seven hundred and ninety-five, so far as the same provides for defraying the necessary expense of supporting lighthouses, beacons, buoys and public piers, and the stakeage of channels on the sea coast.

APPROVED, June 7, 1794.

STATUTE I.

June 7, 1794.

[Expired.]

Lighthouses, &c. act for supporting, continued.

1793, ch. 27.

CHAP. LXI.—*An Act declaring the consent of Congress to an act of the state of Maryland, passed the twenty-eighth of December one thousand seven hundred and ninety-three, for the appointment of a Health Officer.*

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the consent of Congress be and is hereby granted and declared, to the

June 9, 1794.

[Obsolete.]

Consent of Congress to certain act of Maryland.

operation of an act of the General Assembly of Maryland, passed the twenty-eighth of December, one thousand seven hundred and ninety-three, intituled "An act to appoint a health officer, for the port of Baltimore, in Baltimore county," so far as to enable the state aforesaid to collect a duty of one cent. per ton, on all vessels coming into the district of Baltimore, from a foreign voyage, for the purposes in the said act intended.

Limitation of
this act.
1796, ch. 23.

SEC. 2. *And be it further enacted*, That this act shall continue in force to the end of the next session of Congress, and no longer.

APPROVED, June 9, 1794.

STATUTE I.

June 9, 1794.

CHAP. LXII.—*An Act to amend the act intituled "An act to enable the officers and soldiers of the Virginia line on Continental Establishment, to obtain titles to certain Lands lying northwest of the river Ohio, between the Little Miami and Sciota.*

1790, ch. 40.
Officers and
soldiers of Vir-
ginia line, how
to obtain certain
lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all and every officer and soldier of the Virginia line on continental establishment, his or their heirs or assigns, entitled to bounty lands on the northwest side of the river Ohio, between the Sciota and Little Miami rivers, by the laws of the state of Virginia, and included in the terms of cession of the said state to the United States, shall, on producing the warrant, or a certified copy thereof, and a certificate under the seal of the office where the said warrants are legally kept, that the same or a part thereof remains unsatisfied, and on producing the survey, agreeably to the laws of Virginia, for the tract or tracts to which he or they may be entitled, as aforesaid, to the Secretary of the department of War, such officer and soldier, his or their heirs or assigns, shall be entitled to, and receive a patent for the same from the President of the United States, any thing in any former law to the contrary notwithstanding. *Provided*, that no letters patent shall be issued for a greater quantity of land than shall appear to remain due on such warrant, and that before the seal of the United States shall be affixed to such letters patent the Secretary of the department of War shall have endorsed thereon that the grantee therein named or the person under whom he claims was originally entitled to such bounty lands, and every such letters patent shall be countersigned by the Secretary of State and a minute of the date thereof, and the name of the grantee shall be entered of record in his office in a book to be specially provided for that purpose.

1812, ch. 68.
To produce
survey to Secre-
tary of War.

And receive
patent from Pre-
sident of United
States.

To be endor-
sed by Secretary
of War.

And counter-
signed by Secre-
tary of State,
&c.

APPROVED, June 9, 1794.

STATUTE I.

June 9, 1794.

CHAP. LXIII.—*An Act making appropriations for certain purposes therein expressed.*

[Obsolete.]
Additional
specific appro-
priations.

1794, ch. 12.

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there be appropriated for the several purposes herein after specified, the respective sums following, to wit: To defray the expenses which shall be incurred, pursuant to the act, intituled "An act to provide a naval armament," six hundred and eighty-eight thousand eight hundred and eighty-eight dollars, and eighty-two cents: In addition to the sum heretofore granted for the erection of fortifications for the protection of ports and harbors, thirty thousand dollars: For the payment of a sum granted to lieutenant-colonel Touzard, in lieu of his pension for life, three thousand six hundred dollars: For the payment of the salary allowed to the officer who shall be appointed to superintend the receiving, safe keeping and distribution of the military stores of the United States, pursuant to the

act of the second of April last, eight hundred and seventy-five dollars: for the salary of an additional clerk, and office rent, in the department of state, four hundred and eighty-four dollars, and seventy-eight cents: For the payment and subsistence of Captain John Inglis of the North Carolina line, one hundred and eight dollars, and ninety-one cents: To defray the farther contingent expenses of the House of Representatives authorized during the present session, one thousand dollars: For the service of the war department, in addition to the sums heretofore appropriated, the sums following, to wit: To defray the expense of a corps of artillerists and engineers established during the present session, sixty-six thousand four hundred and twenty-nine dollars and eighty-seven cents: For the further protection and defence of the southwestern frontier, two hundred thousand dollars: For the purposes of the act directing a detachment from the militia of the United States, two hundred thousand dollars: For the equipment of galleys or other vessels pursuant to an act of the present session, eighty thousand dollars: For the expense of additional clerk hire in the department of war, seven hundred and fifty dollars: For defraying the contingent expenses of government, to be applied, under the direction of the President of the United States, according to the regulations and provisions provided in respect of a sum of ten thousand dollars heretofore appropriated for the like purpose, twenty thousand dollars—amounting in the whole to one million two hundred and ninety-two thousand one hundred and thirty-seven dollars, and thirty-eight cents: which several sums shall be paid out of the proceeds of such revenues as shall have been provided during the present session of Congress.

1794, ch. 46.

SEC. 2. *And be it further enacted*, That the President of the United States be empowered to borrow, on behalf of the United States, of the Bank of the United States (which is hereby authorized to lend the same), or of any other body or bodies politic, person or persons, any sum not exceeding in the whole, one million of dollars, to be applied to the purposes aforesaid, and to be reimbursed, as well interest as principal, out of the proceeds of the said revenues.

President of the United States to borrow a sum.

Not exceeding \$1,000,000.

SEC. 3. *Provided always, and be it further enacted*, That there shall be reserved out of the proceeds of the said revenues, a sum sufficient to pay the interest of whatever monies may be borrowed pursuant to the act, intituled "An act making further provision for the expenses attending the intercourse of the United States with foreign nations; and further to continue in force the act, intituled "An act providing the means of intercourse between the United States and foreign nations;" and such sum is hereby pledged and appropriated for that purpose, according to the terms of the contract or contracts which shall or may be made concerning the said monies. And the faith of the United States is hereby pledged to make such further provision therefor, as may be necessary.

Certain sum to be reserved.

1794, ch. 7.

APPROVED, June 9, 1794.

STATUTE I.

CHAP. LXIV.—*An Act making certain alterations in the act for establishing the Judicial Courts, and altering the time and place of holding certain courts.*

June 9, 1794.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the district judges of the United States be authorized to appoint a commissioner or commissioners, before whom appraisers of ships or vessels, or goods, wares and merchandise, seized for breaches of any law of the United States, may be sworn or affirmed; and that such qualifications made before such commissioner or commissioners, shall be, to all intents and purposes, as effectual, as if the same were taken before the said judges in open court.

[Obsolete.]
District judge to appoint commissioners.

Before whom appraisers of vessels seized may be sworn.

Stated term of certain district courts, changed.

1802, ch. 31.

SEC. 2. *And be it further enacted,* That the stated terms of the district courts of Massachusetts, Pennsylvania, and Georgia, be changed, and that, in future, the said courts in Massachusetts shall be held on the third Tuesday in March, the fourth Tuesday in June, the second Tuesday in September, and the first Tuesday in December; in Pennsylvania, on the third Mondays in February, May, August and November; and in Georgia, at the times and places following; in the city of Savannah, on the second Tuesdays in February, May and August, and in Augusta, on the second Tuesday in November; and that the circuit court of the district of Delaware hereafter commence on the second Monday in June, instead of the twenty-seventh day of April, any law to the contrary notwithstanding.

N. Carolina divided into three districts.
1797, ch. 27,
sec. 2.

Process, &c. where returnable.

Duty of marshal of North Carolina herein.

Effect of process issuing out of either of said districts.

1797, ch. 27,
sec. 2.

Process, &c. commenced, where tried.

1797, ch. 27.

Clerk of said district court, his duty herein.

Part of certain act requiring attendance of more than one marshal at supreme court, repealed.

Exception.

District court of Kentucky after 30th Sep-

SEC. 3. *And be it further enacted,* That the state of North Carolina shall be divided into three districts, in which the district court of the said state shall be held at such times and places, as are already ascertained by law, that is to say; the district of Wilmington to include all the counties of the state districts of Morgan, Salisbury, Fayetteville and Wilmington:—the district of Newbern to include all the counties of the state districts of Hillsborough, Halifax and Newbern;—and Edenton to include all the counties of the district of Edenton; and that all process, pleas, actions, suits and other proceedings, originating in the districts, respectively, shall be returnable to the session of said court to be held at the place directed by law, within the same district, where the cause commenced, and there to be kept with the record thereof, until the final end and determination of the same. And to the end that suitors, witnesses and all others concerned, may have notice of this alteration in the said courts, the marshal of the said district of North Carolina is hereby required to make the same known by proclamation, on or before the first day of August next.

SEC. 4. *And be it further enacted,* That any person living within either of the districts aforesaid, who hereafter shall be arrested, by virtue of process issuing out of the court of either of the said districts, other than that in which he shall so reside, shall be discharged therefrom, on his entering his appearance, and giving bail to the action, in the court of the district in which he shall so reside, in like manner, and to the like effect, as if the said process had originally been issued out of the court within the said last mentioned district.

SEC. 5. *And be it further enacted,* That all process, actions, pleas, suits and other proceedings, which have been commenced and returned to the separate several sessions of the district court, at such places appointed by law for holding thereof, shall be tried at the place in each district, where the same were first made returnable.

SEC. 6. *And be it further enacted,* That the clerk of said district court shall, at each of the places aforesaid, keep a distinct docket and record of such business, returnable as aforesaid, or which may be returned to the session to be held at the said places, respectively, at which places of return, the said business shall be finally heard and determined as aforesaid.

SEC. 7. *And be it further enacted,* That so much of the act to establish the judicial courts of the United States, as is, or may be construed to require the attendance of the marshals of all the districts, at the supreme court, shall be, and the same is hereby repealed; and that the said court shall be attended, during its session, by the marshal of the district only, in which the court shall sit, unless the attendance of the marshals of other districts shall be required by special order of the said court.

SEC. 8. *And be it further enacted,* That from and after the last day of September next the district court for the state of Kentucky, shall be

held in the town of Frankfort, any thing in any former act to the contrary notwithstanding.

APPROVED June 9, 1794.

tember, to be held at Frankfort.

CHAP. LXV.—*An Act laying duties on property sold at Auction.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the thirtieth day of September next, there shall be levied, collected and paid, for the use of the United States, upon all sales by way of auction, as herein after described, which shall be made within the United States, the respective rates and duties following, to wit: The sum of one fourth part of a dollar for every hundred dollars of the purchase money arising by sale at auction, of any interest, right or estate in any lands, tenements or hereditaments, and of any utensils in husbandry, and farming stock, ships and vessels, and the sum of one half of a dollar, for every hundred dollars of the purchase money, arising by sale at auction, of all other goods, chattels, rights and credits whatsoever, and at the same rate for any greater or lesser sum, except as herein after excepted: The said respective rates and duties to be paid by the auctioneer or person making such sales at auction, out of the monies arising from each and every such sale. *Provided always,* That nothing in this act contained shall extend to any sale or sales by auction, of estates, goods or effects, made pursuant to, or in execution of any rule, order, decree, sentence or judgment of any court of the United States or of either of them; or made in virtue, or by force of any distress for rent, or other cause, for which a distress is allowed by law; or made in consequence of any bankruptcy or insolvency, pursuant to any law concerning bankruptcies or insolvencies; or made in consequence of any general assignment of property and effects, for the benefit of creditors; or made by or on behalf of executors or administrators; or made of the produce of the land, upon the land where such produce was raised; or made of any farming utensils, stock or household furniture, by persons removing from the place of their former residence, where the amount of each sale of such farming utensils, stock or household furniture shall not exceed two hundred dollars; or made pursuant to the directions of any law of the United States, or of either of them, touching the collection of any tax or duty; or disposal by auction of public property of the United States or of any state; nor to any such sale or sales by auction, of ships, their tackle, apparel and furniture, or the cargoes thereof, which shall be wrecked or stranded within the United States, and sold for the benefit of the insurers or proprietors thereof.

SEC. 2. *And be it further enacted,* That no person, after the said thirtieth day of September next, shall exercise the trade or business of an auctioneer, by the selling of any estates, goods or effects whatsoever by auction, or any other mode of sale, whereby the best or highest bidder is deemed to be the purchaser, unless such person shall have a license or other special authority, continuing in force pursuant to some law of a state, or issued pursuant to the directions of this act, on pain of forfeiting, for every such sale at auction, the sum of four hundred dollars, together with the sums or duties payable by this act upon the estates, goods or effects so sold: *Provided however,* That nothing herein contained, shall be construed to require a license for the sale at auction of any estate, goods, chattels, or other thing, which by this act are exempted from duty.

SEC. 3. *And be it further enacted,* That every person, who before the said thirtieth day of September next, shall have a license or special authority, pursuant to any law of any state, for exercising the said trade

STATUTE I.

June 9, 1794.

Repealed by Act of April 6. 1802, ch. 19.

Duties on certain sales at auction after 30th September next.

Exceptions.

1800, ch. 19.

Auctioneers prohibited without license.

Exception.

Duty of auctioneers holding license under any state.

or business of an auctioneer, shall, before or upon the said day, and every person who, after the said day, shall have such special license or authority, shall within thirty days after the obtaining or receiving of the same, give notice thereof in writing, under his hand, to the office of inspection nearest to the place where he shall carry on or intend to carry on the said trade or business of an auctioneer, specifying in such notice, the date or commencement of such license, or other special authority, the term for which the same was granted or given, by whom, and by what law of a state, the same was granted or given; and shall also give bond to the United States, in a sum of one thousand five hundred dollars, to be taken by the officer, at whose office the notice aforesaid shall be given, with condition that he will, on the first day of January, April, July and October in each year, while he shall continue to exercise the said trade or business, render to the person or persons, who, on behalf of the United States, shall be authorized to receive the same, a true and particular account in writing, of the monies or sums, for which any estates, goods or effects have been sold, at every sale at auction by him made, and of the several articles, lots and parcels, which shall have been sold, the price of each article, lot or parcel in every such sale, by whom bought, that is to say; first from the date of such bond, until such of the aforesaid days, as shall accrue next thereafter, and thenceforth from the day, to which an account shall have been last rendered, until such of the said days as shall next thereafter ensue, and so on in succession, from one of the said days to another, so long as he shall continue to exercise his said trade or business, and also shall pay all such sums of money as shall be due to the United States, upon the said sales, according to the true intent and meaning of this act, which sums he is hereby authorized and directed to retain, out of the produce of each sale made as aforesaid. And a like notice and bond shall be given in like manner, as often as any such license, or special authorities shall have expired and been renewed. And if any person shall, after the said thirtieth day of September next, by virtue or colour of any such license, or special authority, as aforesaid, make any sale or sales at auction, without having given bond, as aforesaid, within the time for that purpose prescribed, or without renewing such bond upon the expiration and renewal of any such license, or special authority, he shall forfeit and pay, for every such sale by him made, the sum of four hundred dollars, together with the sums or duties payable by this act, upon the estates, goods or effects so sold.

Auctioneers,

to give bond.

Penalty on neglecting to give bond.

Supervisors to grant licenses.

Exceptions.

Persons having licenses.

SEC. 4. *And be it further enacted*, That the several supervisors of the revenue may, within their respective districts, and upon request of any person or persons desirous thereof, shall grant licenses, without fee or reward, for a term not exceeding one year, at one time, to exercise the trade or business of an auctioneer; and such licenses, upon like request, may and shall, from time to time renew: *Provided*, That no such license shall be granted or renewed, until the person or persons requesting the same, shall have become bound to the United States, with one or more sureties to the satisfaction of the supervisor, of whom such license shall be requested, in the sum of one thousand five hundred dollars, with like condition as is herein before prescribed for persons having licenses by virtue of some law of a state: *And provided further*, That no such license shall be granted to carry on the said trade or business, in any city, town or county of any state, in respect to which, provision hath been made by any law of such state, for the allowing and regulating of the said trade and business therein.

SEC. 5. *And be it further enacted*, That every person who shall have a license from a supervisor of the revenue, continuing in force, shall and may retain, in order to the payment of the duties hereby imposed, all such sum and sums of money, as shall be due and payable upon any

estates, goods or effects by him sold at auction, as aforesaid, according to the true intent and meaning of this act.

SEC. 6. *And be it further enacted,* That the accounts to be rendered and the duties to be, from time to time, paid as aforesaid, by any auctioneer, shall be rendered and paid to the inspector of the revenue within whose survey such auctioneer shall exercise his said trade or business, or to his deputy duly appointed under his hand and seal, and such auctioneer shall make oath or affirmation, according to the best of his knowledge and belief, to the truth of every account, which he shall render before the officer or person, to whom such account shall be rendered, and who is hereby authorized to administer the said oath or affirmation, in default of which, such account shall not be deemed to be duly rendered, according to the condition of the bond of such auctioneer. And to the end that such accounts may be accurately kept and rendered, it is hereby made the duty of every auctioneer to enter, from day to day, as often as any sale shall be made, in a book, or on a paper to be kept by him for that purpose, the amount and particulars of the respective sales by him made; which book or paper shall, at all reasonable times, upon request made, be submitted for examination to the officer of inspection, within whose survey or division such auctioneer shall be, on pain of forfeiting, for every refusal to comply with such request, the sum of five hundred dollars.

Accounts and duties to whom rendered and paid.

Duty of auctioneers as to keeping accounts, &c.

SEC. 7. *And be it further enacted,* That if it shall appear to the satisfaction of the supervisor, within whose district he shall be, that an auctioneer hath acted agreeably to the condition of the bond which he shall have given, and to the directions of this act, during the time, to which his said bond shall relate, the same having expired; then, and in every such case, the said supervisor shall cause such bond to be delivered up; but in case no such account shall be delivered; as herein before mentioned, or if it shall appear, that any such account was not truly made, or that the party hath acted in any other respect, contrary to the true intent and meaning of his bond and of this act, it shall be the duty of such supervisor of the revenue, to cause such bond to be prosecuted according to law, and in case of a verdict or judgment against the defendant, he shall afterwards, upon every sale by him of any estates, goods or effects at auction, be liable to all the penalties, which may be incurred by this act, for acting as an auctioneer without license.

When supervisor shall deliver up bonds, or prosecute the same.

SEC. 8. *And be it further enacted,* That if any sale at auction of any lands, tenements or hereditaments, shall be, or become void, by reason of defect of title, the supervisor of the revenue, within whose district such sale shall be, is hereby authorized and required, upon due and sufficient proof of such sale being or becoming void, for the reason aforesaid, to cause to be remitted the duty or duties thereupon otherwise payable according to this act.

Sales of lands, &c. becoming void,

duties thereon to be remitted.

SEC. 9. *And be it further enacted,* That every auctioneer, out of the proceeds of the duties, which he shall retain and pay, as aforesaid, shall be allowed a commission of one per centum, upon the amount thereof, for his trouble in and about the same.

Allowance to auctioneers.

SEC. 10. *And be it further enacted,* That it shall be lawful for the President of the United States, and he is hereby empowered to make such allowances for compensations to the officers of inspection employed in the collection of the duties aforesaid, and for incidental expenses, as he shall judge reasonable, not exceeding in the whole, two and an half per centum of the total amount of the said duties collected.

President of United States to make allowance to officers of inspection under this act.

SEC. 11. *And be it further enacted,* That if any person shall wilfully swear or affirm falsely, touching any matter herein before required to be verified by oath or affirmation, he shall suffer the pains and penalties, which by law are prescribed for wilful and corrupt perjury; and, if an

Penalty of swearing falsely, &c.

officer, shall forfeit his office, and be incapable of afterwards holding any office under the United States.

Fines and penalties how sued for and recovered;

and disposed of.

SEC. 12. *And be it further enacted*, That all fines, penalties and forfeitures, which shall be incurred by force of this act, shall and may be sued for and recovered, in the name of the United States, or of the supervisor of the revenue, within whose district any such fine, penalty or forfeiture shall have been incurred, by bill, plaint, or information; one moiety thereof to the use of the United States, and the other moiety thereof to the use of the person, who, if an officer of inspection, shall first discover, if other than an officer of inspection, shall first inform of the cause, matter, or thing, whereby any such fine, penalty or forfeiture shall have been incurred. And where the cause of action or complaint shall arise or accrue more than fifty miles distant from the nearest place by law established for the holding of a district court, within the district in which the same shall arise or accrue, such suit and recovery may be had, before any court of the state holden within the said district, having jurisdiction in like cases.

Limitation of this act.
Continued,
1795, ch. 45.

SEC. 13. *And be it further enacted*, That this act shall continue and be in force, for the term of two years, and from thence to the end of the next session of Congress, and no longer.

APPROVED, June 9, 1794.

March 20, 1794.

RESOLUTIONS.

[Obsolete.]
President of United States to employ Revenue Cutters as dispatch boats.

I. RESOLVED *by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be authorized to employ, as dispatch boats, such of the revenue cutters of the United States, as the public exigencies may require.

APPROVED, March 20, 1794.

March 26, 1794.

[Obsolete.]
An embargo laid on all ships and vessels for thirty days.

II. RESOLVED *by the Senate and House of Representatives of the United States of America in Congress assembled*, That an embargo be laid on all ships and vessels in the ports of the United States, whether already cleared out, or not, bound to any foreign port or place, for the term of thirty days; and that no clearances be furnished, during that time, to any ship or vessel bound to such foreign port or place, except ships or vessels, under the immediate directions of the President of the United States: And that the President of the United States be authorized to give such instructions to the revenue officers of the United States, as shall appear best adapted for carrying the said resolution into full effect.

APPROVED, March 26, 1794.

April 2, 1794.

[Obsolete.]
Vessels sailing during the embargo to give bond to reland their cargoes in the U. States.

III. RESOLVED *by the Senate and House of Representatives of the United States of America in Congress assembled*, That during the continuance of the present embargo, no registered vessel, having on board goods, wares or merchandise, shall be allowed to depart from one port of the United States to any other port within the same, unless the master, owner, consignee or factor shall first give bond with one or more sureties, to the collector of the district from which she is about to depart, in a sum of double the value of the vessel and cargo, that the said goods, wares or merchandise shall be relanded in some port of the United States: which bond, and also a certificate from the collector of the district, where the same may be relanded, shall by the collectors, respectively, be transmitted to the Secretary of the Treasury. That the several collectors be prohibited from granting a clearance to any foreign ship or vessel, in any case whatever, during the continuance of the present embargo; and all

Foreign armed vessels not sub-

armed vessels, possessing public commissions from any foreign power, (letters of marque excepted) are to be considered as not liable to the embargo.

APPROVED, April 2, 1794.

ject to the embargo.

April 18, 1794.

IV. RESOLVED *by the Senate and House of Representatives of the United States of America in Congress assembled*, That the present embargo be continued, and every regulation concerning the same shall be in full force until the twenty-fifth day of May next.

APPROVED, April 18, 1794.

[Obsolete.]
Embargo continued.

May 7, 1794.

V. RESOLVED *by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be authorized to direct clearances to be granted to any ship or vessels belonging to citizens of the United States, which are now loaded, bound from any port in the United States, for any port beyond the Cape of Good Hope; any thing in the resolution for laying the embargo, to the contrary notwithstanding: *Provided*, That before the collector of either of the districts of the United States shall grant clearances, or any such vessel shall sail, the owners thereof shall give sufficient security to the satisfaction of such collector, that she shall not unlade her cargo, or any part thereof, at any port or place, previous to her arrival at the Cape of Good Hope.

APPROVED, May 7, 1794.

[Obsolete.]
Clearances for vessels bound beyond the Cape of Good Hope to be granted during the embargo.

June 9, 1794.

VI. RESOLVED *by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary for the department of War be, and he is hereby directed to make out an exact list, of the names of each person, returned to him as invalid pensioners, by the judges of the circuit courts of the United States, (signing themselves as commissioners,) under the act of Congress, passed the twenty-third of March, one thousand seven hundred and ninety-two, intituled "An act to provide for the settlement of claims of widows and orphans, barred by the limitations heretofore established, and to regulate the claims to invalid pensions," and return to the judge of each district, one copy of such list, stating particularly the district from which each person was returned, and that all are by Congress directed not to be entered on the pension list. And the said secretary is further directed to return to each district judge, a list of the names of all such persons, as have been returned as invalid pensioners by the district judges, under the act of Congress, passed the twenty-eighth of February, one thousand seven hundred and ninety-three, intituled "An act to regulate claims to invalid pensions;" distinguishing those who have been placed on the pension list; and those who have not been placed on the same, by reason of their testimony being incomplete, stating, particularly, the legal requisite or requisites, wanting in the evidence of each; and naming such of them, whose evidence of leaving service is not lodged in his office. And the judges of the several district courts, upon receipt of the above described lists and statements, from the Secretary for the department of War, are hereby directed forthwith to publish the same, in one or more of the newspapers published in their respective districts, adding to such publication, the time when the act regulating the claims to invalid pensions expires.

APPROVED, June 9, 1794.

[Obsolete.]
Relating to invalid pensioners.

1792, ch. 11.

1793, ch. 17.

1794, ch. 57.

June 9, 1794.

Copies of the Table of Fees in the State Courts to be sent to the Attorney General.

VII. RESOLVED *by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall be the duty of the respective clerks of the several district courts in the United States, to return true copies of the tables of fees payable in the supreme or superior courts of the state in which such clerk resides, to the Attorney General of the United States, on or before the fifth day of December next.

APPROVED, June 9, 1794.

1794.

Amendment of the Constitution to prevent suits against states.

VIII. RESOLVED *by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring*, That the following article be proposed to the legislatures of the several states, as an amendment to the constitution of the United States; which when ratified by three-fourths of the said legislatures shall be valid as part of the said constitution, viz:

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state or by citizens or subjects of any foreign state.

ACTS OF THE THIRD 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 third day of November, 1794, and ended on the third day of March, 1795.

GEORGE WASHINGTON, President; JOHN ADAMS, Vice President of the United States, and President of the Senate; HENRY TAZEWELL, President of the Senate pro tempore, from the twenty-fifth of February, 1795; FREDERICK AUGUSTUS MUHLENBERG, Speaker of the House of Representatives.

STATUTE II.

CHAPTER I.—*An Act to authorize the President to call out and station a corps of Militia, in the four western Counties of Pennsylvania, for a limited time.*

Nov. 29, 1794.

[Obsolete.]

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a force not exceeding two thousand five hundred non-commissioned officers, musicians and privates, to be composed of the militia of the United States, be called forth and stationed in the four western counties of Pennsylvania, if, in the judgment of the President, the same shall be deemed necessary to suppress unlawful combinations, and to cause the laws to be duly executed: *Provided,* that the term of service of any one quota of the militia, to be called into actual service, pursuant to this act, shall not exceed three months after they shall have arrived at the place of rendezvous.

Certain militia force to be stationed in four western counties of Pennsylvania.

Term of service.

SEC. 2. *And be it further enacted,* That the President of the United States be, and he is hereby authorized, if, in his judgment, it should be deemed expedient, to direct voluntary enlistments of any of the militia of the United States, in lieu of all, or any part of the force herein authorized to be called forth, for the purposes aforesaid, for a term of service not exceeding thirty days after the commencement of the next session of Congress.

President may direct voluntary enlistments.

APPROVED, November 29, 1794.

STATUTE II.

CHAP. II.—*An Act extending the privilege of franking to James White, the delegate from the Territory of the United States, south of the river Ohio; and making provision for his compensation.*

Dec. 3, 1794.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That James White, the delegate to Congress from the territory of the United States, south of the river Ohio, be entitled to the privilege of sending and receiving letters free of postage, on the same terms, and under the same restrictions as are provided for the members of the Senate and of the House of Representatives of the United States, by the act, intituled "An act to establish the post-office and post-roads within the United States."

Privilege of franking extended to James White,

1792, ch. 7.

SEC. 2. *And be it further enacted,* That the said James White shall receive for his travelling expenses and attendance in Congress, the same

his compensation.

compensation, as is or may be allowed by law, to the members of the House of Representatives of the United States, to be certified and paid in like manner.

APPROVED, December 3, 1794.

STATUTE II.

Dec. 12, 1794.

CHAP. III.—*An Act to amend and explain the twenty-second section of "the act establishing the Judicial Courts of the United States."*

Act of Sep. 24,
1789.

WHEREAS by the twenty-second section of the act entitled "An act to establish the Judicial Courts of the United States," it is provided that "Every justice or judge signing a citation on any writ of error, shall take good and sufficient security that the plaintiff in error shall prosecute his writ to effect, and answer all damages and costs, if he fail to make his plea good." And whereas doubts have arisen as to the extent of the security to be required in certain cases:—

Security to be taken on signing citation on writ of error, &c.

Be it enacted and declared by the Senate and House of Representatives of the United States of America in Congress assembled, That the security to be required and taken on the signing of a citation on any writ of error, which shall not be a supersedeas and stay execution, shall be only to such an amount, as in the opinion of the justice or judge taking the same, shall be sufficient to answer all such costs as, upon an affirmance of the judgment or decree, may be adjudged or decreed to the respondent in error.

APPROVED, December 12, 1794.

STATUTE II.

Dec. 18, 1794.

CHAP. IV.—*An Act authorizing a Loan of two million of Dollars.*

[Expired.]
President of
United States to
borrow
\$2,000,000.

SECTION I. *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 empowered to borrow, on behalf of the United States, any sum not exceeding two million of dollars, at an interest not exceeding five per cent. per annum, reimbursable at the pleasure of the United States, to be applied to such public purposes, as are authorized by law, and to be repaid out of the duties on impost and tonnage, to the end of the year one thousand seven hundred and ninety-five.

Bank of United States may loan said sum.

SEC. 2. *And be it further enacted,* That it shall be lawful for the Bank of the United States, and the said bank hereby is authorized and empowered to loan the said sum, or any part thereof.

APPROVED, December 18, 1794.

STATUTE II.

Dec. 31, 1794.

CHAP. VI.—*An Act making appropriations for the support of the military establishment for the year one thousand seven hundred and ninety-five; and for the expenses of the Militia lately called into the service of the United States.*

[Obsolete.]
Specific appropriations for militia on expedition to western counties of Pennsylvania.

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there be appropriated for the pay, subsistence, forage and other expenses attending the militia in their late expedition to the western counties of Pennsylvania, a sum not exceeding one million, one hundred and twenty-two thousand, five hundred and sixty-nine dollars and one cent; that is to say:—For the pay, subsistence and forage of the general staff, eighteen thousand six hundred and eighty-one dollars and thirty-four cents:—For the pay, subsistence and forage of the militia of New Jersey, eighty-eight thousand, seven hundred and eighteen dollars, and twenty-five cents:—For the pay, subsistence and forage of the militia of Pennsylvania, two hundred and ten thousand, eight hundred and seventy-five dollars and thirty cents:—For the pay, subsistence and forage of the

militia of Maryland, fifty-eight thousand six hundred and sixty dollars and ninety-one cents:—For the pay, subsistence and forage of the militia of Virginia, one hundred and seventy-five thousand and seven dollars and five cents:—For the pay and subsistence of artificers and drivers of ordnance, two thousand seven hundred and thirty-four dollars:—For the pay and subsistence of the cavalry of Virginia, twenty-two thousand three hundred and ninety-seven dollars and sixteen cents:—For clothing, eighty-three thousand one hundred and forty dollars:—For camp equipage, twenty-eight thousand seven hundred and seventeen dollars:—For hospital stores, two thousand seven hundred and seventy dollars:—For military stores, thirty-four thousand one hundred dollars:—For the quartermaster's and paymaster's departments, three hundred and sixty-three thousand six hundred dollars:—For forage for the cavalry, thirty-three thousand one hundred and sixty-eight dollars.

Specific appropriations, &c.

SEC. 2. *And be it further enacted,* That a sum not exceeding five hundred thousand dollars, be appropriated towards defraying the expense of the military establishment, for the year one thousand seven hundred and ninety-five.

for military establishment for 1795.

SEC. 3. *And be it further enacted,* That the several sums of money aforesaid, shall be paid and discharged out of the funds following, to wit:—First, the balance which may remain unexpended, of the sum of six hundred thousand dollars, reserved by the act making provision for the debt of the United States, after satisfying the appropriations made in the present session, for the support of government:—Secondly, the surplus of revenue and income beyond the appropriations heretofore charged thereupon, to the end of the year one thousand seven hundred and ninety-five.

Out of what funds payable.

1790, ch. 34.

APPROVED, December 31, 1794.

STATUTE II.

CHAP. VIII.—*An Act making appropriations for the support of Government for the year one thousand seven hundred and ninety five.*

Jan. 2, 1795.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for defraying the expenditure of the civil list of the United States, for the year one thousand seven hundred and ninety-five, together with the incidental and contingent expenses of the several departments and offices thereof, there be appropriated a sum of money not exceeding four hundred and thirty-two thousand seven hundred and forty-nine dollars and fifty-three cents; that is to say:

[Obsolete.]

Specific appropriations for support of government for 1795.

For the compensations granted by law to the President and Vice-President of the United States, thirty thousand dollars.

For the like compensations to the members of the Senate and House of Representatives, their officers and attendants, estimated for a session of six months continuance, one hundred and eighty-five thousand eight hundred and ninety dollars.

For the expenses of firewood, stationery, printing work and all other contingent expenses of the two Houses of Congress, nine thousand five hundred dollars.

For the compensations granted by law to the chief justice, associate judges, district judges and attorney-general, forty-three thousand two hundred dollars.

For defraying the expense of clerks of courts, jurors and witnesses, in aid of the fund arising from fines, forfeitures and penalties, twelve thousand dollars.

For defraying the expenses of prosecutions for offences against the United States, and for the safe keeping of prisoners, four thousand dollars.

Specific appropriations for support of government for 1795.

For compensation to the Secretary of State, clerks and persons employed in that department, seven thousand seven hundred and fifty dollars.

For incidental and contingent expenses in the said department, three thousand nine hundred and seventy-one dollars and seventy-nine cents.

For compensation to the Secretary of the Treasury, clerks and persons employed in his office, seven thousand eight hundred and fifty dollars.

For expense of stationery, printing and all other contingent expenses in the office of the Secretary of the Treasury, five hundred dollars.

For compensation to the Comptroller of the Treasury, clerks and persons employed in his office, ten thousand two hundred dollars.

For expense of stationery, printing and all other contingent expenses in the Comptroller's office, eight hundred dollars.

For compensation to the Treasurer, clerks and persons employed in his office, four thousand one hundred dollars.

For expense of firewood, stationery, printing, rent and other contingencies in the Treasurer's office, six hundred dollars.

For compensation to the Auditor of the Treasury, clerks and persons employed in his office, eleven thousand four hundred and fifty dollars.

For expense of stationery, printing and other contingent expenses in the Auditor's office, five hundred dollars.

For compensation to the Commissioner of the Revenue, clerks and persons employed in his office, six thousand one hundred and fifty dollars.

For expense of stationery, printing and other contingent expenses in the office of the Commissioner, four hundred dollars.

For compensation to the Register of the Treasury, clerks and persons employed in his office, fifteen thousand five hundred dollars.

For expense of stationery, printing and all other contingent expenses, in the Register's office (including books for the public stocks) two thousand four hundred dollars.

For the payment of rent for the several houses employed in the Treasury department (except the Treasurer's office) one thousand nine hundred and forty-six dollars, and sixty-eight cents.

For expense of firewood and candles in the several offices of the Treasury department (except the Treasurer's office) one 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-five, eight hundred dollars.

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 five hundred and fifty dollars.

For expense of firewood, stationery, printing, rent and other contingent expenses in the office of the Secretary of War, one thousand one hundred and thirty-three dollars, and thirty-three cents.

For compensation to the accountant to the War department, clerks and persons employed in his office, six thousand four hundred and fifty dollars.

For contingent expenses in the office of the accountant to the War department, six hundred dollars.

For compensations to the following officers of the Mint:—The Director, two thousand dollars; the Treasurer, one thousand two hundred dollars; the Assayer, one thousand five hundred dollars; the Chief Coiner, one thousand five hundred dollars; the Engraver, one thousand two hundred dollars; four clerks, at five hundred dollars each, two thousand dollars.

For defraying the expenses of laborers in the different branches of refinery, melting and coining at the mint, five thousand two hundred dollars.

For the pay of mechanics employed in making and repairing machinery for the mint, two thousand six hundred dollars.

Specific appropriations for support of government for 1795.

For the purchase of a new coining press, ironmongery, lead, wood, coals, stationery, office furniture, and for other contingencies of the establishment of the mint, five thousand five hundred dollars.

For the purchase of a house and lot for the mint, and of lumber, bricks and other materials for buildings to be erected, and other necessary improvements to be made, including mason's and carpenter's work, cartage and laborers, one thousand nine hundred dollars.

For compensations to the governors, secretaries and judges of the territory northwest, and the territory south of the river Ohio, ten thousand three hundred dollars.

For expenses of stationery, office rent, printing patents for lands, and other contingent expenses in both the said territories, seven hundred dollars.

For the payment of sundry pensions granted by the late government, two thousand and seven dollars, and seventy-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 annual allowance for the education of Hugh Mercer, son of the late Major General Mercer, by the act of Congress of the second of March, one thousand seven hundred and ninety-three, four hundred dollars.

1793, ch. 28.

For the discharge of such demands against the United States, on account of the civil department, not otherwise provided for, as shall have been ascertained and admitted in due course of settlement at the treasury, and which are of a nature, according to the usage thereof, to require payment in specie, three thousand dollars.

SEC. 2. *And be it further enacted*, That for the maintenance and support of lighthouses, beacons, buoys, public piers, and stakeage of channels, bars and shoals, there shall be appropriated a sum of money, not exceeding twenty thousand dollars; and for making good a deficiency of appropriation for building a lighthouse at Baldhead, there shall be appropriated a sum not exceeding four thousand dollars.

For lighthouses.

SEC. 3. *And be it further enacted*, That for discharging certain miscellaneous claims upon the United States, there shall be appropriated a sum of money not exceeding eight thousand and four dollars, and thirteen cents, that is to say:—For making good, to the Bank of the United States, loss and insurance on shipments of money for, and on account of the United States, and for loss on silver and gold, received from the collectors at Wilmington and Edenton, one thousand four hundred and twelve dollars, and ninety-three cents:—For paying Joseph Stretch, sole administrator of Joseph Wright, deceased, for modelling a likeness, and cutting two dies, in conformity to a resolution of Congress, of the twenty-fourth of September, one thousand seven hundred and seventy-nine, two hundred and thirty-three dollars, and thirty-three cents:—For the payment of a balance due to Arthur St. Clair, pursuant to an act of Congress, of the thirty-first of May, one thousand seven hundred and ninety-four, one thousand and fifty-seven dollars, and eighty-seven cents:—For an allowance to the widow and orphan children of Robert Forsyth, late marshal of the district of Georgia, pursuant to an act of June the seventh, one thousand seven hundred and ninety-four, two thousand dollars:—For defraying the expense of publishing lists of invalid pensioners, in compliance with the resolution of Congress, of the ninth of June, one thousand seven hundred and ninety-four, eight hundred dollars:—For defraying the expense of sundry expresses to and from the

Specific appropriations for miscellaneous claims, &c.

1794, ch. 38.

1794, ch. 56.

Ante, p. 401.

collectors of the revenue, in relation to the embargo, five hundred dollars:—For the discharge of such miscellaneous demands against the United States, other than those on account of the civil department, not otherwise provided for, and which shall have been ascertained and admitted in due course of settlement at the treasury, and which are of a nature, according to the usage thereof, to require payment in specie, two thousand dollars.

Out of what
fund payable.
1790, ch. 34.

SEC. 4. *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.

APPROVED, January 2, 1795.

STATUTE II.

Jan. 2, 1795.

CHAP. IX.—*An Act to regulate the pay of the non-commissioned officers, musicians and privates of the Militia of the United States, when called into actual service, and for other purposes.*

[Obsolete.]

Monthly pay
of non-commissioned
officers,
&c.

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, the allowance of bounty, clothing and pay to the non-commissioned officers, musicians and privates of the infantry, artillery and cavalry of the militia of the United States, when called into actual service, shall be at the rate per month, as follows:— Each serjeant-major and quartermaster-serjeant, nine dollars; each drum and fife-major, eight dollars and thirty-three cents; each serjeant, eight dollars; each corporal, drummer, fifer and trumpeter, seven dollars and thirty-three cents; each farrier, saddler and artificer (included as a private) eight dollars; each gunner, bombardier and private, six dollars and sixty-six cents.

Certain allow-
ance to the cav-
alry.

SEC. 2. *And be it further enacted*, That in addition to the monthly pay, there shall be allowed to each officer, non-commissioned officer, musician and private of the cavalry, for the use of his horse, arms and accoutrements, and for the risk thereof, except of horses killed in action, forty cents per day; and to each non-commissioned officer, musician and private, twenty-five cents per day, in lieu of rations and forage, when they shall provide the same.

Pay, when to
commence.

SEC. 3. *And be it further enacted*, That whenever the militia shall be called into the actual service of the United States, their pay shall be deemed to commence from the day of their appearing at the places of battalion, regimental or brigade rendezvous; allowing to each non-commissioned officer, musician and private soldier, a day's pay and rations, for every fifteen miles from his home to such place of rendezvous, and the same allowance for travelling home from the place of discharge.

Allowance for
travelling.

Additional pay
to the militia
called forth in
the expedition to
Fort Pitt.

SEC. 4. *And be it further enacted*, That in addition to the pay heretofore authorized by law, there shall be allowed and paid to the non-commissioned officers, musicians and privates of the militia lately called forth into the actual service of the United States, on an expedition to Fort Pitt, such sums as shall, with the pay heretofore by law established, be equal to the allowances respectively provided in the first and second sections of this act. *Provided nevertheless*, That the compensations made by any state, to the militia called forth from such state, shall be deemed to be included in the additional allowance authorized by this act; and such state shall be entitled to receive from the treasury of the United States, such sums as they shall have paid, or allowed to the non-commissioned officers, musicians and privates, over and above the pay heretofore allowed by law, and not exceeding the additional allowance granted by this act.

States to be
reimbursed a
certain sum.

SEC. 5. *And be it further enacted*, That for the completing and better

supporting the military establishment of the United States, as provided by the act, intituled "An act making further and more effectual provision for the protection of the frontiers of the United States," there shall be allowed and paid, from and after the first day of January, one thousand seven hundred and ninety-five, to each non-commissioned officer, musician and private now in service, or hereafter to be enlisted, the additional pay of one dollar per month, during the terms of their respective enlistments; and to each soldier now in the service of the United States, or discharged therefrom, subsequent to the third day of March last, who shall re-enlist after the first day of January next, an additional bounty of eight dollars, making the entire bounty sixteen dollars; and to each person not now in the army of the United States, or discharged, as above, who shall enlist after the said first day of January next, an additional bounty of six dollars, making the entire bounty fourteen dollars: but the payment of four dollars of each additional bounty hereby granted, shall be deferred until the soldier enlisting shall join the regiment or corps, in which he is to serve.

Additional pay of enlisted troops. 1792, ch. 9.

Additional bounty on re-enlistment.

Part of the additional bounty to be deferred.

Increase of rations to those employed in the military service of the U. States on the western frontiers.

SEC. 6. *And be it further enacted*, That to those in the military service of the United States, who are, or shall be employed on the western frontiers, there shall be allowed, during the time of their being so employed, two ounces of flour or bread, and two ounces of beef or pork, in addition to each of their rations, and half a pint of salt, in addition to every hundred of their rations.

APPROVED, January 2, 1795.

STATUTE II.

CHAP. X.—*An Act authorizing the transfer of the Stock standing to the credit of certain States.*

Jan. 2, 1795.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That at any time within two years from the passing of this act, transfers shall and may be authorized, of so much of the stock standing to the credit of any state, pursuant to the report of the commissioners for settling accounts between the United States and individual states, and the act passed thereon, intituled "An act making provision for the payment of the interest on the balances due to certain states, upon a final settlement of the accounts between the United States and the individual states," to creditors of such state, who were such, prior to the first day of July, one thousand seven hundred and ninety-three, as may be necessary to satisfy their respective demands: *Provided*, That no such transfer shall be made but with the consent of the said state and its creditors.

[Obsolete.] Certain stock standing to the credit of a state to be transferred to its creditors.

1794, ch. 37. 1797, ch. 14.

Proviso.

APPROVED, January 2, 1795.

STATUTE II.

CHAP. XI.—*An Act providing for the payment of certain instalments of foreign debts; and of the third instalment due on a loan made of the Bank of the United States.*

Jan. 8, 1795.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States be, and he hereby is authorized and empowered to cause any instalments of the foreign debts, which may fall due in the year one thousand seven hundred and ninety-five, and also the third instalment due on a loan made of the Bank of the United States, in pursuance of the eleventh section of the act for incorporating the subscribers to the said bank, to be paid out of the proceeds of any foreign loans heretofore made.

[Obsolete.] Certain instalments of debt how to be paid.

1791, ch. 10.

APPROVED, January 8, 1795.

STATUTE II.

Jan. 28, 1795.

[Obsolete.]

Certain suits and process revived in the district court of Pennsylvania.

Resolution of March 26, 1794.

CHAP. XII.—*An Act for reviving certain suits and process which have been discontinued in the District Court of Pennsylvania.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all suits and process which were pending in the district court of Pennsylvania, which, by law, ought to have been holden on the third Monday of November last, and which were discontinued by the failure to hold the same; and all suits and process which were commenced for the said court, or returnable thereto; and also all suits and process, which were pending in any special court of the said district, and discontinued by failure to hold the adjournment thereof, on the day appointed, at any time since the last day of July last, be, and they are hereby revived; and hereby day is given to all the suits and process aforesaid, in the district court next by law to be holden in the same district; and the same proceedings may be had at the same last mentioned court, in all the suits and process aforesaid, as by law might have been had at the courts, respectively, in which the same were pending, or to which the same were returnable.

APPROVED, January 28, 1795.

STATUTE II.

Jan. 28, 1795.

[Obsolete.]

Time for receiving on loan the domestic debt extended till the 31st December next.

Ante, pp. 281, 338, 370.
1790, ch. 34.

Non-subscribing creditors of U. States to receive for one year five per cent. on their demands.

1790, ch. 34.

CHAP. XIII.—*An Act further extending the time for receiving on loan the Domestic Debt 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 term for receiving on loan that part of the domestic debt of the United States which has not been subscribed in pursuance of the provisions heretofore made by law for that purpose, be and the same is hereby further extended until the thirty-first day of December next, on the same terms and conditions as are contained in the act, entitled "An act making provision for the debt of the United States." *Provided,* That the books for receiving the said subscriptions shall be opened only at the treasury of the United States.

SEC. 2. *And be it further enacted,* That such of the creditors of the United States as have not subscribed and shall not subscribe to the said loan shall nevertheless receive during the year one thousand seven hundred and ninety-five a rate per centum on the amount of such of their demands as have been registered or as shall be registered at the treasury conformable to the directions in the act, entitled "An act making provision for the debt of the United States," equal to the interest which would be payable to them as subscribing creditors.

APPROVED, January 28, 1795.

STATUTE II.

Jan. 28, 1795.

[Obsolete.]

Certain tonnage remitted.

CHAP. XIV.—*An Act for the remission of the tonnage Duties on certain French vessels.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the duties on the tonnage of sundry shallops and small schooners, lately employed to convey to Boston, a number of French citizens, late inhabitants of Saint Petre and Miquelon, from Halifax and Shelburne in Nova Scotia, where they had been sent prisoners by the British, during the present war, be, and the same are hereby remitted.

APPROVED, January 28, 1795.

STATUTE II.
Jan. 29, 1795.

CHAP. XVII.—*An Act supplementary to the several acts imposing duties on goods, wares and merchandise imported into the United States.*

[Obsolete.]

WHEREAS difficulties have arisen in ascertaining the duties on certain articles imported into the United States, and further provisions for securing the collection of the impost duties, are found necessary :

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in lieu of the present duties, there shall be levied, collected and paid upon all printing types which, after the last day of March next, shall be imported into the United States, in ships or vessels of the United States, at the rate of ten per cent., and upon all girandoles, at the rate of twenty per cent. ad valorem; that after the said last day of March next, the present duties payable upon clayed sugars, shall cease, and there shall be paid upon all white clayed or white powdered sugars, three cents per pound, and upon all other clayed or powdered sugars, one and a half cent per pound; upon Malaga wine, twenty cents; upon burgundy and champaign, forty cents per gallon.

New duty placed on specific articles.

SEC. 2. *And be it further enacted,* That after the said last day of March, teas, commonly called imperial, gunpowder or gomee, shall pay the same duties as hyson teas: and where any entire article is, by any law of the United States, made subject to the payment of duties, the parts thereof, when imported separately, shall be subject to the payment of the same rate of duties.

Duty on tea.

Part of an article to pay proportionably to the whole.

SEC. 3. *And be it further enacted,* That after the said last day of March, the valuation of all goods, wares and merchandise, subject to the payment of duties ad valorem, shall be made upon the actual cost at the place of exportation, including all charges (commissions, outside packages and insurance only excepted), that the duty on any wines imported into the United States shall not be less than ten cents per gallon, and that bottles, in which any liquor is imported, shall be subject to the payment of the like duty as empty bottles.

Duties ad val. to be estimated at the place of exportation.

SEC. 4. *And be it further enacted,* That the duties upon all goods, wares and merchandise imported into the United States, after the said last day of March, (where the sum payable by one person or copartnership shall amount to more than fifty dollars,) shall be payable upon all articles, the produce of the West Indies (salt excepted), the one half in three, and the other half in six calendar months; and on all goods, wares and merchandise imported from Europe, (wines, salt and teas excepted,) one third in eight months, one third in ten months, and the remaining third in twelve months, from the time of each respective importation.

Duties above fifty dollars how to be paid.

1799, ch. 22.

SEC. 5. *And be it further enacted,* That in respect to the aforesaid duties, and the duties heretofore imposed on goods, wares and merchandise imported into the United States, there shall be an addition of ten per cent. to the several rates of duties, when imported in ships or vessels not of the United States: except in cases, where such additional duty has been before specially laid on any goods, wares or merchandise imported in such ships or vessels.

Additional duty on foreign vessels.

SEC. 6. *And be it further enacted,* That the duties aforesaid shall be collected in like manner, and under the same regulations, restrictions and provisions, and subject to the like appropriations, as goods, wares and merchandise imported into the United States are now subject to.

Duty how to be collected and appropriated.

APPROVED, January 29, 1795.

STATUTE II.
Jan. 29, 1795.

CHAP. XVIII.—*An Act making further provision in cases of Drawbacks.*

WHEREAS the allowance of drawbacks on goods, wares and merchandise imported into the United States is now limited to such as are ex-

1799, ch. 22.

Repealed by Act of March 2, 1799, ch. 22.

Drawbacks in other districts than those into which the goods were imported.

Proviso.

Manner of receiving certificate to entitle exporter to drawback.

Certain articles may have their packages filled up or changed.

Entry and examination necessary.

Debenture for drawback how and when to be paid.

ported from districts into which the same are imported, and great loss and inconvenience are experienced from such limitation, and further provision, in respect to goods, wares or merchandise entitled to drawback, is deemed necessary :

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That after the last day of March next, any goods, wares and merchandise imported into the United States, may be exported from any of the ports at which ships and vessels from the Cape of Good Hope, or from any place beyond the same, are admitted to make entry, and entitled to the same drawback of the duties, as goods, wares and merchandise exported from the districts into which they are imported, are now entitled to: *Provided nevertheless,* That such goods, wares and merchandise shall not be entitled to such drawback, unless they shall be accompanied by a certificate from the collector of the district into which they were imported, specifying the marks, numbers and descriptions of the casks or packages, with the names of the master and vessel in which, the time when, and the place from whence they were imported; and where the articles pay duties by weight or measure, the quantity in each; and in all cases, the amount of the duties paid or secured thereon.

SEC. 2. *And be it further enacted,* That in order to entitle any person to such certificate, he or they shall make out an entry of all such goods, wares and merchandise, specifying the marks, numbers and descriptions of the casks or packages and their contents, the names of the master and vessel in which, the time when, and the place from which they were imported; the names of the master and vessel in which they are intended to be laden, and the district in the United States to which they are destined; and shall moreover make oath or affirmation to the truth of such entry; which requisites being complied with, and the collector satisfied with the truth thereof, he shall grant such certificate, and such goods, wares and merchandise shall be entered with the collector of the district, into which they shall be brought from the place of their importation, previous to the landing or unloading thereof.

SEC. 3. *And be it further enacted,* That after the last day of March next, it shall be lawful for the importer or exporter of any liquors in casks, coffee in casks or other packages, or any unrefined sugars, to fill up the casks or packages, out of other casks or packages included in the original importation, or into new casks or packages, in case the original cask or package shall be so injured, as to be rendered unfit for exportation, and under the inspection of the inspector of the port, from which such liquors, coffee or unrefined sugars are intended to be exported.

SEC. 4. *And be it further enacted,* That when any goods, wares or merchandise entitled to drawback, shall be entered for exportation, from any other district than the one into which they were imported, the person intending to export the same, besides producing the certificate herein before directed, shall make an entry, in like manner, and the goods, wares and merchandise therein expressed shall undergo the same examination, as is by law required, relative to goods, wares and merchandise entitled to drawback, and intended to be exported from the place of original importation.

SEC. 5. *And be it further enacted,* That for all goods, wares and merchandise entitled to drawback, which, after the last day of March next, shall be exported from the district into which they were originally imported, the exporter or exporters shall be entitled to receive from the collector of such district, a debenture or debentures for the amount of the drawback, to which such goods, wares or merchandise are entitled, payable at the same time or times respectively, on which the duties on the said goods, wares or merchandise shall become due, except the same, or any part thereof has been paid, or shall become payable in less

than three months; in which case, such debenture shall be payable in three months: and it shall be the duty of the said collectors to discharge such debentures, at the time they become due, out of any public money in their hands. And where goods, wares and merchandise are exported from any other district, than the one into which they were imported, it shall be the duty of the collector of such district, to grant to the exporter, a certificate expressing that such goods, wares and merchandise were exported from his district, with the marks, numbers and description of the packages and their contents, the name of the vessel on which they were laden, the name of the commander, and the port for which they were cleared out, and the amount of the drawback, to which they are entitled. And such certificate shall entitle the possessor thereof, to receive from the collector of the district, with whom the duties on the said goods, wares and merchandise were paid or secured, a debenture or debentures for the drawback expressed in the said certificates, payable at the same time, and in like manner, as is herein directed for debentures on goods, wares and merchandise exported from the place of their first importation: *Provided nevertheless*, That the collector aforesaid may refuse to grant such debenture or debentures, in case it shall appear to him, that any error has arisen, or any fraud has been committed; and in case of such refusal, if the debenture or debentures claimed shall exceed one hundred dollars, it shall be his duty to represent the case to the Comptroller of the Treasury, who shall determine, whether such debenture or debentures shall be granted or not: *And provided always*, That in no case of an exportation by the original importer, shall a drawback be paid, until the duties on the importation thereof shall have been first received.

When goods are exported from a district, other than that into which they were imported, certain certificate to be granted;

which shall entitle to debenture.

Proviso.

No drawback to be paid before duties are received.

SEC. 6. *And be it further enacted*, That before the receipt of any such debenture, in case of exportation from the district of original importation, and in case of exportation from any other district, before the receipt of any such certificate, the person applying for the same shall give bond with one or more sureties, to the satisfaction of the collector who is to grant the debenture, or the certificate, as the case may be, in a sum equal to double the amount of the sum, for which such debenture or certificate is granted, conditioned to produce to such collector, like proof and certificates of the delivery of such goods, wares or merchandise, at some place without the United States, as are now required by law for obtaining the drawback on exportation, within one year, in case such goods have been shipped to any part of Europe or America, and within two years, if to any part of Asia or Africa: *Provided nevertheless*, That when it shall be made appear to the satisfaction of the collector, to whom such certificates are directed to be returned, that such certificates could not be obtained, the exporter or exporters shall be permitted to offer such other testimony, as to the landing or loss of the goods, wares and merchandise, as he may have; which proof shall be referred to the Comptroller of the Treasury, who shall have power and authority to admit the same, if he shall deem it satisfactory, and to direct the collector to cancel the bond accordingly.

Bond to be given to produce certificate of exportation within a limited time.

Proviso.

SEC. 7. *And be it further enacted*, That so much of the act, intituled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels," as extends the credits on bonds given for duties on account of the drawback on goods exported, shall, after the said last day of March next, be repealed: *Provided*, That nothing herein contained shall be construed to extend to any allowance made upon goods, wares and merchandise imported before the said last day of March next.

Part of former act repealed.

1790, ch. 35.

Proviso.

APPROVED, January 29, 1795.

STATUTE II.

Jan. 29, 1795.

[Obsolete.]

Augmentation of bounty rendered more general.

1795, ch. 9.

CHAP. XIX.—*An Act in addition to the act entitled "An act to regulate the pay of the non-commissioned officers, musicians and privates of the Militia of the United States, when called into actual service, and for other purposes."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the augmentation of bounty authorized by the fifth section of the act, entitled "An act to regulate the pay of the non-commissioned officers, musicians and privates of the militia of the United States, when called into actual service, and for other purposes," shall be allowed and paid to such recruits as shall have enlisted after the passing of the said act, or as shall hereafter enlist, in like manner as is by the said act provided in cases of enlistment after the first day of January next.

APPROVED, January 29, 1795.

STATUTE II.

Jan. 29, 1795.

Act of March 26, 1790, ch. 3.

Repealed by Act of April 14, 1802, ch. 28.

How an alien may become a citizen.

To express his desire of becoming a citizen, and to renounce his former allegiance.

To have certain residence.

To be sworn or affirmed to support the constitution.

To renounce former allegiance.

Court to be satisfied of certain things.

To renounce title, &c.

CHAP. XX.—*An Act to establish a uniform rule of Naturalization; and to repeal the act heretofore passed on that subject.*(a)

FOR carrying into complete effect, the power given by the constitution, to establish a uniform rule of naturalization throughout the United States:

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any alien, being a free white person, may be admitted to become a citizen of the United States, or any of them, on the following conditions, and not otherwise:—

First. He shall have declared on oath or affirmation, before the supreme, superior, district or circuit court of some one of the states, or of the territories northwest or south of the river Ohio, or a circuit or district court of the United States, three years, at least, before his admission, that it was bona fide, his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty whatever, and particularly, by name, the prince, potentate, state or sovereignty whereof such alien may, at the time, be a citizen or subject.

Secondly. He shall, at the time of his application to be admitted, declare on oath or affirmation, before some one of the courts aforesaid, that he has resided within the United States, five years at least, and within the state or territory, where such court is at the time held, one year at least; that he will support the constitution of the United States; and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state or sovereignty whatever, and particularly by name, the prince, potentate, state or sovereignty, whereof he was before a citizen or subject; which proceedings shall be recorded by the clerk of the court.

Thirdly. The court admitting such alien, shall be satisfied that he has resided within the limits and under the jurisdiction of the United States five years; and it shall further appear to their satisfaction, that during that time, he has behaved as a man of a good moral character, attached to the principles of the constitution of the United States, and well disposed to the good order and happiness of the same.

Fourthly. In case the alien applying to be admitted to citizenship shall have borne any hereditary title, or been of any of the orders of nobility, in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility, in the court to which his application shall be made; which renunciation shall be recorded in the said court.

(a) See note to act of March 26, 1790, chap. 3.

SEC. 2. *Provided always, and be it further enacted,* That any alien now residing within the limits and under the jurisdiction of the United States, may be admitted to become a citizen, on his declaring on oath or affirmation, in some one of the courts aforesaid, that he has resided two years, at least, within and under the jurisdiction of the same, and one year, at least, within the state or territory where such court is at the time held; that he will support the constitution of the United States; and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state or sovereignty whatever, and particularly by name, the prince, potentate, state or sovereignty, whereof he was before a citizen or subject; and moreover on its appearing to the satisfaction of the court, that during the said term of two years, he has behaved as a man of good moral character, attached to the constitution of the United States, and well disposed to the good order and happiness of the same; and, where the alien applying for admission to citizenship, shall have borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, on his moreover making in the court an express renunciation of his title or order of nobility, before he shall be entitled to such admission; all of which proceedings, required in this proviso to be performed in the court, shall be recorded by the clerk thereof.

How an alien now resident in the U. States shall become a citizen.

SEC. 3. *And be it further enacted,* That the children of persons duly naturalized, dwelling within the United States, and being under the age of twenty-one years, at the time of such naturalization; and the children of citizens of the United States, born out of the limits and jurisdiction of the United States, shall be considered as citizens of the United States: *Provided,* That the right of citizenship shall not descend to persons, whose fathers have never been resident in the United States: *Provided also,* That no person heretofore proscribed by any state, or who has been legally convicted of having joined the army of Great Britain, during the late war, shall be admitted a citizen as aforesaid, without the consent of the legislature of the state, in which such person was proscribed.

How children shall obtain citizenship through their parents.

SEC. 4. *And be it further enacted,* That the act intituled "An act to establish a uniform rule of naturalization," passed the twenty-sixth day of March, one thousand seven hundred and ninety, be, and the same is hereby repealed.

Former act repealed.
1790, ch. 3.

APPROVED, January 29, 1795.

STATUTE II.

CHAP. XXI.—*An Act to amend the act intituled "An act making alterations in the Treasury and War departments."*(a)

Feb. 13, 1795.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in case of vacancy in the office of Secretary of State, Secretary of the Treasury, or of the Secretary of the department of War, or of any officer of either of the said departments, whose appointment is not in the head thereof, whereby they cannot perform the duties of their said respective offices; it shall be lawful for the President of the United States, in case he shall think it necessary, to authorize any person or persons, at his discretion, to perform the duties of the said respective offices, until a successor be appointed, or such vacancy be filled: *Provided,* That no one vacancy shall be supplied, in manner aforesaid, for a longer term than six months.

Act of May 8, 1792, ch. 37.
[Obsolete.]
In case of vacancy in the departments, President to fill them.

Proviso.

APPROVED, February 13, 1795.

(a) See note to act of May 8, 1792, chap. 37.

STATUTE II.

Feb. 13, 1795.

[Obsolete.]
Permit for ex-
portation to be
granted.

CHAP. XXII.—*An Act to authorize the allowance of drawback on part of the cargo of the ship Enterprize.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the collector of the district of Pennsylvania be, and he hereby is authorized and directed to grant permits for the exportation of that part of the cargo of the ship Enterprize, Herbert Jones, commander, which has been imported in the said ship, and in the schooner Delight, John Cannon, commander, from Newbern in North Carolina, under the same regulations and restrictions, as if the same had been imported into the district of Pennsylvania, from any foreign port or place.

Collector of
Newbern.

1795, ch. 18.

SEC. 2. *And be it further enacted,* That the collector of the district of Newbern be authorized to grant a debenture or debentures for the drawback of the said duties, in like manner, and under the same regulations, as are provided by the act, intitled "An act making further provision in cases of drawbacks," for goods, wares or merchandise exported from the United States, after the last day of March next.

APPROVED, February 13, 1795.

STATUTE II.

Feb, 14, 1795.

Act of March
2, 1799, ch. 22.
[Obsolete.]
Specific al-
lowance to col-
lectors, &c.

CHAP. XXIII.—*An Act relative to the compensations of certain officers employed in the collection of the duties of impost and tonnage.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in lieu of the commissions heretofore by law established, there shall be allowed to the collectors of the duties of impost and tonnage, on all monies by them respectively received on account of the duties aforesaid arising on tonnage, and on goods, wares and merchandise imported after the last day of March next, as follows, to wit :

To the collectors of the districts of Pennsylvania and New York, three tenths of one per cent :

To the collector of the district of Boston and Charlestown, and to the collector of the district of Baltimore, five eighths of one per cent :

To the collectors of the districts of Salem and Norfolk, seven eighths of one per cent :

To the collectors of the districts of Alexandria, Charleston and Savannah, one per cent :

To the collector of the district of Newburyport, one and a quarter per cent.

To the collectors of the districts of Portsmouth, Portland, Newport, Providence, New Haven and Tappahannock, one and a half per cent :

And to the collectors of the districts of Vermont, Champlain, Gloucester, Marblehead, Plymouth, Barnstable, Nantucket, Edgar Town, New Bedford, Dighton, York, Biddeford, Bath, Wiscasset, Penobscot, Frenchman's Bay, Machias, Passamaquoddy, New London, Fairfield, Sagg Harbor, Perth Amboy, Burlington, Bridgetown, Great Egg Harbor, Wilmington in Delaware, Chester, Oxford, Vienna, Snowhill, Annapolis, Nottingham, Cedar Point, Georgetown in Maryland, Bermuda Hundred, Hampton, York Town, Yeocomico, Dumfries, Foley Landing, Cherrystone, South Quay, Kentucky, Wilmington in North Carolina, Newbern, Washington, Edenton, Cambden, Georgetown in South Carolina, Beaufort, Sunbury, Brunswick, Saint Mary's, and Hardwich, two per cent.

SEC. 2. *And be it further enacted,* That from and after the last day of March next, in lieu of the annual allowances heretofore established by law, there shall be yearly allowed to the following officers, the sums following, to wit :

To the collectors of the districts of Annapolis, Chester, South Quay, Yeocomico, Wilmington in North Carolina, Cedar Point and Washington, the sum of two hundred dollars each :

Specific allowance to collectors, surveyors, &c.

To the collectors of the districts of York, Passamaquoddy, Oxford, Vienna, Nottingham, Hampton, York Town, Dumfries, Foley Landing, Cherrystone, Beaufort, Saint Mary's, Brunswick and Hardwich, the sum of one hundred and fifty dollars each :

To the collector of the district of Perth Amboy, one hundred and twenty dollars :

To the collectors of the districts of Portsmouth, Vermont, Champlain, Gloucester, Plymouth, Barnstable, Nantucket, Edgartown, New Bedford, Biddeford, Penobscot, Frenchman's Bay, Machias, Newport, Fairfield, Burlington, Bridgetown, Great Egg Harbor, Wilmington in Delaware, Snowhill, Kentucky, Bermuda Hundred, Cambden, Georgetown in South Carolina, and Sunbury, the sum of one hundred dollars each :

To the collectors of the districts of Marblehead, Bath, Wiscasset, New Haven and Georgetown in Maryland, the sum of fifty dollars each :

To the naval officer of the district of Portsmouth, the sum of one hundred and fifty dollars :

To the naval officers of the districts of Newburyport, Salem, Newport, Providence, Wilmington in North Carolina, and Savannah, the sum of one hundred dollars each :

To the surveyor of the port of Salem, two hundred dollars :

To the surveyors of Portsmouth, Newburyport, Bristol, Warren, East Greenwich, Saint Mary's, Suffolk, Smithfield, Richmond, Petersburg, Fredericksburg, Wilmington, Beaufort, and Swansborough, the sum of one hundred and fifty dollars each :

To the surveyors of Newport and Providence, one hundred and thirty dollars each :

To the surveyors of Gloucester, Beverly, New Haven, Middletown, Albany, Hudson, Little Egg Harbor, and Lewellensburg, one hundred and twenty dollars each :

And to the surveyors of Ipswich, Portland, North Kingston, Pawhuttuck, Patuxet, New London, Stonington, Town Creek, Bermuda Hundred, Westpoint, Urbanna, Portroyal, Alexandria, Windsor, Hertford, Plymouth, Skewarky, Murfreesborough, Bennet's Creek, Winton, Nixonton, Newbiggen Creek, Pasquotank River, Indian Town, Currituck Inlet, Savannah, and New Brunswick in New Jersey, the sum of one hundred dollars each.

SEC. 3. *And be it further enacted*, That from and after the last day of March next, in lieu of the sum heretofore established by law, there shall be paid to each inspector, for every day he shall be actually employed in aid of the customs, a sum not exceeding one dollar and sixty-six cents; and that instead of the sum heretofore established by law, to be paid for the weighing of every one hundred and twelve pounds, in the districts of Pennsylvania, New York, Boston, Baltimore and Norfolk there shall be paid one cent and a half.

Allowance to inspector; and for weighing.

SEC. 4. *And be it further enacted*, That from and after the last day of March next, it shall be the duty of the several collectors, naval officers and surveyors, to keep accurate accounts of their official emoluments and expenditures, and the same to transmit, annually, on the last day of December, to the Comptroller of the Treasury, who shall annually lay an abstract of the same before Congress.

Collectors, naval officers, and surveyors to keep and transmit accounts.

APPROVED, February 14, 1795.

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STATUTE II.

Feb. 21, 1795.

[Obsolete.]
Right to pen-
sion, when to
commence.

1793, ch. 17.

No arrears.
Pension how
long to con-
tinue.

Officers to re-
turn commuta-
tion.

CHAP. XXIV.—*An Act supplementary to the act concerning Invalids.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the right, any person now has, or may hereafter acquire, to receive a pension, by virtue of the act passed on the twenty-eighth day of February, one thousand seven hundred and ninety-three, intituled "An act to regulate the claims to invalid pensions," be considered to commence at the time of completing his testimony before the district judge, or commissioners, pursuant to the said act: And nothing shall be allowed to any invalid of the description aforesaid, by way of arrear of pension, antecedent to the date of his completing his testimony as aforesaid: And the pensions allowed under the said act shall be continued to the respective pensioners, during the continuance of their disability.

SEC. 2. *And be it further enacted,* That no commissioned officer, who has received commutation of half pay, shall be paid a pension, as an invalid, until he shall return his commutation into the treasury of the United States; except where special provision has been made, in particular cases, for allowing pensions on the return only of certain portions of the commutation.

APPROVED, February 21, 1795.

STATUTE II.

Feb. 21, 1795.

[Obsolete.]
Bank of U.
States author-
ized to lend.

1794, ch. 7.

Surplus of cer-
tain revenues
appropriated.

CHAP. XXV.—*An Act for the reimbursement of a Loan authorized by an Act of the last Session of Congress.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Bank of the United States be, and the same is hereby authorized to lend to the United States, the whole, or any part of the sum of eight hundred thousand dollars (remaining unapplied) in pursuance of the authority granted to borrow one million of dollars, by the act, intituled "An act making further provision for the expenses attending the intercourse of the United States with foreign nations; and further to continue in force the act, intituled "An act providing the means of intercourse between the United States and foreign nations.

SEC. 2. *And be it further enacted,* That after reserving such sums as may be sufficient to satisfy prior appropriations, there be further appropriated, in aid of the provision heretofore made, out of the proceeds of the duties which have arisen, or may arise upon carriages for the conveyance of persons; upon licenses for selling wines and foreign distilled spirituous liquors by retail; upon snuff and refined sugar; and upon property sold at auction; which were imposed by acts passed during the last session, and which may be further continued, the present session of Congress, or from the proceeds of such duties or revenues as may be established in lieu thereof, a sum sufficient to the reimbursement, before the year one thousand eight hundred and one, of any loan or loans, which have been, or which may hereafter be made, in virtue of the act aforesaid: And that the faith of the United States be, and the same is hereby pledged, to make good any deficiency of the said duties.

APPROVED, February 21, 1795.

STATUTE II.

Feb. 21, 1795.

Lighthouse
near the en-
trance of
Georgetown
harbor.

CHAP. XXVI.—*An Act authorizing the erection of a Lighthouse near the entrance of Georgetown Harbor, in the State of South Carolina.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby required to cause to be erected, as soon may be, a lighthouse near the entrance of the harbor of Georgetown, in the state of South Carolina, at such place, when ceded to the United

States, as shall be most convenient for the navigation thereof; and that a sum not exceeding five thousand dollars, be appropriated for the same, out of any monies not otherwise appropriated: And that a sum not exceeding one thousand dollars, be appropriated for placing buoys on certain shoals in Cape Fear river, below the town of Wilmington, in the state of North Carolina.

Buoys in Cape Fear river.

APPROVED, February 21, 1795.

STATUTE II.

Feb. 23, 1795.

CHAP. XXVII.—*An Act to establish the Office of Purveyor of Public Supplies.*

SECTION I. *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 treasury, an officer to be denominated, "Purveyor of Public Supplies," whose duty it shall be, under the direction and supervision of the Secretary of the Treasury, to conduct the procuring and providing of all arms, military and naval stores, provisions, clothing, Indian goods, and generally all articles of supply, requisite for the service of the United States, and whose compensation shall be, a salary of two thousand dollars per annum. And all letters to and from the said officer shall be received and conveyed by post free of postage.

[Obsolete.]
Purveyor of public supplies to be appointed.
His duty, &c.
Abolished by act of 1812, ch. 46.
1798, ch. 85, sec. 4, 5.
Letters free.

SEC. 2. *And be it further enacted,* That the said officer shall not directly or indirectly, be concerned, or interested, in carrying on the business of trade or commerce, or be owner in whole or in part, of any sea vessel, or purchase by himself, or another in trust for him, public lands, or any other public property, or be concerned in the purchase or disposal of any public securities of any state, or of the United States, or take, or apply to his own use, any emolument or gain, for negotiating or transacting any business in the said department, other than what shall be allowed by law; and if he shall offend against any of the prohibitions of this act, he shall upon conviction, forfeit to the United States, the penalty of three thousand dollars, and may be imprisoned for a term not exceeding five years, and shall be removed from office, and be forever thereafter incapable of holding any office under the United States.

His disqualifications.

SEC. 3. *And be it further enacted,* That the said officer shall, before he enters on the duties of his office, give bond with sufficient sureties, to be approved by the Secretary of the Treasury, and Comptroller, in the sum of twenty thousand dollars, payable to the United States, with condition for the faithful performance of the duties of his said office; which bond shall be lodged in the office of the Comptroller.

Penalty.

To give bond.

APPROVED, February 23, 1795.

STATUTE II.

Feb. 25, 1795.

CHAP. XXVIII.—*An Act to continue in force the Act "for ascertaining the fees in admiralty proceedings in the District Courts of the United States, and for other purposes."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act, intituled "An act to ascertain the fees in admiralty proceedings in the district courts of the United States, and for other purposes," be, and is hereby continued in force, for the term of one year from the passing of this act, and from thence to the end of the next session of Congress, and no longer.

[Expired.]
Act continued one year, &c.
1793, ch. 20.

APPROVED, February 25, 1795.

STATUTE II.

Feb. 25, 1795.

CHAP. XXX.—*An Act to amend the act entitled "An act to establish the Post-Office and Post Roads within the United States."*

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the fol-

Post roads designated.

Post roads designated.

lowing be, and are hereby established, as post roads, namely:—From Pittstown in the district of Maine, to Wiscasset; and from Hallowell in the said district, to Norridgeworth: From Dover in New Hampshire through Berwick, to Waterborough Courthouse, and from thence to Kennebunk: From Portsmouth, through Dover, Rochester and Moultonborough, to Plymouth; and from Plymouth to Portsmouth, by New Hampton, Meredith, Gilmantown, Nottingham and Durham; the post to go and return on the said route alternately: From Fishkill by Newburgh and New Windsor to Goshen: From Cooperstown by Butternutt creek and Oxford Academy to Uniontown: From Pipers on the post road from Philadelphia to Bethlehem by Alexandria to Pittston in New Jersey: From Brownsville in Pennsylvania, to the town of Washington: From Reading, by Sunbury, and the town of Northumberland, to Lewisburg, commonly called Derstown, on the Susquehanna: From Bethlehem to Wilksburgh in the county of Luzerne: From Yorktown, through Abbottstown, and Gettysburg, to Hagerstown in Maryland; and from Hagerstown, through Williamsport, to Martinsburg in Virginia: From Annapolis, by Lower Marlborough, to Calvert Courthouse, and from thence to Saint Leonard's creek: From Bladensburg in Maryland through Upper Marlborough to Nottingham and from thence to the town of Benedict: From Belle-Air in Harford county, Maryland, to the Black Horse, on the York and Baltimore road: From Gloucester Courthouse, in Virginia, to Yorktown: From Powhatan Courthouse, to Cartersville: From Charlottesville, by Warren, Warminsten, Newmarket, Amherst Courthouse, Cabellsburg, and Madison to Lynchburg: From Winchester, through Romney, to Moorfields: From Charlotte in North Carolina, by Lancaster Courthouse, to Cambden in South Carolina; and from Charlotte, to Lincolnton: From Beardstown in Kentucky, to Nashville in the territory south of the river Ohio.

Certain post road altered.

Postmaster may discontinue certain roads.

May alter others.
Repealed 1810, ch. 30.

SEC. 2. *And be it further enacted*, That instead of the road from Fayetteville, by Lumberton to Cheraw Courthouse, the route of the post shall hereafter be on the most direct road from Fayetteville to Cheraw Courthouse: and that the Postmaster General shall have authority to discontinue the post road from Lumberton to Cheraw Courthouse, and from Hagerstown to Sharpsburg in Maryland. That if, in the opinion of the Postmaster General, an alteration in the post road from Cumberland in Maryland, to Morgantown in Virginia, and from thence, by Uniontown in Pennsylvania, to Brownsville on the Monongahela, could be made more conducive to the public interest, than the present route, yet so as to afford the same accomodation to the said places, he shall be authorized, with the consent of the present contractor for carrying the mail, to make such alteration.

APPROVED, February 25, 1795.

STATUTE II.

Feb. 26, 1795.

[Repealed.]

Penalty on hindering officer of the revenue from going on board a vessel.
1790, ch. 35.
1799, ch. 22.

CHAP. XXXI.—*An Act supplementary to the act, intituled "An act to provide more effectually for the collection of the Duties on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels."*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That if the master or commander of any ship or vessel, coming into, or arriving at any port or place, within the United States, shall obstruct or hinder, or shall cause any obstruction or hindrance, with such an intent, to any officer of the revenue, in going on board such ship or vessel for the purpose of carrying into effect any of the revenue laws of the United States, he shall forfeit a sum not exceeding five hundred, nor less than fifty dollars.

SEC. 2. *And be it further enacted*, That in all actions, suits or informations to be brought, where any seizure shall be made, for any breach

of the revenue laws of the United States, the burthen of proof shall lie on the claimant only, where probable cause is shown for such prosecution, to be judged of by the court, before whom the prosecution is had.

SEC. 3. *And be it further enacted*, That in all cases, in which suits or prosecutions shall be commenced for the recovery of pecuniary penalties prescribed by the laws of the United States, the person or persons, against whom process may be issued, shall be held to special bail, subject to the rules and regulations, which prevail in civil suits, in which special bail is required.

SEC. 4. *And be it further enacted*, That from and after the last day of May next, there shall be established the following new districts and ports of delivery, to wit: In the state of New York, a district to be called the district of Hudson; which shall include the city of Hudson, and all the waters and shores northward of the said city on Hudson river, and the town of Catskill below the said city; and the said city of Hudson shall be the sole port of entry for the said district; to which shall be annexed the towns or landing-places of Catskill, Kinderhook and Albany, as ports of delivery only; and the collector for the said district shall reside at Hudson, and a surveyor to reside at Hudson, and another, at Albany, as is now by law established:—In the state of Connecticut, a district, to be called the district of Middletown; which shall include the several towns and landing-places of Lyme, Saybrook, Killingsworth, Haddam, East Haddam, Middletown, Chatham, Weathersfield, Glastenbury, Hartford, East Hartford, Windsor and East Windsor; of which, Middletown shall be the sole port of entry, and the other towns and landing-places before-named shall be ports of delivery only: and the collector shall reside at Middletown, and there shall be two other surveyors appointed within the said district, one to reside at Hartford, and the other at Saybrook:—In the state of Massachusetts, a district to be called the district of Waldoborough, and a collector for the district shall reside at Waldoborough, which shall be the sole port of entry; and to which district shall be annexed the towns of Bristol, Nobleborough, Warren, Thomaston, Cushing and Cambden; also a place, called Ducktrap, as ports of delivery only; and there shall be a surveyor to reside at Thomaston; and all the shores and waters from the middle of Damarascotty river to Ducktrap, shall be comprehended within the said district of Waldoborough. And in the district of Portland and Falmouth, Freeport and Harpswell; and also in the district of Bath, the towns of Georgetown and Brunswick shall be ports of delivery only:—And the collectors to be appointed in conformity with this act shall each become bound in the sum of four thousand dollars, and each surveyor, in the sum of one thousand dollars, in manner, as is by law provided in like cases. And the same duties, authorities and fees of office, with a similar distribution thereof, shall appertain to those appointments, as are now, in like cases, authorized by law. And the collectors aforesaid shall each receive the same per centage on the amount of all monies by them respectively received for duties, together with the same yearly allowance, as is allowed by law to the collector of the district of Fairfield; and each of the surveyors in the districts aforesaid shall receive the same yearly allowance, as is, or may be allowed, by law, to the surveyor of the district of New Haven.

SEC. 5. *And be it further enacted*, That the master or commander of any ship or vessel, bound from a foreign port or place, to the district of Hudson, or to the district of Bermuda Hundred and City Point, shall, if bound to the former, first come to, with his ship or vessel, at the city of New York, and if to the latter, after the last day of September next, at Hampton Road or Sewell's Point, and there make report to the collector of New York, or of Norfolk and Portsmouth, or to the collector of the port of Hampton, as the case may be, and take on board an inspector of the customs, before he shall proceed to the district of Hud-

Burden of proof in suit for breach of revenue laws to lie on claimant.

Special bail to be given in suits for penalties on such breaches.

Certain new districts and ports of delivery established.

Collectors to give bond, &c.

Surveyors.

Masters of vessels bound to certain ports, how to conduct themselves.

- Penalty.
- 1790, ch. 35.
- 3d section of certain law not to extend to certain ports.
- Limits of the district of Hampton, for James River.
- The part of goods forfeited belonging to the United States applied to pay costs, if under a certain value.
- When agent enters goods penalty of bond to be increased.
- New article in the condition of the bond.
- In case duties are paid, security is to be given.
- How bonds, given for goods on which drawback is payable, shall be discharged.
- Certificate from consignee.
- son, or to the district of Bermuda Hundred and City Point: and if bound to any port on Connecticut river, shall take an inspector on board, at Saybrook, before proceeding to such port. And if any master or commander shall neglect or refuse to comply with the duty hereby enjoined, or which is enjoined in the third section of the act, intituled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels," he shall forfeit a sum not more than five hundred, and not less than fifty dollars: *Provided, however,* That from and after the last day of May next, the restrictions contained in the said third section shall not extend to, and be considered, as affecting, the several ports or places included within the district of Middletown; also the ports of North Yarmouth, Freeport and Harpswell in the district of Portland and Falmouth, or the ports of Georgetown and Brunswick in the district of Bath.
- SEC. 6. *And be it further enacted,* That the district of Hampton for James river shall only extend up to the east side of Chickahomony river: and from thence upwards to Richmond on the north side shall be annexed to the district of Bermuda Hundred and City Point, which district shall extend down James river on the south side to Hood's.
- SEC. 7. *And be it further enacted,* That whenever a seizure, condemnation and sale of goods, wares and merchandise shall hereafter take place, in the United States, and the value thereof shall be less than one hundred dollars, that part of the forfeiture, which accrues to the United States, or so much thereof as shall be necessary, shall be applied to the payment of the costs of prosecution.
- SEC. 8. *And be it further enacted,* That from and after the last day of May next, whenever an entry shall be made with the collector of any district, of any merchandise imported into the United States, subject to duties, by any agent, factor or person, other than the bona fide owner or consignee of such merchandise, it shall be the duty of the collector to increase the penalty of the bond to be given for the duties, the sum of one thousand dollars, and to make it a part of the condition of the said bond, that the bona fide owner or consignee of such merchandise shall, on or before the first day of payment stipulated in said bond, deliver to said collector a full and correct account of the said merchandise imported for him, or on his account, or consigned to his care, in manner and form, as is now required by law, in respect to an entry, previous to the landing of any merchandise; which account shall be verified, as in the case of an entry, and by a like oath or affirmation, to be taken and subscribed before any judge of the United States, or the judge of any court of record of a state, or before a collector of the customs of some other district. And in case of the payment of the duties, at the time of entry, by any factor or agent, on the goods entered by him, the collector shall take his bond with security, in the penalty of one thousand dollars, with condition, that the account, verified by the oath or affirmation of the bona fide owner or consignee, in manner as before directed, shall be delivered to the said collector, within ninety days.
- SEC. 9. *And be it further enacted,* That all bonds, which may be given for any goods, wares, or merchandise exported from the United States after the last day of May next, and on which any drawback of duties, or allowance, shall be payable in virtue of such exportation, shall and may be discharged, and not otherwise, by producing, within one year from the date thereof, if the exportation be made to any part of Europe or America, or within two years, if made to any part of Asia or Africa, a certificate under the hand of the consignee at the foreign port or place, to whom the said goods, wares or merchandise shall have been addressed therein particularly setting forth and describing the articles so exported, with their quantities or amount, and declaring that the same have been

delivered from on board the vessel, in which they were exported, at the said place; as also, a certificate under the hand and seal of the consul or agent of the United States residing at the said place, declaring, either that the facts stated in such consignee's certificate are, to his knowledge, true, or that the certificate of such consignee is, in his opinion, deserving of full credit: which certificate of the consignee and consul or agent, shall, in all cases, as respects the landing or delivery of the said goods, wares or merchandise, be confirmed by the oath of the master and mate, if living, or in case of their death, by the oath or affirmation of the two principal surviving officers of the vessel, in which the exportation shall be made. And in cases where there shall be no consul or agent of the United States, residing at the said place of delivery, the certificate of the consignee before required shall be confirmed by the certificate of two reputable American merchants residing at the said place; or if there be no such American merchants, then by the certificate of two reputable foreign merchants, testifying that the facts, stated in such consignee's certificate, are, to their knowledge, true, or that such consignee's certificate is, in their opinion, worthy of full credit; which certificates shall be supported by the oath or affirmation of the master and mate, or other principal officers of the vessel, in the manner before prescribed. And in cases of loss at sea, or by capture, or other unavoidable accident, or when, from the nature of the trade, the proofs and certificates before mentioned are not, and cannot be produced, the exporter or exporters shall be allowed to adduce, to the collector of the port of exportation, such other proofs, as they may have, and as the nature of the case will admit; which proofs shall, with a stating of all the circumstances attending the transaction, within the knowledge of such collector, be transmitted to the comptroller of the treasury, who shall, if he be satisfied with the truth and validity thereof, have power to direct the bonds of such exporter or exporters to be cancelled.

APPROVED, February 26, 1795.

Certificate from consul

to be confirmed by oath of captain, &c.

How to proceed where there is no consul.

When certificate cannot be produced,

proofs, &c. to be sent to the comptroller.

STATUTE II.

CHAP. XXXIII.—*An Act to provide some present relief to the officers of government, and other citizens, who have suffered in their property by the Insurgents in the western counties of Pennsylvania.*

Feb. 27, 1795.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized to draw out of the treasury of the United States, the sum of eight thousand five hundred dollars, to be applied by him to aid such of the officers of government and other citizens, who have (in consequence of their exertions in support of the laws) sustained losses in their property, by the actual destruction thereof, by the insurgents in the western counties of Pennsylvania, as, in his opinion, stand in need of immediate assistance, to be by them accounted for, in such manner, as may hereafter be directed by law.

\$8,500 appropriated for the present relief of certain persons.

APPROVED, February 27, 1795.

STATUTE II.

CHAP. XXXV.—*An Act for allowing an additional compensation to the Judges of the districts of Rhode Island and Delaware.*

Feb. 27, 1795.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be allowed to the judges of the districts of Rhode Island and Delaware, each, two hundred dollars yearly, in addition to the compensation heretofore allowed, to commence on the first day of the present year, and to be paid at the treasury of the United States, in quarterly payments.

\$200 additional to judges of R. Island and Delaware districts, respectively.

Ante, p. 128. 1801, ch. 29.

APPROVED, February 27, 1795.

STATUTE II.

Feb. 28, 1795.

[Obsolete.]

In case of invasion President may issue orders to militia officers.

Act of April 18, 1814, ch. 82.

In case of insurrection in a state President may when applied to by the state legislature, &c. call out the militia of other states.

President to call out the militia to suppress combinations against the laws of the United States.

To issue a proclamation.

Militia when in service to be subject to the articles of war.

Term of service not to exceed three months, &c.

Penalty on not obeying the orders of the President in the cases before recited.

Courts martial.

Fines assessed how to be levied.

CHAP. XXXVI.—*An Act to provide for calling forth the Militia to execute the laws of the Union, suppress insurrections, and repel invasions; and to repeal the Act now in force for those purposes.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whenever the United States shall be invaded, or be in imminent danger of invasion from any foreign nation or Indian tribe, it shall be lawful for the President of the United States to call forth such number of the militia of the state, or states, most convenient to the place of danger, or scene of action, as he may judge necessary to repel such invasion, and to issue his orders for that purpose, to such officer or officers of the militia, as he shall think proper. And in case of an insurrection in any state, against the government thereof, it shall be lawful for the President of the United States, on application of the legislature of such state, or of the executive, (when the legislature cannot be convened,) to call forth such number of the militia of any other state or states, as may be applied for, as he may judge sufficient to suppress such insurrection.

SEC. 2. *And be it further enacted,* That whenever the laws of the United States shall be opposed, or the execution thereof obstructed, in any state, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by this act, it shall be lawful for the President of the United States, to call forth the militia of such state, or of any other state or states, as may be necessary to suppress such combinations, and to cause the laws to be duly executed; and the use of militia so to be called forth may be continued, if necessary, until the expiration of thirty days after the commencement of the then next session of Congress.

SEC. 3. *Provided always, and be it further enacted,* That whenever it may be necessary, in the judgment of the President, to use the military force hereby directed to be called forth, the President shall forthwith, by proclamation, command such insurgents to disperse, and retire peaceably to their respective abodes, within a limited time.

SEC. 4. *And be it further enacted,* That the militia employed in the service of the United States, shall be subject to the same rules and articles of war, as the troops of the United States: And that no officer, non-commissioned officer, or private of the militia shall be compelled to serve more than three months, after his arrival at the place of rendezvous, in any one year, nor more than in due rotation with every other able-bodied man of the same rank in the battalion to which he belongs.

SEC. 5. *And be it further enacted,* That every officer, non-commissioned officer, or private of the militia, who shall fail to obey the orders of the President of the United States, in any of the cases before recited, shall forfeit a sum not exceeding one year's pay, and not less than one month's pay, to be determined and adjudged by a court martial; and such officer shall, moreover, be liable to be cashiered by sentence of a court martial, and be incapacitated from holding a commission in the militia, for a term not exceeding twelve months, at the discretion of the said court: And such non-commissioned officers and privates shall be liable to be imprisoned, by a like sentence, on failure of payment of the fines adjudged against them, for one calendar month, for every five dollars of such fine.

SEC. 6. *And be it further enacted,* That courts martial for the trial of militia shall be composed of militia officers only.

SEC. 7. *And be it further enacted,* That all fines to be assessed, as aforesaid, shall be certified by the presiding officer of the court martial, before whom the same shall be assessed, to the marshal of the district, in which the delinquent shall reside, or to one of his deputies, and also to the supervisor of the revenue of the same district, who shall record

the said certificate in a book to be kept for that purpose. The said marshal or his deputy shall forthwith proceed to levy the said fines with costs, by distress and sale of the goods and chattels of the delinquent; which costs and the manner of proceeding, with respect to the sale of the goods distrained, shall be agreeable to the laws of the state, in which the same shall be, in other cases of distress. And where any non-commissioned officer or private shall be adjudged to suffer imprisonment, there being no goods or chattels to be found, whereof to levy the said fines, the marshal of the district, or his deputy, may commit such delinquent to gaol, during the term, for which he shall be so adjudged to imprisonment, or until the fine shall be paid, in the same manner, as other persons condemned to fine and imprisonment at the suit of the United States may be committed.

Fines, how levied.

1813, ch. 18.

SEC. 8. *And be it further enacted*, That the marshals and their deputies shall pay all such fines by them levied, to the supervisor of the revenue in the district in which they are collected, within two months after they shall have received the same, deducting therefrom five per centum, as a compensation for their trouble; and in case of failure, the same shall be recoverable by action of debt or information, in any court of the United States, of the district in which such fines shall be levied, having cognizance thereof, to be sued for, prosecuted, and recovered, in the name of the supervisor of the district, with interest and costs.

Marshal to pay over fines collected.

SEC. 9. *And be it further enacted*, That the marshals of the several districts, and their deputies, shall have the same powers in executing the laws of the United States, as sheriffs and their deputies, in the several states, have by law, in executing the laws of the respective states.

Marshals of the districts to have the same powers in executing the laws of U. States as sheriffs in the states.

SEC. 10. *And be it further enacted*, That the act, intituled "An act to provide for calling forth the militia, to execute the laws of the Union, suppress insurrections, and repel invasions, passed the second day of May one thousand seven hundred and ninety-two, shall be, and the same is hereby repealed.

Former act repealed. Ante, p. 264.

APPROVED, February 28, 1795.

STATUTE II.

CHAP. XXXVII.—*An Act to continue in force for a limited time the acts therein mentioned.*

March 2, 1795.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act, entitled "An act 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." And also the act, entitled "An act supplementary to the act for the establishment and support of lighthouses, beacons, buoys and public piers," so far as the same provides for defraying the necessary expense of supporting lighthouses, beacons, buoys and public piers and the stakeage of channels on the sea-coast. And also, so much of the act, intituled "An act to provide for mitigating or remitting the penalties and forfeitures accruing under the revenue laws in certain cases, and to make further provision for the payment of pensions to invalids," as relates to the mitigating or remitting the penalties and forfeitures accruing under the revenue laws in certain cases, be and the same hereby are continued in force until the end of the next session of Congress, and no longer.

Acts relating to the law of Maryland for the appointment of a health officer; Ante, p. 393.

Ante, p. 339.

Lighthouses, &c. Ante, p. 275.

The mitigating or remitting of penalties &c. accruing under the revenue laws; continued in force.

APPROVED, March 2, 1795.

STATUTE II.

March 2, 1795.

Cession of jurisdiction of places for light-houses, &c with reservation of execution of process sufficient.

Such reservation to be implied, where not expressly made.

CHAP. XL.—*An Act relative to cessions of jurisdiction in places where light-houses, beacons, buoys and public piers have been, or may hereafter be erected and fixed.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That where cessions have been, or hereafter may be made, by any state, of the jurisdiction of places, where lighthouses, beacons, buoys or public piers have been erected and fixed, or may, by law, be provided to be erected or fixed, with reservation, that process civil and criminal, issuing under the authority of such state, may be executed and served therein, such cessions shall be deemed sufficient, under the laws of the United States providing for the supporting or erecting of lighthouses, beacons, buoys and public piers.

SEC. 2. *And be it further enacted,* That where any state hath made, or shall make a cession of jurisdiction, for the purposes aforesaid, without reservation, all process civil and criminal, issuing under the authority of such state, or the United States, may be served and executed within the places, the jurisdiction of which has been so ceded, in the same manner, as if no such cession had been made.

APPROVED, March 2, 1795.

STATUTE II.

March 2, 1795.

Privilege of coasting between R. Island and Long Island.

CHAP. XLI.—*An Act relative to the passing of coasting vessels between Long Island and Rhode Island.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That coasting vessels going from Long Island in the state of New York to the state of Rhode Island, or from the state of Rhode Island to the said Long Island, shall have the same privileges as are allowed to vessels under the like circumstances going from a district in one state to a district in the same or an adjoining state.

APPROVED, March 2, 1795.

STATUTE II.

March 3, 1795.

[Repealed.]

Duty taken off snuff, and laid on snuff mills.

Repealed 1800, ch. 36.

1794, ch. 51.

CHAP. LXIII.—*An Act to alter and amend the act intituled, "An act laying certain duties upon Snuff and refined Sugar."*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the duty of eight cents per pound on snuff laid by the act of the last session, intituled "An act laying certain duties upon snuff and refined sugar," shall cease on the last day of March, in the present year, and shall not thenceforth be collected: but in lieu thereof, there shall be levied and collected upon all mills employed in the manufacture of snuff within the United States, the following yearly rates and duties, to wit: For and upon each and every mortar contained in any mill worked by water, and for every pair of millstones employed in the manufacture of snuff, five hundred and sixty dollars: upon every pestle in any mill, other than mills worked by hand, one hundred and forty dollars: upon every pestle in any mill worked by hand, one hundred and twelve dollars: and upon every mill in which snuff is manufactured by stampers and grinders, two thousand two hundred and forty dollars per annum.

How the duty is to be collected.

Ante, p. 199.

SEC. 2. *And be it further enacted,* That the duties aforesaid, shall be levied, collected and accounted for, by the same officers, as are provided by the act, intituled "An act repealing after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the same;" subject to the superin-

tendance and control of the department of the treasury according to the respective authorities and duties of the officers thereof.

SEC. 3. *And be it further enacted,* That every person, who shall be a manufacturer of snuff, on the first day of April in the present year shall within thirty days thereafter, and in each succeeding year, at least thirty days before the first day of April, make a true and exact entry or entries, in writing at the office of inspection which shall be nearest to the house or building where he shall carry on the business or trade of manufacturing snuff, therein specifying, truly and particularly, every house or building in which the said manufacture shall be carried on, with the number of mortars in every mill by him owned, occupied or used, and worked by water, and every pair of millstones used or employed in the manufacture of snuff, and every pestle in every mill as aforesaid, distinctly specifying such pestles as are worked by other means than by hand, and also every pestle worked by hand, as also every mill in which snuff is manufactured by stampers and grinders: And every person who shall commence the business or trade of manufacturing snuff, after the said first day of April, shall, at least thirty days before commencing such manufacture, make like entry or entries yearly, in manner as is before directed; and in failure thereof, every such manufacturer shall forfeit and lose every mill, in respect to which such entry shall not be made, with the utensils thereto belonging, and shall also forfeit and pay the sum of five hundred dollars, to be recovered with costs of suit.

Entry to be made under a penalty.

SEC. 4. *And be it further enacted,* That every person who shall be, on the first day of April in the present year, or at any time thereafter, a manufacturer of snuff within the United States, and who shall have made the entry or entries herein before directed, shall be entitled, on application therefor, in writing, by himself, or his agent or attorney, to the officer of inspection with whom entry shall have been made, to receive a license for each and every mill by him owned, occupied, or used in carrying on the said manufacture of snuff, for the term of one year, which license shall be granted without fee or charge, upon the condition of giving a bond or bonds, with one or more sufficient sureties, for the amount of the duty or duties for one year, which according to this act ought to be paid for and upon the mill in respect to which the said license is requested, with condition to pay the same in three equal parts: one third part at the expiration of nine months, another third part at the expiration of twelve months, and the remaining third part, at the expiration of fifteen months from the date of such license: *Provided,* That in lieu of the said bond or bonds, it shall be at the option of the manufacturer to pay the said amount of the said duty immediately, with a deduction or abatement of six per cent.

License to be received,

on giving bond:

or making payment of the duties.

SEC. 5. *And be it further enacted,* That the licenses herein directed to be granted, shall be prepared by the supervisors of the revenue, respectively, pursuant to such forms as shall be prescribed by the treasury department; and when issued, such licenses shall, in respect to all persons who shall be manufacturers of snuff, on the first day of April in the present year, bear date on the said day; and in respect to all persons who shall thereafter commence the said manufacture, such license shall bear date on the first day of the quarter of the year in which the said licenses shall be issued; and the said quarters of the year shall be deemed, and are hereby declared to commence on the first days of January, April, July, and October, in each year.

Form of licenses, and time from which they shall bear date.

SEC. 6. *And be it further enacted,* That every manufacturer of snuff, to whom a license shall have been granted, so long as he or she shall intend to carry on the business of manufacturing snuff, shall yearly, and every year, within the thirty days immediately preceding the expiration of each license, apply for a new license for the next succeeding year, in

New license to be applied for yearly.

manner heretofore directed, and in like manner, shall pay or secure the payment of the duties for such year.

Penalty on manufacturing snuff without license, &c.

SEC. 7. *And be it further enacted*, That if after the first day of April next, any person shall carry on the business of manufacturing snuff, without a license for that purpose, according to this act, or shall carry on the same at or with any mill other than that mentioned in such license, such manufacturer, so offending, shall forfeit and pay upon every conviction of such offence, treble the yearly amount of the duty hereby charged upon the mill or mills wherein or whereby the said business shall be so carried on. And all duties and penalties imposed by this act, shall attach to, and remain as a lien upon each and every mill in respect to which such duty or penalty shall have accrued, until the same be fully satisfied and paid.

Duties and penalties to be a lien upon mills.

Drawback of six cents on exporting snuff to a certain amount.

SEC. 8. *And be it further enacted*, That upon all snuff, which, after the last day of March in the year one thousand seven hundred and ninety-five, shall be manufactured in the United States, and shall be exported therefrom, under the limitations and provisions herein after prescribed, the exporter or exporters thereof shall be entitled to a drawback of six cents per pound: *Provided*, That the quantity exported at any one time by the same person, shall amount to three hundred pounds.

Exporter to make entry,

SEC. 9. *And be it further enacted*, That in order to entitle the exporter or exporters of any snuff, to a drawback thereon, every such person shall, previous to the removal thereof, from the mill or warehouse, where the same may be, make out, in writing, an exact entry, in which shall be specified the outward packages, in which the same is intended to be exported, the name of the manufacturer, and the marks and numbers of each, the quantity of snuff in each package, and the number of bottles, canisters, bladders, or other packages containing the same, the name of the vessel and commander, in which such snuff is intended to be exported; and shall make oath or affirmation to the truth of such entry, that the snuff therein specified was manufactured in the United States, after the last day of March one thousand seven hundred and ninety-five, and the name or names of the person by whom, and the mill where it was manufactured, and that the same is truly and bona fide intended to be exported out of the United States, and that no part thereof is intended to be relanded therein. And upon such entry being so made and certified, it shall be the duty of the collector to whom such entry is tendered to cause the said packages to be examined, and to permit the same to be exported, under the inspection of an officer of the customs, in like manner as is provided for the exportation of other goods, wares, and merchandise entitled to drawback: *Provided*, That no drawback shall be allowed on any snuff, except the same shall be exported from any of the ports, at which ships or vessels from the Cape of Good Hope, or from any place beyond the same, are admitted to make entry.

and oath.

Duty of collector thereon.

From what ports such snuff may be exported.

Exporter to give bond.

Master of vessel to make oath.

Debenture to be granted.

SEC. 10. *And be it further enacted*, That every exporter of snuff entitled to drawback shall enter into bonds, with one or more sureties, in an amount equal to double the amount of the drawback, conditioned that the same shall not be relanded within the United States; and the master or commander of the ship or vessel in which such snuff is reported to be shipped, shall make oath or affirmation, that the packages specified in the outward entry, are actually laden on board his ship or vessel, and that the same, or any part thereof, shall not be relanded in the United States; and upon such oath or affirmation being made, and the other provisions of the act being complied with, the collector, with whom such entry is made, shall grant a debenture or debentures, for the amount of the drawback to which such snuff is entitled, payable in twelve months from the time of granting the same; and such debenture or debentures shall be discharged by the collector granting the same, at the expiration of the term, out of any public money in his hands.

SEC. 11. *Provided always, and be it further enacted,* That before the payment of any debenture, the person demanding such payment shall produce to the collector, the oath or affirmation of the master and mate of the vessel, (in which the snuff, for which such debenture was granted) declaring that the same was actually landed in some foreign port or place, and was not, or any part thereof, to the best of their knowledge and belief, reloaded or brought back to the United States; and the person demanding such payment shall likewise make oath or affirmation, in like manner, that the snuff, for which such debenture was granted, was not, according to his best knowledge and belief, reloaded in, or brought back to the United States: *Provided also,* That in cases of loss at sea, or other unavoidable accident, whereby the oath or affirmation of the captain or mate of the ship or vessel cannot be obtained, it shall be lawful for the Comptroller of the Treasury to admit such other proof as to him shall appear satisfactory, under the special circumstances of the case.

Before debenture is paid, certain oaths to be made.

Other proof to be admitted in certain cases.

SEC. 12. *And be it further enacted,* That if any snuff entered for exportation with intention to obtain a drawback thereon, shall be reloaded or attempted to be reloaded within the United States, it shall be subject to seizure and forfeiture, together with the ship or vessel from which it shall be unladen, and the vessel or boat in which it shall be put; and the master or commander of the ship or vessel from which the same is unladen, shall moreover forfeit and pay five hundred dollars: *Provided,* That every prosecution for any such offence, shall be commenced within twelve months from the time when the same was committed, and that the ship, vessel or boat from which any such snuff shall be unladen or landed, shall continue subject to such seizure and forfeiture for twelve months from the time the offence was committed, and no longer.

Penalty on re-landing.

Prosecution to be commenced in twelve months, &c.

SEC. 13. *And be it further enacted,* That it shall be the duty of the collectors granting debentures for snuff exported, to keep a separate account thereof, and to specify the mill or mills in which each parcel exported, was manufactured. And the Secretary of the Treasury shall cause an account to be laid before the legislature, annually, of the produce of the revenue arising from snuff, and of the amount of the drawbacks for which debentures have been granted in each year.

Collectors to keep account of debentures, &c.

Secretary of the Treasury to lay before the legislature, annually, an account of the revenue arising from snuff, &c.

SEC. 14. *And be it further enacted,* That all penalties and forfeitures which shall be incurred pursuant to this act, shall be divided and distributed, one half thereof to the use of the United States, and the other half thereof to the use of the person, who, if an officer of inspection, shall first discover, or if not an officer of inspection, shall first give information of the cause, matter or thing whereby any of the said penalties and forfeitures shall have been incurred.

How penalties and forfeitures are to be disposed of.

SEC. 15. *And be it further enacted,* That it shall be lawful for the President of the United States, who is hereby empowered to make such compensation to the officers of inspection employed in the collection of the duties aforesaid, and on refined sugar, and on the duties upon carriages for the conveyance of persons, and for incidental expenses, as he shall judge reasonable, not exceeding in the whole five per centum of the total amount of the said duties collected.

President to make compensation to officers of inspection, &c.

SEC. 16. *And be it further enacted,* That from and after the last day of March in the present year, the several clauses and provisions of the act, intituled "An act laying certain duties upon snuff and refined sugar," so far as the same shall relate to the laying and collecting of duties on snuff manufactured in the United States, shall be, and the same are hereby repealed; except as to the recovery and receipt of such duties on snuff as shall then have accrued, and the payment of drawbacks on snuff exported, and as to the recovery of any penalties and forfeitures, which shall have been incurred, before, and on the said day, but the revenue to arise from the duty on snuff manufactured within the United

Former act repealed to a certain extent. 1794, ch. 51.

Revenue on snuff to remain charged with former appropriations.

How long this act is to continue.

States shall remain charged with the same appropriations as if this act had not passed; and that this act shall continue in force, until the first day of March, one thousand eight hundred and one.

APPROVED, March 3, 1795.

STATUTE II.

March 3, 1795.

CHAP. XLIV.—*An Act for continuing and regulating the military establishment of the United States, and for repealing sundry acts heretofore passed on that subject.*

[Obsolete.]

Present military establishment continued.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the present military establishment of the United States, composed of a corps of artilleryists and engineers, to consist of nine hundred and ninety-two non-commissioned officers, privates and musicians, and of a legion to consist of four thousand eight hundred non-commissioned officers, privates and musicians, be, and the same is hereby continued.

1796, ch. 39.

Corps of artilleryists and engineers to be completed.

SEC. 2. *And be it further enacted,* That the said corps of artilleryists and engineers be completed, conformably to the act of the eighth of May last, establishing the same, and prescribing the number and term of enlistments, and the method of organization.

The legion of the U. States to be completed.

SEC. 3. *And be it further enacted,* That the legion of the United States be also completed, to the number of four thousand eight hundred non-commissioned officers privates and musicians, by voluntary enlistments for the term of three years, and that the sub-legions composing the same, be organized in such manner, as the President of the United States shall direct. *Provided nevertheless,* That no such enlistment shall be made after three years from the passing of this act.

1794, ch. 24.

Proviso.

Cavalry may be ordered to serve as dismounted dragoons: and troops may be discharged.

SEC. 4. *And be it further enacted,* That it shall be stipulated as a condition in the enlistments for the cavalry, that they shall serve as dismounted dragoons, when ordered so to do, and that in all cases of enlistments of the troops of every description, there be expressly reserved to the government, a right to discharge the whole or any part thereof, at such times, and in such proportions, as may be deemed expedient.

Allowance to officers in the recruiting service.

SEC. 5. *And be it further enacted,* That the commissioned officers, who shall be employed in the recruiting service, shall be entitled to receive, for every able-bodied recruit duly enlisted and mustered, of at least five feet six inches in height, and not under the age of eighteen, nor above the age of forty-six years, the sum of two dollars.

Bounty on enlistment.

SEC. 6. *And be it further enacted,* That there shall be allowed and paid to each soldier now in the service of the United States, or discharged therefrom subsequent to the third day of March last, who shall re-enlist, a bounty of sixteen dollars; and to each person not now in the army of the United States, or discharged as above, who shall hereafter enlist, a bounty of fourteen dollars: but the payment of four dollars of the bounty of each and every man so enlisting, shall be deferred until he shall have joined the corps in which he is to serve.

Bounty on original enlistment.

Part of bounty to be debarred.

SEC. 7. *And be it further enacted,* That every non-commissioned officer, private and musician of the artillery and infantry shall receive, annually, the following articles of uniform clothing, to wit: one hat or helmet, one coat, one vest, two pair of woollen and two pair of linen overalls, four pair of shoes, four shirts, two pair of socks, one blanket, one stock and clasp, and one pair of buckles. And that there be furnished to the cavalry and riflemen, such clothing as shall be the most suitable and best adapted to the nature of the service, having regard therein, as nearly as may be, to the value of the clothing allowed as above, to the infantry and artillery.

Clothing of the troops.

Rations.

SEC. 8. *And be it further enacted,* That every non-commissioned officer, private and musician shall receive, daily, the following rations of provision, to wit: one pound of beef, or three quarters of a pound of

pork, one pound of bread or flour, half a gill of rum, brandy or whisky, and at the rate of one quart of salt, two quarts of vinegar, two pounds of soap, and one pound of candles, to every hundred rations; or the value thereof, at the contract price, where the same shall become due; and if, at such post, supplies are not furnished by contract, then such allowance, as shall be deemed equitable, having reference to former contracts, and the position of the place in question :

SEC. 9. *Provided always, and be it further enacted,* That to those in the military service of the United States, who are, or shall be employed on the western frontiers, there shall be allowed, during the time of their being so employed, two ounces of flour or bread, and two ounces of beef or pork, in addition to each of their rations, and half a pint of salt in addition to every hundred of their rations.

SEC. 10. *And be it further enacted,* That the monthly pay of the officers, non-commissioned officers, musicians and privates on the military establishment of the United States, be as follows; to wit: General Staff, a major general, one hundred and sixty-six dollars; a brigadier general, one hundred and four dollars; a quartermaster general, one hundred dollars; adjutant general, to do also the duty of inspector, seventy-five dollars; chaplain, fifty dollars; surgeon, seventy dollars; deputy quartermaster, fifty dollars; aid-de-camp, in addition to his pay in the line, twenty-four dollars; brigade major, to act also as deputy inspector, in addition to his pay in the line, twenty-four dollars; principal artificer, forty dollars; second artificer, twenty-six dollars; regimental lieutenant-colonel commandment, seventy-five dollars; major of artillery, and major of dragoons, fifty-five dollars; major of infantry, fifty dollars; paymaster, adjutant, and quartermaster, in addition to their pay in the line, ten dollars; captains, forty dollars; lieutenants, twenty-six dollars; ensigns and cornets, twenty dollars; surgeons, forty-five dollars; surgeon's mates, thirty dollars; serjeant majors, and quartermaster serjeants, eight dollars; senior musicians, seven dollars; serjeants, seven dollars; corporals, six dollars; musicians, five dollars; privates, four dollars; artificers allowed to the infantry, light dragoons and artillery, nine dollars; matrons and nurses in the hospital, eight dollars.

SEC. 11. *And be it further enacted,* That the commissioned officers aforesaid shall be entitled to receive, for their daily subsistence, the following number of rations of provisions, to wit: a major general, fifteen rations; a brigadier general, twelve rations; a lieutenant-colonel commandant, and quartermaster general, each, six rations; a major, four rations; brigade major, and aid-de-camp, four rations; a captain, three rations; a lieutenant, ensign, or cornet, two rations; a surgeon, as well hospital as regimental, three rations; a surgeon's mate, two rations; a deputy quartermaster, two rations; a principal, and second artificer, each, two rations; a chaplain, two rations; or money, in lieu thereof, at the option of the said officers, at the contract price, at the posts respectively, where the rations shall become due.

SEC. 12. *And be it further enacted,* That the officers herein after described shall, whenever forage shall not be furnished by the public, receive, at the rate of the following enumerated sums, per month, instead thereof, to wit: the major general, twenty dollars; the brigadier general, sixteen dollars; lieutenant colonel, twelve dollars; quartermaster general, adjutant general and surgeon general, each, twelve dollars; major, ten dollars; aid-de-camp, brigade major, and surgeon, each, ten dollars; captain of cavalry, eight dollars; chaplain and surgeon's mate, each, six dollars; deputy quartermaster, and subalterns of cavalry, each, six dollars; principal artificer, paymaster, adjutant, and regimental quartermaster, each, six dollars.

SEC. 13. *And be it further enacted,* That if any officer, non-commissioned officer, private or musician aforesaid, shall be wounded or

Rations.

Additional rations to those employed in the military service of U. States on the western frontiers.

Monthly pay of officers, non-commissioned officers, musicians, and privates, on the military establishment of U. States.

Rations of commissioned officers.

In lieu thereof money at the contract price.

Monthly allowance of certain officers instead of forage, when it is not furnished by the public.

Allowance to persons wounded or disabled in the line of their duty.

Officers, non-commissioned officers, privates and musicians, subject to articles of war.

Oath to be taken and subscribed by them.

President to arm the troops.

To forbear to raise, or to discharge them.

Penalty on enticing a soldier to desert, or purchasing his arms or clothing, or concealing deserter &c.

1790, ch. 10. Former acts repealed. March 3, 1791, June 7, 1794. 1792, ch. 9.

Existing commissions, appointments and enlistments not to be vacated thereby.

disabled, while in the line of his duty, in public service, he shall be placed on the list of the invalids of the United States, at such rate of pay, and under such regulations, as shall be directed by the President of the United States for the time being: *Provided always*, That the rate of compensation to be allowed for such wounds or disabilities to a commissioned officer, shall never exceed, for the highest disability, half the monthly pay of such officer, at the time of his being so disabled or wounded; and that the rate of compensation to non-commissioned officers, privates and musicians, shall never exceed five dollars per month: *And provided also*, That all inferior disabilities shall entitle the person so disabled, to receive an allowance proportionate to the highest disability.

SEC. 14. *And be it further enacted*, That the officers, non-commissioned officers, privates and musicians aforesaid shall be governed by the rules and articles of war, which have been established by the United States in Congress assembled, as far as the same may be applicable to the constitution of the United States, or by such rules and articles as may hereafter by law be established.

SEC. 15. *And be it further enacted*, That every officer, non-commissioned officer, private and musician aforesaid, shall take and subscribe the following oath or affirmation, to wit: "I, A. B, do solemnly swear or affirm (as the case may be) to bear true allegiance to the United States of America, and to serve them honestly and faithfully, against all their enemies or opposers whomsoever, and to observe and obey the orders of the President of the United States and the orders of the officers appointed over me, according to the rules and articles of war."

SEC. 16. *And be it further enacted*, That it shall be lawful for the President of the United States, to arm the troops aforesaid, whether riflemen, artillerists, dragoons or infantry, as he shall think proper; and that it be also lawful for him to forbear to raise, or to discharge, after they shall be raised, any part thereof, in case events shall, in his judgment, render his so doing consistent with public safety, and general convenience and economy.

SEC. 17. *And be it further enacted*, That every person, who shall procure, or entice a soldier in the service of the United States, to desert, or who shall conceal such soldier, knowing him to have deserted, or who shall purchase from such soldier, his arms, or his uniform clothing, or any part thereof, and every captain or commanding officer of any ship or vessel, who shall enter on board such ship or vessel, as one of his crew, knowing him to have deserted, or otherwise carry away such soldier, or shall refuse to deliver him up to the orders of his commanding officer, shall, upon legal conviction, be fined, at the discretion of the court, in any sum not exceeding three hundred dollars, or be imprisoned, for any term not exceeding one year.

SEC. 18. *And be it further enacted*, That the several acts, intituled "An act for regulating the military establishment of the United States;" "An act for raising and adding another regiment, to the military establishment of the United States, and for making further provision for the protection of the frontiers;" "An act for making farther and more effectual provision for the protection of the frontiers of the United States," be, and the same are hereby repealed; and also so much of any act, or acts of the present session, as comes within the purview of this act: *Provided always*, That nothing in this section contained shall be so construed, as to vacate the commissions, which have been issued, or any appointments or enlistments, which have been made, in pursuance of the acts herein repealed.

APPROVED, March 3, 1795.

CHAP. XLV.—*An Act making further provision for the support of Public Credit, and for the redemption of the Public Debt.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall be lawful for the commissioners of the sinking fund, and they are hereby empowered, with the approbation of the President of the United States, to borrow, or cause to be borrowed, from time to time, such sums, in anticipation of the revenues appropriated, not exceeding, in one year, one million of dollars, to be reimbursed within a year from the time of each loan, as may be necessary for the payment of the interest which shall annually accrue on the public debt; and for the payment of the interest on any such temporary loan, which shall not exceed six per centum per annum, so much of the proceeds of the duties on goods, wares and merchandise imported, on the tonnage of ships or vessels, and upon spirits distilled within the United States, and stills, as may be necessary shall be and are hereby appropriated.

SEC. 2. *And be it further enacted,* That a loan be opened at the treasury, to the full amount of the present foreign debt, to continue open until the last day of December, in the year one thousand seven hundred and ninety-six, and that the sums, which may be subscribed to the said loan, shall be payable and receivable, by way of exchange, in equal sums of the principal of the said foreign debt; and that any sum, so subscribed and paid, shall bear an interest equal to the rate of interest which is now payable on the principal of such part of the foreign debt, as shall be paid or exchanged therefor, together with an addition of one half per centum per annum; the said interest to commence on the first day of January next succeeding the time of each subscription, and to be paid quarter yearly, at the same periods at which interest is now payable and paid upon the domestic funded debt: *Provided,* That the principal of the said loan may be reimbursed at any time, at the pleasure of the United States.

SEC. 3. *And be it further enacted,* That credits to the respective subscribers, for the sums by them respectively subscribed to the said loan, shall be entered and given on the books of the treasury in like manner as for the present domestic funded debt; and that certificates therefor, of a tenor conformable with the provisions of this act, signed by the Register of the Treasury, shall issue to the several subscribers, and that the said credits, or stock standing in the names of the said subscribers, respectively, shall be transferable, in like manner, and by the like ways and means, as are provided by the seventh section of the act aforesaid, intituled "An act making provision for the debt of the United States," touching the credits or stock therein mentioned; and that the interest to be paid upon the stock which shall be constituted by virtue of the said loan, shall be paid at the offices or places, where the credits of the same shall, from time to time, stand or be, subject to the like conditions and restrictions, as are prescribed in and by the eighth section of the act last aforesaid.

SEC. 4. *And be it further enacted,* That the interest and principal of all loans, authorized by this act, shall be made payable at the treasury of the United States only, so far as relates to the payment of the principal and interest of the domestic debt.

SEC. 5. *And be it further enacted,* That so much of the duties on goods, wares and merchandise imported, on the tonnage of ships or vessels, and upon spirits distilled within the United States, and stills, heretofore appropriated for the interest of the foreign debt, as may be liberated or set free, by subscriptions to the said loan, together with such further sums of the proceeds of the said duties, as may be necessary, shall be, and they are hereby pledged and appropriated, for the payment of the

STATUTE II.

March 3, 1795.

[Obsolete.]

Commissioners of the sinking fund may borrow, &c.

Provision for the payment of the interest on such borrowing.

Loan to be opened to the full amount of the foreign debt.

How credits shall be given to subscribers.

Certificates.

Ante, p. 138.

Principal, &c. where to be paid.

Certain duties, which shall be set free, appropriated.

interest which shall be payable upon the sums subscribed to the said loan, and shall continue so pledged and appropriated, until the principal of the said loan shall be fully reimbursed and redeemed: *Provided always*, That nothing herein contained shall be construed to alter, change, or in any manner affect, the provisions heretofore made concerning the said foreign debt, according to contract, either during the pendency of the said loan, or after the closing thereof; but every thing shall proceed, touching the said debt, and every part thereof, in the same manner as if this act had never been passed, except as to such holders thereof, as may subscribe to the said loan, and from the time of the commencement thereof in each case, that is, when interest on any sum subscribed shall begin to accrue.

Proviso.

Certain duties to continue to be collected.

Ante, p. 390.

SEC. 6. *And be it further enacted*, That the several and respective duties laid and contained in and by the act, intituled "An act laying additional duties on goods, wares and merchandise imported into the United States," passed the seventh day of June, one thousand seven hundred and ninety-four, shall, together with the other duties heretofore charged with the payment of interest on the public debt, continue to be levied, collected and paid, until the whole of the capital or principal of the present debt of the United States, and future loans which may be made, pursuant to law, for the exchange, reimbursement or redemption thereof, or of any part thereof, shall be reimbursed or redeemed, and shall be, and hereby are, pledged and appropriated for the payment of interest upon the said debt and loans, until the same shall be so reimbursed or redeemed.

Substitution of certain duties.

1790, ch. 47.

SEC. 7. *And be it further enacted*, That the reservation made by the fourth section of the aforesaid act, intituled "An act making provision for the reduction of the public debt," be annulled, and in lieu thereof, that so much of the duties on goods, wares and merchandise imported, on the tonnage of ships or vessels, and upon spirits distilled within the United States, and stills, as may be necessary, be, and hereby are substituted, pledged and appropriated for satisfying the purpose of the said reservation.

Appropriations made to certain fund.

1792, ch. 38.

March 2, 1791, ch. 11.

SEC. 8. *And be it further enacted*, That the following appropriations, in addition to those heretofore made, be made to the fund constituted by the seventh section of the act, intituled "An act supplementary to the act making provision for the debt of the United States," passed the eighth day of May, one thousand seven hundred and ninety-two, to be hereafter denominated "The Sinking Fund," to wit: First, So much of the proceeds of the duties on goods, wares and merchandise imported; on the tonnage of ships or vessels, and on spirits distilled within the United States and stills, as, together with the monies which now constitute the said fund, and shall accrue to it, by virtue of the provisions herein before made, and by the interest upon each instalment, or part of principal, which shall be reimbursed, will be sufficient, yearly and every year, commencing the first day of January next, to reimburse and pay so much as may rightfully be reimbursed and paid, of the principal of that part of the debt or stock, which, on the said first day of January next, shall bear an interest of six per centum per annum, redeemable by payments on account both of principal and interest, not exceeding, in one year, eight per centum, excluding that which shall stand to the credit of the commissioners of the sinking fund, and that which shall stand to the credit of certain states, in consequence of the balances reported in their favour, by the commissioners for settling accounts between the United States and individual states: Secondly,—The dividends, which shall be, from time to time, declared on so much of the stock of the Bank of the United States, as belongs to the United States (deducting thereout such sums, as will be requisite to pay interest on any part remaining unpaid of the loan of two millions of dollars, had of

the Bank of the United States, pursuant to the eleventh section of the act, by which the said bank is incorporated): Thirdly,—So much of the duties on goods, wares and merchandise imported, on the tonnage of ships or vessels, and on spirits distilled within the United States and stills, as, with the said dividends, after such deduction, will be sufficient, yearly and every year, to pay the remaining instalments of the principal of the said loan, as they shall become due, and as, together with any monies, which, by virtue of provisions in former acts, and herein before made, shall, on the first day of January, in the year one thousand eight hundred and two, belong to the said sinking fund, not otherwise specially appropriated; and with the interest on each instalment, or part of principal, which shall, from time to time, be reimbursed, or paid, of that part of the debt or stock, which, on the first day of January, in the year one thousand eight hundred and one, shall begin to bear an interest of six per centum per annum, will be sufficient, yearly and every year, commencing on the first day of January, in the year one thousand eight hundred and two, to reimburse and pay so much, as may rightfully be reimbursed and paid, of the said principal of the said debt or stock, which shall so begin to bear an interest of six per centum per annum, on the said first day of January, in the year one thousand eight hundred and one, excluding that, which shall stand to the credit of the commissioners of the sinking fund, and that, which shall stand to the credit of certain States as aforesaid: Fourthly,—The net proceeds of the sales of lands belonging, or which shall hereafter belong to the United States, in the western territory thereof: Fifthly,—All monies, which shall be received into the treasury, on account of debts due to the United States, by reason of any matter prior to their present constitution: And lastly,—All surpluses of the revenues of the United States, which shall remain, at the end of any calendar year, beyond the amount of the appropriations charged upon the said revenues, and which, during the session of Congress next thereafter, shall not be otherwise specially appropriated or reserved by law.

Appropriations made to certain fund.

SEC. 9. *And be it further enacted*, That as well the monies which shall accrue to the said sinking fund, by virtue of the provisions of this act, as those which shall have accrued to the same, by virtue of the provisions of any former act or acts, shall be under the direction and management of the commissioners of the sinking fund, or the officers designated in and by the second section of the act, intituled "An act making provision for the reduction of the public debt," passed the twelfth day of August, one thousand seven hundred and ninety, and their successors in office; and shall be, and continue appropriated to the said fund, until the whole of the present debt of the United States, foreign and domestic, funded and unfunded, including future loans, which may be made for reimbursing or redeeming any instalments or parts of principal of the said debt, shall be reimbursed and redeemed; and shall be, and are hereby declared to be vested in the said commissioners, in trust, to be applied, according to the provisions of the aforesaid act of the eighth day of May, in the year one thousand seven hundred and ninety-two, and of this act, to the reimbursement and redemption of the said debt, including the loans aforesaid, until the same shall be fully reimbursed and redeemed. And the faith of the United States is hereby pledged, that the monies or funds aforesaid, shall inviolably remain, and be appropriated and vested, as aforesaid, to be applied to the said reimbursement and redemption, in manner aforesaid, until the same shall be fully and completely effected.

Monies accruing to the sinking fund, to be under the direction and management of the commissioners.

1790, ch. 47.

How long to be appropriated.

SEC. 10. *And be it further enacted*, That all reimbursements of the capital, or principal of the public debt, foreign and domestic, shall be made under the superintendance of the commissioners of the sinking fund, who are hereby empowered and required, if necessary, with the

Reimbursement of debt to be under the superintendance of

the commis-
sioners, who
may borrow.

What shall be
a good execu-
tion of the pow-
er to borrow.

Appropriation
for the payment
of interest.

1802, ch. 32.

What sums
the commis-
sioners shall pay
annually.

approbation of the President of the United States, as any instalments or parts of the said capital or principal become due, to borrow, on the credit of the United States, the sums requisite for the payment of the said instalments or parts of principal: *Provided*, That any loan which may be made by the said commissioners, shall be liable to reimbursement at the pleasure of the United States; and that the rate of interest thereupon, shall not exceed six per centum per annum; and for greater caution, it is hereby declared, that it shall be deemed a good execution of the said power to borrow, for the said commissioners, with the approbation of the President, to cause to be constituted certificates of stock, signed by the Register of the Treasury for the sums to be respectively borrowed, bearing an interest of six per centum per annum, and redeemable at the pleasure of the United States; and to cause the said certificates of stock to be sold in the market of the United States, or elsewhere; *Provided*, That no such stock be sold under par. And for the payment of interest on any sum or sums which may be so borrowed, either by direct loans, or by the sale of certificates of stock, the interest on the sum or sums which shall be reimbursed by the proceeds thereof (except that upon the funded stock, bearing and to bear an interest of six per centum, redeemable by payments, not exceeding in one year, eight per centum on account both of principal and interest), and so much of the duties on goods, wares and merchandise imported, on the tonnage of ships or vessels, and upon spirits distilled within the United States, and upon stills, as may be necessary, shall be, and hereby are pledged and appropriated.

SEC. 11. *And be it further enacted*, That it shall be the duty of the commissioners of the sinking fund, to cause to be applied and paid, out of the said fund, yearly and every year, at the treasury of the United States, the several and respective sums following, to wit: First, such sum and sums as, according to the right for that purpose reserved, may rightfully be paid for, and towards the reimbursement or redemption of such debt or stock of the United States, as, on the first day of January next, shall bear an interest of six per centum per annum, redeemable by payments, not exceeding in one year, eight per centum, on account both of principal and interest, excluding that standing to the credit of the commissioners of the sinking fund, and that standing to the credit of certain states, as aforesaid, commencing the said reimbursement or redemption, on the said first day of January next: Secondly, such sum and sums as, according to the conditions of the aforesaid loan, had of the Bank of the United States, shall be henceforth payable towards the reimbursement thereof, as the same shall respectively accrue: Thirdly, such sum and sums as, according to the right for that purpose reserved, may rightfully be paid for and towards the reimbursement or redemption of such debt or stock of the United States as, on the first day of January, in the year one thousand eight hundred and one, shall begin to bear an interest of six per centum per annum, redeemable by payments, not exceeding in one year, eight per centum, on account both of principal and interest, excluding that standing to the credit of the commissioners of the sinking fund, and that standing to the credit of certain states, as aforesaid, commencing the said reimbursement or redemption, on the first day of January, in the year one thousand eight hundred and two; and also to cause to be applied all such surplus of the said fund, as may at any time exist, after satisfying the purposes aforesaid, towards the further and final redemption of the present debt of the United States, foreign and domestic, funded and unfunded, including loans for the reimbursement thereof, by payment or purchase, until the said debt shall be completely reimbursed or redeemed.

SEC. 12. *Provided always, and be it further enacted*, That nothing in this act shall be construed to vest in the commissioners of the sink-

ing fund, a right to pay, in the purchase or discharge of the unfunded domestic debt of the United States, a higher rate than the market price or value of the funded debt of the United States: *And provided also*, That if, after all the debts and loans aforesaid, now due, and that shall arise under this act, excepting the said debt or stock, bearing an interest of three per cent. shall be fully paid and discharged, any part of the principal of the said debt or stock bearing an interest of three per cent. as aforesaid, shall be unredeemed, the government shall have liberty, if they think proper, to make other and different appropriations of the said funds.

Commissioners not to pay more for the unfunded domestic debt, than the market price of the funded.

Government may make different appropriations of the funds in a certain event.

Priorities in appropriations for the payment of interest to cease, as to certain creditors.

SEC. 13. *And be it further enacted*, That all priorities heretofore established in the appropriations by law, for the interest on the debt of the United States, as between the different parts of the said debt, shall, after the year one thousand seven hundred and ninety-six, cease with regard to all creditors of the United States, who do not, before the expiration of the said period, signify, in writing, to the Comptroller of the Treasury, their dissent therefrom; and that thenceforth, with the exception only of the debts of such creditors who shall so signify their dissent, the funds or revenues charged with the said appropriations, shall, together, constitute a common or consolidated fund, chargeable indiscriminately, and without priority, with the payment of the said interest.

SEC. 14. *And be it further enacted*, That all certificates, commonly called loan office certificates, final settlements, and indents of interest, which, at the time of passing this act, shall be outstanding, shall, on or before the first day of January, in the year one thousand seven hundred and ninety-seven, be presented at the office of the Auditor of the Treasury of the United States, for the purpose of being exchanged for other certificates of equivalent value and tenor, or at the option of the holders thereof, respectively, to be registered at the said office, and returned; in which case, it shall be the duty of the said Auditor to cause some durable mark or marks to be set on each certificate, which shall ascertain and fix its identity, and whether genuine, or counterfeit or forged; and every of the said certificates, which shall not be presented at the said office, within the said time, shall be forever after barred or precluded from settlement or allowance.

Certificates to be presented at the treasury;

Post, 562.

or be barred.

SEC. 15. *And be it further enacted*, That if any transfer of stock standing to the credit of a state, shall be made pursuant to the act, intitled "An act authorizing the transfer of the stock standing to the credit of certain states," passed the second day of January, in this present year, after the last day of December next, the same shall be upon condition, that it shall be lawful to reimburse, at a subsequent period of reimbursement, so much of the principal of the stock so transferred, as will make the reimbursement thereof, equal in proportion and degree, to that of the same stock transferred previous to the said day.

Condition annexed to the transfer of stock standing to the credit of a state.

Ante, p. 409.

SEC. 16. *And be it further enacted*, That in regard to any sum which shall have remained unexpended upon any appropriation other than for the payment of interest on the funded debt; for the payment of interest upon, and reimbursement, according to contract, of any loan or loans made on account of the United States; for the purposes of the sinking fund; or for a purpose, in respect to which, a longer duration is specially assigned by law, for more than two years after the expiration of the calendar year in which the act of appropriation shall have been passed, such appropriation shall be deemed to have ceased and been determined; and the sum so unexpended shall be carried to an account on the books of the treasury, to be denominated "THE SURPLUS FUND." But no appropriation shall be deemed to have so ceased and been determined, until after the year one thousand seven hundred and ninety-five, unless it shall appear to the Secretary of the Treasury, that the object thereof hath been fully satisfied, in which case, it shall be lawful for him

Sum of money appropriated, but remaining unexpended, for a certain time, to be carried to the "surplus fund."

to cause to be carried the unexpended residue thereof, to the said account of "the surplus fund."

Duty of the treasurer with regard to the execution of this act.

Commissioners of the sinking fund in the execution of this act to be regulated by analogous provisions of other acts.

They shall lay before Congress accounts of sales of stock or loans made.

Loans under this act may be made of the Bank of United States.

The limitations of certain acts extended.

Ante, p. 373.

Ante, p. 376.

Ante, p. 384.

Ante, p. 397.

SEC. 17. *And be it further enacted*, That the department of the treasury, according to the respective duties of the several officers thereof, shall establish such forms and rules of proceeding, for and touching the execution of this act, as shall be conformable with the provisions thereof.

SEC. 18. *And be it further enacted*, That all the restrictions and regulations heretofore established by law for regulating the execution of the duties enjoined upon the commissioners of the sinking fund, shall apply to, and be in as full force for the execution of the analogous duties enjoined by this act, as if they were herein particularly repeated and re-enacted: And a particular account of all sales of stock, or of loans by them made, shall be laid before Congress, within fourteen days after their meeting next after the making of any such loan or sale of stock. (a)

SEC. 19. *And be it further enacted*, That in every case in which power is given by this act to make a loan, it shall be lawful for such loan to be made of the Bank of the United States, although the same may exceed the sum of fifty thousand dollars.

SEC. 20. *And be it further enacted*, That so much of the act laying duties upon carriages for the conveyance of persons; and of the act laying duties on licenses for selling wines and foreign distilled spirituous liquors by retail; and of the act laying certain duties upon snuff and refined sugar, and of the act laying duties on property sold at auction, as limits the duration of the said several acts, be, and the same is hereby repealed; and that all the said several acts be, and the same are hereby continued in force until the first day of March, one thousand eight hundred and one.

APPROVED, March 3, 1795.

STATUTE II.

March 3, 1795.

CHAP. XLVI.—*An Act making further appropriations for the Military and Naval establishments, and for the support of Government.*

[Obsolete.]

Additional appropriations for the military establishment.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That including the appropriation of five hundred thousand dollars, made for the military establishment for the year one thousand seven hundred and ninety-five, by an act of the present session, there be appropriated for the said military establishment, a sum not exceeding one million four hundred and sixty-nine thousand four hundred and thirty-nine dollars, and twenty-nine cents; that is to say:—For the pay of the legion of the United States, three hundred and four thousand five hundred and forty-eight dollars: For the pay of the corps of artillery, fifty-six thousand eight hundred and sixty-eight dollars: For subsistence of the legion and artillery, three hundred and sixty-one thousand seven hundred and nineteen dollars and thirty cents: For forage and cavalry, thirty-three thousand seven hundred and twenty dollars: For clothing, one hundred and twenty thousand four hundred and forty dollars: For equipments for the cavalry, seven thousand three hundred and fourteen dollars: For horses for the cavalry, twenty-four thousand dollars: For bounty, five thousand dollars: For the hospital department, twenty thousand dollars: For the ordnance department, eleven thousand three hundred and sixty-five dollars and ninety-nine cents: For the Indian department, eighty thousand dollars: For the quartermaster's department, one hundred and fifty thousand dollars: For contingencies of the war department, thirty thousand dollars: For the defensive protection of the frontiers, one hundred and thirty thousand dollars: For the completion of the fortifications, fifty thousand dollars: For additional pay and bounty to the legion and artillery, pursuant to an act of the present session, seventy-seven thousand four hundred and sixty-four dollars.

(a) Act of April 29, 1802, chap. 32, sec. 8.

SEC. 2. *And be it further enacted*, That for defraying the expense of six months pay and subsistence of a detachment of militia under the command of major general Morgan, pursuant to an act of the present session, there be appropriated the sum of one hundred thousand six hundred and eighty-two dollars; that is to say: For the general staff, four thousand one hundred and thirty-four dollars: For major Brooke's battalion, nineteen thousand eight hundred and forty-eight dollars: For major Lynn's battalion, twenty-one thousand three hundred dollars: For cavalry, twenty-three thousand four hundred dollars: For subsistence, twenty-four thousand dollars: For forage for officers and cavalry, eight thousand dollars.

Detachment of militia under General Morgan.

SEC. 3. *And be it further enacted*, That the surplus which may remain unexpended of the sum of six hundred and eighty-eight thousand, eight hundred and eighty-eight dollars and eighty-two cents, which was appropriated for the use of the naval department, in the year one thousand seven hundred and ninety-four, by an act passed the ninth day of June last, shall be, and the same is hereby appropriated to the use of the said naval department, for the year one thousand seven hundred and ninety-five.

Surplus of appropriation to the naval department.

1794, ch. 63.

SEC. 4. *And be it further enacted*, That there be appropriated the several sums following, to wit: For the payment of military pensions, for the year one thousand seven hundred and ninety-five, eighty-five thousand three hundred and fifty-seven dollars and four cents; and a sum not exceeding ten thousand dollars for the contingent purposes of government, subject to the disposition of the President of the United States.

Military pensions, and contingent purposes of government.

SEC. 5. *And be it further enacted*, That the several appropriations herein before made, shall be paid and discharged out of the funds following, to wit: First the surplus of the sum of six hundred thousand dollars, reserved by the act "making provision for the debt of the United States," and which will accrue during the year one thousand seven hundred and ninety-five: Secondly, the surplus of revenue and income beyond the appropriations heretofore charged thereupon, to the end of the year one thousand seven hundred and ninety-five: And thirdly, the surplus which shall remain unexpended of the monies appropriated to the use of the war department for the year one thousand seven hundred and ninety-four.

Out of what funds these appropriations are payable.

1790, ch. 34.

SEC. 6. *And be it further enacted*, That the President of the United States be empowered to borrow, on behalf of the United States, of the Bank of the United States, which is hereby authorized to lend the same, or of any other body or bodies politic, person or persons, any sum or sums not exceeding in the whole, the sums herein appropriated, and to be applied to the purposes aforesaid, and to be reimbursed as well interest as principal out of the funds aforesaid.

President may borrow to the amount of these appropriations.

APPROVED, March 3, 1795.

STATUTE II.

CHAP. XLVII.—*An Act supplementary to the act intituled "An act establishing a Mint, and regulating the Coins of the United States."*(a)

March 3, 1795.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, and it is hereby enacted and declared*, That for the better conducting of the business of the mint of the United States there shall be an additional officer appointed therein by the name of the melter and refiner, whose duty shall be to take charge of all copper, and silver or gold bullion delivered out by the treasurer of the mint after it has been assayed, agreeably to the rules and customs of the mint already directed and established, or

Act of April 2, 1792, ch. 16. Additional officer of the mint by the name of the melter and refiner.

His duty.

(a) See note to act of April 2, 1792, chap. 16.

which may hereafter be directed and established by the accounting officers of the treasury, and to reduce the same into bars or ingots fit for the rolling mills, and then to deliver them to the coiner or treasurer, as the director shall judge expedient; and to do and perform all other duties belonging to the office of a melter and refiner or which shall be ordered by the director of the mint.

To take oath and give security.

SEC. 2. *And be it further enacted*, That the melter and refiner of the said mint shall, before he enters upon the execution of his said office, take an oath or affirmation before some judge of the United States, faithfully and diligently to perform the duties thereof. And also shall become bound to the United States of America, with one or more sureties to the satisfaction of the Secretary of the Treasury, in the sum of six thousand dollars, with condition for the faithful and diligent performance of the several duties of his office.

His compensation.

SEC. 3. *And be it further enacted*, That there shall be allowed and paid, to the said melter and refiner of the mint as a compensation for his services, the yearly salary of fifteen hundred dollars.

Obsolete.

President may make temporary appointment.

SEC. 4. *And be it further enacted*, That the director of the mint be, and hereby is authorized, with the approbation of the President of the United States, to employ such person as he may judge suitable to discharge the duties of the melter and refiner, until a melter and refiner shall be appointed by the President, by and with the advice of the Senate.

1800, ch. 34.

Treasurer of the mint to retain part of bullion deposited, &c.

SEC. 5. *And be it further enacted*, That the treasurer of the mint shall, and he is hereby directed, to retain two cents per ounce from every deposit of silver bullion below the standard of the United States, which hereafter shall be made for the purpose of refining and coining; and four cents per ounce from every deposit of gold bullion made as aforesaid, below the standard of the United States, unless the same shall be so far below the standard as to require the operation of the test, in which case, the treasurer shall retain six cents per ounce, which sum so retained shall be accounted for by the said treasurer with the treasury of the United States as a compensation for melting and refining the same.

Treasurer of the mint shall not be obliged to receive certain deposits of bullion.

SEC. 6. *And be it further enacted*, That the treasurer of the mint shall not be obliged to receive from any person, for the purpose of refining and coining, any deposit of silver bullion, below the standard of the United States, in a smaller quantity than two hundred ounces; nor a like deposit of gold bullion below the said standard, in a smaller quantity than twenty ounces.

Officers of the mint may give a preference to bullion of the standard of the U. S.

SEC. 7. *And be it further enacted*, That from and after the passing of this act, it shall and may be lawful for the officers of the mint to give a preference to silver or gold bullion, deposited for coinage, which shall be of the standard of the United States, so far as respects the coining of the same, although bullion below the standard, and not yet refined, may have been deposited for coinage, previous thereto, any law to the contrary notwithstanding: *Provided*, That nothing herein shall justify the officers of the mint, or any one of them, in unnecessarily delaying the refining any silver or gold bullion below the standard, that may be deposited, as aforesaid.

1792, ch. 16, sec. 15.

President may reduce the weight of copper coin.

SEC. 8. *And be it further enacted*, That the President of the United States be, and he is hereby authorized, whenever he shall think it for the benefit of the United States, to reduce the weight of the copper coin of the United States: *Provided*, such reduction shall not, in the whole, exceed two pennyweights in each cent, and in the like proportion in a half cent; of which he shall give notice by proclamation, and communicate the same to the then next session of Congress.

SEC. 9. *And be it further enacted*, That it shall be the duty of the treasurer of the United States, from time to time, as often as he shall receive copper cents and half cents from the treasurer of the mint, to

send them to the bank or branch banks of the United States, in each of the states where such bank is established; and where there is no bank established, then to the collector of the principal town in such state (in the proportion of the number of inhabitants of such state) to be by such bank or collector, paid out to the citizens of the state for cash, in sums not less than ten dollars value; and that the same be done at the risk and expense of the United States, under such regulations as shall be prescribed by the department of the treasury.

APPROVED, March 3, 1795.

Mode of distribution of cents and half cents.

STATUTE II.

March 3, 1795.

CHAP. XLVIII.—*An Act for the more effectual recovery of Debts due from individuals to the United States.*

Comptroller may issue notification to debtors, &c.

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the comptroller of the treasury be, and is hereby authorized to issue a notification to any person who has received monies for which he is accountable to the United States, or to the executor or administrator of such person, if he be deceased, requiring him to render to the auditor of the treasury, at such time as he shall think reasonable, according to the circumstances of the case, within twelve months from the date of such notification, all his accounts and vouchers, for the expenditure of the said monies, and in default thereof, suits shall, at the discretion of the comptroller of the treasury, be commenced for the same, without further notice: And the party sued, as aforesaid, shall be subject to the costs and charges of such suits, whether the ultimate decision shall be in his favour or against him.

Marshals of the districts to serve such notification.

SEC. 2. *And be it further enacted,* That the marshals of the respective districts be, and are hereby authorized and directed to serve the said notifications on the parties therein named, by leaving copies thereof at their respective dwellings, or usual places of abode, at least four months before the time fixed in such notification, for rendering their accounts, as aforesaid, and that the return of the said notifications to the comptroller's office, with the marshal's certificate thereon, that such service has been made, be deemed legal evidence in the district or circuit courts, of the proceedings, and for the recovery of costs and charges. And that in cases, where accounts shall be rendered to the auditor of the treasury, within the time limited in the notifications aforesaid, he shall immediately proceed to liquidate the credits to be passed for the said accounts, and report the same to the comptroller, with a particular list of any claims which shall have been disallowed by him. And that the comptroller of the treasury immediately proceed to the examination of the credits allowed by the auditor, and if the same be approved by him, that he cause credit therefor to be passed on the public books. And the comptroller shall also appoint a day, for hearing the claimant on the claims so disallowed by the auditor, as aforesaid.

Auditor to liquidate account and transmit it to the Comptroller, &c.

1809, ch. 28, sec. 2.

SEC. 3. *And be it further enacted,* That a list of all such credits aforesaid, as shall have been claimed, and not admitted by the comptroller, be made out and transmitted to the marshal of the district, where the claimant resides; and that a copy thereof be served on the claimant, or left at his dwelling or last usual place of abode, with notice of the time assigned by the comptroller, for the final hearing, as aforesaid, at least four months before such hearing; of which proceedings, the marshal is hereby directed to transmit an official return to the comptroller. And in case of an omission or neglect, on the part of the claimant, to assign, in writing, or otherwise, his reasons to the comptroller, within the time limited, as aforesaid, why the suspended credits should be admitted, all future claims therefor shall be, and are hereby forever barred. But in case the claimant shall, within the time aforesaid, assign in

How suspended credits are to be finally determined on.

writing, or otherwise, his reasons why the suspended credits should be admitted, the comptroller shall immediately consider the same, and decide thereon, according to the principles of equity, and the usages of the treasury department.

Decision of
Comptroller
conclusive on
all concerned.

SEC. 4. *And be it further enacted*, That in all cases, where the final decision of the comptroller shall be against the claimant, such determination shall be final and conclusive to all concerned.

APPROVED, March 3, 1795.

STATUTE II.

March 3, 1795.

CHAP. XLIX.—*An Act to authorize a grant of lands to the French inhabitants of Gallipolis, and for other purposes therein mentioned.*

President to
cause a certain
tract of land to
be surveyed.

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 surveyed, in the territory northwest of the Ohio, a tract of land situate on the northerly bank of the river Ohio, beginning one mile and a half on a straight line above the mouth of Little Sandy, thence down the said river Ohio along the courses thereof eight miles when reduced to a straight line, thence at right angles from each extremity of the said line so as to include the quantity of twenty-four thousand acres of land to be disposed as herein after directed.

1798, ch. 59.

To cause the
French inhabit-
ants of Gallio-
polis to be enu-
merated.

SEC. 2. *And be it further enacted*, That the President be authorized to cause to be ascertained the number of French inhabitants and actual settlers of the town or settlement of Gallipolis, being males above eighteen years of age or widows who are or shall be within the said town or settlement of Gallipolis on the first day of November next.

Letters patent
to be issued to
John G. Gervais
for a tract of
said land on
condition.

SEC. 3. *And be it further enacted*, That the President of the United States shall be and he is hereby authorized and empowered to issue letters patent in the name and under the seal of the United States, thereby granting to John Gabriel Gervais, and his heirs, four thousand acres of land, part of the said twenty-four thousand acres to be located on the northwest bank of the river Ohio opposite to the mouth of the Little Sandy, with condition in the said letters patent that if the said John Gabriel Gervais or his heirs shall not personally within three years from the date of the same patent settle on the same tract of land, and there continue settled for three years next thereafter, the same letters patent shall be void and determine, and the title thereof revert in the United States as if this law had not passed.

Remainder to
be distributed
among the ac-
tual settlers of
Gallipolis.

SEC. 4. *And be it further enacted*, That the President of the United States shall be and he is hereby authorized and empowered to cause to be surveyed, laid off and divided, the remaining twenty thousand acres of land, residue of the twenty-four thousand acres, into as many lots or parts as the actual settlers of Gallipolis shall on the ascertainment aforesaid amount to, and the same to be designated, marked and numbered on a plat thereof to be returned to the secretary of the said territory, together with a certificate of the courses of the said lots, the said lots or parts of the aforesaid tract, to be assigned to the settlers aforesaid by lot. And the President of the United States is hereby authorized and empowered to issue letters patent as aforesaid to the said actual settlers and their heirs for the said twenty thousand acres, to be held by them in severalty in lots to be designated and described by their numbers on the plat aforesaid, with condition in the same letters patent that if one or more of the said grantees his or her heirs or assigns shall not within five years from the date of the same letters make or cause and procure to be made an actual settlement on the lot or lots assigned to him, her or them, and the same continue for five years thereafter, that then the said letters patent so far as concerns the said lot or lots not settled and continued to be

Patents to is-
sue,

on condition.

settled as aforesaid shall cease and determine and the title thereof shall revert in the United States in the same manner as if this law had not passed.

SEC. 5. *And be it further enacted*, That nothing in this act shall be taken or considered in any manner to impair or affect the claims of the said settlers against any person or persons for or by reason of any contracts heretofore made by them, but that the same contracts shall be and remain in the same state as if this law had not passed.

APPROVED, March 3, 1795.

Settlers' claims against contractors not to be impaired.

STATUTE II.

CHAP. L.—*An Act for the more general promulgation of the laws of the United States.*(a)

March 3, 1795

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, for the more general promulgation of the laws of the United States, the Secretary for the department of State shall, after the end of the next session of Congress, cause to be printed and collated at the public expense, a complete edition of the laws of the United States, comprising the constitution of the United States, the public acts then in force, and the treaties, together with an index to the same.

[Obsolete.] Secretary of State to cause an edition of the laws, &c. to be printed.

1799, ch. 30.

SEC. 2. *And be it further enacted*, That four thousand five hundred copies of the said edition shall be divided by the said secretary, among the respective states, and the territories northwest and south of the river Ohio, according to the rule for apportioning representatives; and that the proportion of each state or territory shall be transmitted by the said secretary to the governor or supreme executive magistrate thereof, to be deposited in such fixed and convenient place in each county, or other subordinate civil division of such state or territory, as the executive or legislature thereof shall deem most conducive to the general information of the people: and that five hundred copies of the said edition be reserved for the future disposition of Congress.

A certain number of copies to be distributed among the states.

1814, ch. 69.

Some to be reserved.

SEC. 3. *And be it further enacted*, That the acts passed at each succeeding session of Congress, including future treaties, shall be printed and distributed, in like manner and proportion.

APPROVED, March 3, 1795.

STATUTE II.

CHAP. LI.—*An Act making provision for the purposes of Trade with the Indians.*

March 3, 1795.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a sum, not exceeding fifty thousand dollars, be appropriated to the purchase of goods for supplying the Indians within the limits of the United States, for the year one thousand seven hundred and ninety-five; and that the sale of such goods be made under the direction of the President of the United States.

[Obsolete.] Goods to be purchased for supplying the Indians.

APPROVED, March 3, 1795.

STATUTE II.

CHAP. LII.—*An Act to regulate the Compensation of Clerks.*

March 3, 1795.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury, the Secretary of the department of State and the Secretary of the department of War, be authorized to vary, for the present year, the compensations heretofore established for clerks in their respective departments, in such manner as the services to be performed

[Obsolete.] Compensations of clerks in the departments may be varied for the present year.

(a) See an Act for the more general promulgation of the laws of the United States, March 2, 1799, ch. 30.

Increase of compensation to one of the clerks of the director of the mint.

1796, ch. 40.

Clerk hire of the commissioners of loans, &c.

shall in their judgment require; so however that no principal clerk shall receive more than at the rate of one thousand dollars per annum, and that the aggregate of the compensations for clerks in either of the said departments shall not for the said year exceed the aggregate of the compensations allowed for clerks in the same department for the year one thousand seven hundred and ninety-four; and that an additional compensation not exceeding the rate of two hundred dollars per annum be allowed for one clerk employed by the director of the mint during the present year.

SEC. 2. *And be it further enacted*, That there be allowed for the year one thousand seven hundred and ninety-five, to the commissioners of loans in the states of Massachusetts and New York respectively not exceeding five clerks at the rate of five hundred dollars each; to the commissioner of loans in the state of Connecticut not exceeding two clerks at the rate of four hundred dollars each; and to the commissioner of loans in the states of Pennsylvania, Virginia and South Carolina respectively not exceeding two clerks at the rate of five hundred dollars each. The aggregate of the compensations for clerks employed by either of the said commissioners to be apportioned among them at his discretion. That there be allowed for the year aforesaid in lieu of clerk hire to the commissioner of loans in the state of New Hampshire three hundred and fifty dollars; to the commissioner of loans in the state of Rhode Island four hundred dollars; to the commissioner of loans in the state of New Jersey three hundred dollars; and to the commissioner of loans in the state of Maryland two hundred and fifty dollars.

APPROVED, March 3, 1795.

STATUTE II.

March 3, 1795.

[Obsolete.]

President may in certain cases permit the exportation of arms, &c.

CHAP. LIII.—*An Act authorizing the exportation of Arms, Cannon and Military Stores in certain cases.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in cases connected with the security of the commercial interest of the United States, and for public purposes only, the President of the United States be, and hereby is authorized to permit the exportation of arms, cannon and military stores, the law prohibiting the exportation of the same to the contrary notwithstanding.

APPROVED, March 3, 1795.

I. *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be and hereby is requested to give directions to the Attorney General to collect, digest and report to the next Congress, the charters, treaties and other documents relative to, and explanatory of, the title to the land situate in the South Western parts of the United States and claimed by certain companies under a law of the State of Georgia passed the seventh day of January last, namely, a tract of land claimed by James Gunn, Matthew McAllister, and George Walker, and their associates; also a tract of land claimed by Nicholas Long, Thomas Glascock, Ambrose Gordon, and Thomas Cumming, and their associates; also a tract of land claimed by John B. Scott, John C. Nightingale, and Wade Hampton, and their associates; and also a tract of land claimed by Zachariah Cox, and Mathias Maher, and their associates.

Passed by both Houses March 3, 1795

ACTS OF THE FOURTH CONGRESS

OF THE

UNITED STATES

Passed at the first session, which was begun and held at the City of Philadelphia, in the state of Pennsylvania, on Monday, the seventh day of December, 1795, and ended on the first of June, 1796.

GEORGE WASHINGTON, President; JOHN ADAMS, Vice President of the United States, and President of the Senate; SAMUEL LIVERMORE, President of the Senate pro tempore; JONATHAN DAYTON, Speaker of the House of Representatives.

STATUTE I.

CHAPTER I.—*An Act making Appropriations for the Support of Government, for the year one thousand seven hundred and ninety-six.*

Feb. 5, 1796.

[Obsolete.]

Specific appropriations for support of government, for 1796.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That for defraying the expenditure of the civil list of the United States, for the year one thousand seven hundred and ninety-six, together with the incidental and contingent expenses of the several departments and offices thereof, there be appropriated a sum of money, not exceeding five hundred and thirty thousand three hundred and ninety-two dollars and eighty-five cents; that is to say:

For the compensations granted by law to the President and Vice President of the United States, thirty thousand dollars.

President and Vice President.

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-three thousand four hundred and sixty dollars.

Senate and House of Representatives.

For the expenses of firewood, stationery, printing-work, and all other contingent expenses of the two houses of Congress, eleven thousand five hundred dollars.

For the compensations granted by law to the Chief Justice, Associate Judges, District Judges, and Attorney General, forty-three thousand six 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 prosecutions for offences against the United States, and for safe keeping of prisoners, twenty thousand dollars.

For making good deficiencies in the last-mentioned fund, in the appropriation of the year one thousand seven hundred and ninety-five, ten thousand dollars.

For compensation to the Secretary of State, clerks and persons employed in that department, seven thousand eight hundred and fifty dollars.

For incidental and contingent expenses in the said department, twenty-three thousand three hundred and eighty dollars.

For compensation to the Secretary of the Treasury, clerks and persons employed in his office, eight thousand one 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.

Specific appro-
priations for
support of gov-
ernment, for
1796.

For compensation to the Comptroller of the Treasury, clerks and persons employed in his office, ten thousand nine hundred dollars.

For expense of stationery, printing and all other contingent expenses in the Comptroller's office, eight hundred dollars.

For compensation to the Treasurer, clerks and persons employed in his office, four thousand four hundred dollars.

For expense of firewood, stationery, printing, rent, and other contingencies in the treasurer's office, six hundred dollars.

For compensation to the Auditor of the Treasury, clerks and persons employed in his office, eleven thousand two hundred and fifty dollars.

For expense of stationery, printing, and other contingent expenses in the auditor's office, six hundred dollars.

For compensation to the commissioner of the revenue, clerks and persons employed in his office, five thousand two hundred and fifty dollars.

For expense of stationery, printing, and all other contingent expenses in the office of the commissioner, four hundred dollars.

For compensation to the Register of the Treasury, clerks and persons employed in his office, fourteen thousand seven hundred dollars.

For expense of stationery, printing, and all other contingent expenses in the register's office (including books for the public stocks) two thousand eight hundred dollars.

For compensation to the purveyor of public supplies, including his salary from the time of his appointment to the thirty-first day of December, one thousand seven hundred and ninety-five, three thousand six hundred and ninety-four dollars and forty-four cents.

For the payment of rent for the several houses employed in the treasury department (except the treasurer's office) one thousand nine hundred and eighty-six dollars and sixty-eight cents.

For expense of firewood and candles in the several offices of the treasury department, (except the treasurer's office) three thousand dollars.

For defraying the expense incident to the stating and printing the public accounts, for the year one thousand seven hundred and ninety-six, one thousand dollars.

For the payment of certain incidental and contingent expenses of the treasury department, in the year one thousand seven hundred and ninety-five, beyond the sum which was appropriated, two thousand five hundred dollars.

For compensation to the several loan officers, thirteen thousand two hundred and fifty dollars.

For payment of clerks allowed to several of the loan offices, for the year one thousand seven hundred and ninety-five, by an act of the last session of Congress, ten thousand one hundred dollars.

For compensation to the Secretary of War, clerks and persons employed in his office, seven thousand and fifty dollars.

For expense of firewood, stationery, printing, rent, and other contingent expenses of the office of the Secretary of War (including the rent of the General Post Office which is kept under the same roof) one thousand eight hundred dollars.

For compensation to the accountant to the War department, clerks and persons employed in his office, six thousand four hundred and fifty dollars.

For contingent expenses in the office of the accountant to the War department, six hundred dollars.

For compensations to the following officers of the Mint: The Director, two thousand dollars; the Treasurer, one thousand two hundred dollars; the Assayer, one thousand five hundred dollars; the Chief Coiner, one thousand five hundred dollars; the Melter and Refiner, one

thousand five hundred dollars; the Engraver, one thousand two hundred dollars; three clerks, at five hundred dollars each, one thousand five hundred dollars.

For the purchase of copper for the use of the mint, thirteen thousand dollars.

For defraying the expenses of labourers in the different branches of refining, melting and coining at the mint, eight thousand dollars.

For the pay of mechanics employed in repairing and making machinery for the mint, three thousand two hundred and sixty-four dollars.

For the purchase of ironmongery, lead, wood, coals, stationery, office-furniture, and for other contingencies of the establishment of the mint, eight thousand seven hundred dollars.

For making good deficiencies in the former appropriations for the mint, to the end of the year one thousand seven hundred and ninety-five, eighteen thousand three hundred dollars.

For compensations to the governors, secretaries and judges of the territory northwest, and the territory south of the river Ohio, ten thousand three hundred dollars.

For expenses of stationery, office-rent, printing, patents for lands, and other contingent expenses in both the said territories, seven hundred dollars.

For the payment of sundry pensions, granted by the late government, two thousand and seven dollars and seventy-three cents.

For the annual allowance to the widow and orphan children of Colonel John Harding, and to the orphan children of Major Alexander True-man, by the act of Congress of the twenty-seventh of February, one thousand seven hundred and ninety-three, seven hundred and fifty dollars.

For the annual allowance for the education of Hugh Mercer, son of the late Major General Mercer, by the act of Congress of the second of March, one thousand seven hundred and ninety-three, four hundred dollars.

For the discharge of such demands against the United States, on account of the civil department, not otherwise provided for, as shall have been ascertained and admitted in due course of settlement, at the treasury, and which are of a nature, according to the usage thereof, to require payment in specie, three thousand dollars.

SEC. 2. *And be it further enacted*, That for the support of lighthouses, beacons, buoys, and public piers, for the year one thousand seven hundred and ninety-six; and to satisfy certain miscellaneous claims, stated in the report of the Secretary of the Treasury, of the fourteenth of December last, there be appropriated a sum not exceeding thirty-seven thousand six hundred and seventy-two dollars and nine cents, that is to say:

For the maintenance and support of lighthouses, beacons, buoys, public piers, and stakeage of channels, bars and shoals, twenty-four thousand dollars.

To repay David Lenox, late marshal of the district of Pennsylvania, for payments made, with the approbation of the judge of the said district, to sundry persons, for summoning jurors to attend the district court of Pennsylvania, upon the trial of sundry persons committed for high treason, two hundred and fifty-six dollars and eighty-eight cents.

For the payment of a balance due to Lewis Pintard, agent for American prisoners in the city of New York, during the late war, four hundred and twenty-nine dollars and twenty-one cents.

For the payment of a balance due to the representatives of Thomas Smith, late commissioner of the loan office for the state of Pennsylvania, nine thousand and eleven dollars and ninety-seven cents.

For the payment of a balance due to the representatives of Joseph

Specific appropriations for support of government, for 1796.

Pensions.

1793, ch. 14.

1793, ch. 28.

For support of lighthouses, &c.

Specific appropriations for support of government, for 1796.

Clark, late commissioner of the loan office for the state of Rhode Island, one thousand nine hundred and seventy-four dollars and three cents.

For the discharge of such miscellaneous demands against the United States, other than those on account of the civil department, not otherwise provided for, and which shall have been ascertained and admitted in due course of settlement at the treasury, and which are of a nature, according to the usage thereof, to require payment in specie, two thousand dollars.

Ante, p. 138.

SEC. 3. *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."

APPROVED, February 5, 1796.

STATUTE I.

Feb. 19, 1796.

CHAP. II.—*An Act further extending the time for receiving on Loan the Domestic Debt of the United States.*

[Obsolete.]

Act of March 3, 1797, ch. 25. Extension of the term for receiving on loan the domestic debt.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the term for receiving on loan that part of the domestic debt of the United States, which has not been subscribed, in pursuance of the provisions heretofore made by law for that purpose, be, and the same is hereby further extended, until the thirty-first day of December next, on the same terms and conditions, as are contained in the act, intituled "An act making provision for the debt of the United States:—" *Provided*, That the books for receiving the said subscriptions shall be opened only at the treasury of the United States.

Ante, p. 138.

Proviso.

SEC. 2. *And be it further enacted*, That it shall be lawful to reimburse so much of the principal of the debt or stock, which may be subscribed, pursuant to this act, as will make the reimbursement thereof equal in proportion and degree, to that of the same stock subscribed antecedent to the present year; and the said reimbursement shall be made at the expiration of the quarter in which such debt or stock shall be subscribed, and pursuant to the rules and conditions prescribed by the act, intituled "An act making further provision for the support of public credit, and for the redemption of the public debt."

Reimbursement of part of the principal.

1795, ch. 45.

Provision for the payment of interest to non-subscribers.

SEC. 3. *And be it further enacted*, That such of the creditors of the United States, as have not subscribed, and shall not subscribe to the said loan, shall, nevertheless, receive, during the year one thousand seven hundred and ninety-six, a rate per centum on the amount of such of their demands as have been registered, or as shall be registered at the treasury, conformably to the directions in the act, intituled "An act making provision for the debt of the United States," equal to the interest which would be payable to them as subscribing creditors.

Ante, p. 138.

APPROVED, February 19, 1796.

STATUTE I.

March 10, 1796.

CHAP. IV.—*An Act for allowing compensation to the members of the Senate and House of Representatives of the United States, and to certain officers of both Houses.*

[Obsolete.]

Allowance to senators.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That at every session of Congress, and at every meeting of the Senate in the recess of Congress, from and after the third day of March in the present year, each Senator shall be entitled to receive six dollars for every day he shall attend the Senate; and shall also be allowed, at the commencement and end of every such session and meeting, six dollars for every twenty miles of the estimated distance, by the most usual road, from his place of residence to the seat of Congress: And in case any member of

the Senate shall be detained by sickness, on his journey to or from any such session or meeting, or, after his arrival, shall be unable to attend the Senate, he shall be entitled to the same daily allowance: *Provided always*, that no Senator shall be allowed a sum exceeding the rate of six dollars per day, from the end of one such session or meeting, to the time of his taking a seat in another.

Proviso.

SEC. 2. *And be it further enacted*, That at each session of Congress, each Representative shall be entitled to receive six dollars for every day he shall attend the House of Representatives; and shall be allowed, at the commencement and end of each session, six dollars for every twenty miles of the estimated distance, by the most usual road, from his place of residence to the seat of Congress: And in case any Representative shall be detained by sickness, on his journey to or from the session of Congress, or, after his arrival, shall be unable to attend the House of Representatives, he shall be entitled to the daily allowance aforesaid; and the Speaker of the House of Representatives shall be entitled to receive, in addition to his compensation as a Representative, six dollars for every day he shall attend the House: *Provided always*, That no Representative shall be allowed a sum exceeding the rate of six dollars per day, from the end of one such session or meeting, to the time of his taking a seat in another.

Allowance to Representatives.

Proviso.
1812, ch. 127.

SEC. 3. *And be it further enacted*, That there shall be allowed to each chaplain of Congress at the rate of five hundred dollars per annum, during the session of Congress; to the Secretary of the Senate, and Clerk of the House of Representatives, fifteen hundred dollars per annum, each, to commence from the time of their respective appointments; and also a further allowance of two dollars per day to each, during the session of that branch, for which he officiates. And the said Secretary and Clerk shall each be allowed (when the President of the Senate, or Speaker shall deem it necessary) to employ one principal Clerk, who shall be paid three dollars per day, and two engrossing Clerks, who shall be paid two dollars per day, each, during the session, with the like compensations to such Clerks, respectively, while they shall be necessarily employed in the recess.

Allowance to the chaplains; to the Secretary of the Senate and the Clerk of the House of Representatives.

To Clerks;
1802, ch. 35.

SEC. 4. *And be it further enacted*, That there shall be allowed to the Sergeant-at-arms, the sum of four dollars per day, during every session of Congress, and while employed on the business of the House.

to the Sergeant-at-arms.

SEC. 5. *And be it further enacted*, That the said compensation, which shall be due to the members and officers of the Senate, shall be certified by the President; and that which shall be due to the members and officers of the House of Representatives, shall be certified by the Speaker; and the same shall be passed as public accounts, and paid out of the public treasury.

How the said compensations shall be certified, &c.

APPROVED, March 10, 1796.

STATUTE I.

CHAP. V.—*An Act providing relief, for a limited time, in certain cases of invalid Registers.*

March 10, 1796.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby empowered, to allow to such vessels and their cargoes, whose registers have already, or that may, before the close of the present session of Congress, become invalid, by reason of a non-compliance with the terms of the fifth section of the act "concerning the registering and recording of ships or vessels," the same privileges and benefits, they would have been entitled to, if no such invalidity had taken place: *Provided*, it shall appear to him, that such non-compliance did not proceed from wilful negligence or an intention of fraud: *And provided also*, that a new register shall be obtained, in the manner pre-

[Obsolete.]
Secretary of Treasury to allow certain privileges in cases of invalid registers on certain conditions.
Ante, p. 287.

scribed by law, for such vessels respectively, as may now be within the United States, within ninety days from the passing of this act; and for others, within the same time after their first arrival within the United States.

APPROVED, March 10, 1796.

STATUTE I.

March 12, 1796.

[Obsolete.]

Appropriation for the expense of the military establishment.

Out of what funds payable.

Ante, p. 138.

CHAP. VII.—*An Act making a partial appropriation for the support of the Military establishment, for the year one thousand seven hundred and ninety-six.*

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 five hundred thousand dollars be, and the same is hereby appropriated towards defraying the expenses of the military establishment, for the year one thousand seven hundred and ninety-six.

SEC. 2. *And be it further enacted,* That the said sum shall be paid and discharged out of the funds following, to wit: First, the balance which may remain unexpended of the sum of six hundred thousand dollars, reserved by the act "making provision for the debt of the United States," after satisfying the appropriations made in the present session, for the support of government: Secondly, the surplus of revenue and income beyond the appropriations heretofore charged thereupon, to the end of the year one thousand seven hundred and ninety-six.

APPROVED, March 12, 1796.

STATUTE I.

March 23, 1796.

[Obsolete.]

Provision for persons wounded or disabled in the militia, and for volunteers in the like case.

Extent of compensation to be allowed.

What persons this provision extends to.

Application to be made within one year after the end of the session.

CHAP. VIII.—*An Act for the relief of certain officers and soldiers who have been wounded or disabled in the actual service of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every commissioned, non-commissioned officer, private or musician, who has been wounded or disabled, while in the line of his duty, in actual service, called out by authority of any law of the United States, while he belonged to the militia; or any volunteer not belonging to the militia, who has been wounded or disabled, while in the line of his duty, in actual service, as aforesaid, shall be placed on the list of invalids of the United States, at such rate of pay, and under such regulations, as shall be directed by the President of the United States for the time being: *Provided,* the rate of compensation for such wounds and disabilities shall never exceed for the highest disabilities, half the monthly pay received by any commissioned officer, at the time of being so wounded or disabled; and that the rate of compensation to non-commissioned officers, privates and musicians, shall never exceed five dollars per month; and that all inferior disabilities shall entitle the person so disabled, to receive only a sum in proportion to the highest disability: *And provided,* that these provisions shall not be construed to extend to any person wounded or disabled, before the fourth of March, one thousand seven hundred and eighty-nine, nor to any person wounded or disabled since that time, who has made application for a pension, under any existing law of the United States, and has been denied, or admitted on the pension list: *And provided,* that all applications herein shall be made within one year after the end of the present session of Congress.

APPROVED, March 23, 1796.

STATUTE I.

March 31, 1796.

[Obsolete.]

CHAP. X.—*An Act making certain provisions in regard to the Circuit Court, for the district of North Carolina.*

WHEREAS a sufficient quorum of judges did not attend to hold the circuit court, for the district of North Carolina, for the purpose of doing

business in June term, one thousand seven hundred and ninety-five; and no judge attended to hold the said court in November term, in the same year: in consequence whereof, certain provisions are now become necessary and expedient to prevent a failure of justice in the said court:

SECTION 1. *Be it therefore enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall and may be lawful, for the district judge of the state of North Carolina, to direct the clerk of the said court, to issue such process for the purpose of causing persons to be summoned to serve as jurymen at the said court, at the term to commence the first day of June next, as has been before issued by the clerk of the said court for the like purpose returnable to June term, one thousand seven hundred and ninety-five; that the persons ordered by the said process to be summoned for the said purpose, shall be ordered to be summoned in the same proportion and from the same counties, as those persons who were ordered to be summoned for the like purpose by process returnable at June term, one thousand seven hundred and ninety-five: *Provided,* that it shall appear expedient to the said district judge, that a different time of notice shall be prescribed, than that hitherto prescribed, he may cause such other time of notice to be directed to be given as to him shall appear most conducive to justice, and convenient to the persons to be summoned: and the marshal is hereby directed to execute the said process so to be issued, and the persons who shall be legally summoned to attend as jurymen in consequence thereof, are hereby required to attend the said court, under the like penalties for disobedience as if the said process had been ordered to be issued by the said court in the ordinary method of proceeding: And the marshal and the persons who shall attend as jurymen in virtue of the said process so to be issued, shall be entitled to the like allowances for their services respectively.

SEC. 2. *And be it further enacted,* That all suits and proceedings, of what nature or kind soever, which have been commenced in the said court and not finished, shall be proceeded on at the ensuing term, in the same manner and to the same effect, as if the said circuit court had been regularly held for the purpose of business in June and November terms, one thousand seven hundred and ninety-five, and continuances had been regularly entered of all suits and proceedings in either or both of the said terms, in which they were depending, in the usual manner of proceeding, as the case might be.

SEC. 3. *And be it further enacted,* That all writs and other process sued out of the clerk's office of the said circuit court, according to the accustomed method bearing test in November term, one thousand seven hundred and ninety-four; June term, one thousand seven hundred and ninety-five, or November term, one thousand seven hundred and ninety-five, shall be held and deemed of the same validity and effect as if the respective terms of June and November, one thousand seven hundred and ninety-five, had been regularly held by a judge or judges competent to do business and continuances in respect to writs or other process returnable to the two last mentioned terms had been regularly entered.

APPROVED, March 31, 1796.

District judge of N. Carolina may order certain process for a jury to attend the circuit court at the next June term.

Different time of notice may be given to jurors.

No discontinuance on account of the court not having been held.

Process tested in certain terms to be nevertheless valid.

STATUTE I.

CHAP. XI.—*An Act to continue in force "An act to ascertain the fees in Admiralty proceedings in the District Courts of the United States, and for other purposes."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act, intitled "An act to ascertain the fees in admiralty proceedings in the district courts of the United States, and for other purposes," be, and is hereby continued in force, for the term of two years from the passing of this act, and from

March 31, 1796.

[Expired.]

March 1, 1793,
ch. 20.

Continued in force two years,

thence to the end of the next session of Congress thereafter, and no longer.

APPROVED, March 31, 1796.

STATUTE I.

April 8, 1796.

CHAP. XII.—*An Act authorizing the erection of a Lighthouse on Baker's Island, in the state of Massachusetts.*

Secretary of the Treasury to provide by contract for building a lighthouse on Baker's Island.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby authorized and directed, to provide by contract, which shall be approved by the President of the United States, for building a lighthouse on Baker's Island, near the entrance into the harbor of Salem and Beverly, in the state of Massachusetts, (as soon as a cession of the jurisdiction, to the United States, over the land proper for the purpose, is made by 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: That the number or disposition of the light or lights, in the said lighthouse, be such, as may tend to distinguish it from others, as far as is practicable: And that six thousand dollars be appropriated for the same, out of any monies not otherwise appropriated,

APPROVED, April 8, 1796.

Appropriation therefor.

STATUTE I.

April 18, 1796.

CHAP. XIII.—*An Act for establishing Trading Houses with the Indian Tribes.*

Act of March 30, 1792.

SECTION 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the President of the United States, to establish trading houses at such posts and places on the western and southern frontiers, or in the Indian country, as he shall judge most convenient for the purpose of carrying on a liberal trade with the several Indian nations, within the limits of the United States.

President to establish trading houses,

1806, ch. 48.

SEC. 2. And be it further enacted, That the President be authorized to appoint an agent for each trading house established, whose duty it shall be, to receive, and dispose of, in trade, with the Indian nations afore-mentioned, such goods as he shall be directed by the President of the United States to receive and dispose of, as aforesaid, according to the rules and orders which the President shall prescribe; and every such agent shall take an oath or affirmation, faithfully to execute the trust committed to him; and that he will not, directly or indirectly, be concerned or interested in any trade, commerce or barter, with any Indian or Indians whatever, but on the public account; and shall also give bond, with sufficient security, in such sum as the President of the United States shall direct, truly and honestly to account for all the money, goods and other property whatever, which shall come into his hands, or for which, in good faith, he ought so to account, and to perform all the duties required of him by this act: And his accounts shall be made up half-yearly, and transmitted to the Secretary of the Treasury of the United States.

and appoint agents for them,

their duties,

and oath.

To give bond.

SEC. 3. And be it further enacted, That the agents, their clerks, or other persons employed by them, shall not be, directly or indirectly, concerned or interested in carrying on the business of trade or commerce, on their own, or any other than the public account, or take, or apply to his or their own use, any emolument or gain for negotiating or transacting any business or trade, during their agency or employment, other than is provided by this act. And if any such person shall offend

Accounts to be made up half-yearly.

Agents, clerks, &c. not to carry on trade but on account of the United States, nor take other emolument than such as is provided by this act.

against any of the prohibitions aforesaid, he or they shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, forfeit to the United States, a sum not exceeding one thousand dollars, and shall be removed from such agency or employment, and forever thereafter be incapable of holding any office under the United States: *Provided*, That if any other person, than a public prosecutor, shall give information of any such offence, upon which a prosecution and conviction shall be had, one half the aforesaid penalty, when received, shall be for the use of the person giving such information.

Penalty.

Half of the penalty to be for the use of the informer, if he is not a public prosecutor.

SEC. 4. *And be it further enacted*, That the prices of the goods supplied to, and to be paid for by the Indians, shall be regulated in such manner, that the capital stock furnished by the United States may not be diminished.

Prices of goods how to be regulated.

SEC. 5. *Be it further enacted*, That during the continuance of this act, the President of the United States be, and he is hereby authorized to draw annually from the treasury of the United States, a sum not exceeding eight thousand dollars, to be applied, under his direction, for the purpose of paying the agents and clerks; which agents shall be allowed to draw out of the public supplies, two rations each, and each clerk one ration per day.

Pay and allowance to agents and clerks.

SEC. 6. *And be it further enacted*, That one hundred and fifty thousand dollars, exclusive of the allowances to agents and clerks, be and they are hereby appropriated for the purpose of carrying on trade and intercourse with the Indian nations, in the manner aforementioned, to be paid out of any monies unappropriated in the treasury of the United States.

Appropriation for the trade with the Indians.

SEC. 7. *And be it further enacted*, That if any agent or agents, their clerks, or other persons employed by them, shall purchase, or receive of any Indian, in the way of trade or barter, a gun or other article commonly used in hunting; any instrument of husbandry, or cooking utensil, of the kind usually obtained by Indians in their intercourse with white people; any article of clothing (excepting skins or furs) he or they shall, respectively, forfeit the sum of one hundred dollars for each offence, to be recovered by action of debt, in the name, and to the use of the United States, in any court of law of the United States, or of any particular state having jurisdiction in like cases, or in the supreme or superior courts of the territories of the United States: *Provided*, that no suit shall be commenced except in the state or territory within which the cause of action shall have arisen, or the defendant may reside: And it shall be the duty of the superintendents of Indian affairs and their deputies, respectively, to whom information of every such offence shall be given, to collect the requisite evidence, if attainable, and to prosecute the offender, without delay.

Penalty of agents, clerks, &c. purchasing certain articles from the Indians.

Suit therefore where to be commenced.
Duty herein of superintendents of Indian affairs.

SEC. 8. *And be it further enacted*, That this act shall be in force for the term of two years, and to the end of the next session of Congress thereafter, and no longer.

Limitation of this act.

APPROVED, April 18, 1796.

STATUTE I.

CHAP. XIV.—*An Act supplementary to an act entitled "An act to provide a Naval Armament."*

April 20, 1796.

[Obsolete.]

Act of March 27, 1794, ch. 12.

President to continue the construction and equipment of three frigates.

Ante, p. 394.

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 authorized to continue the construction and equipment (with all convenient expedition) of two frigates of forty-four, and one frigate of thirty-six guns, any thing in the act, entitled "An act to provide a naval armament," to the contrary notwithstanding.

SEC. 2. *And be it further enacted*, That so much of the sum of six hundred and eighty-eight thousand eight hundred and eighty-eight dol-

Appropriation therefor.

lars and eighty-two cents, which, by the act of June the ninth, one thousand seven hundred and ninety-four, was appropriated (to defray the expenses to be incurred pursuant to the act to provide a naval armament) as remains unexpended, as well as the sum of eighty thousand dollars which was appropriated for a provisional equipment of galleys, by the before recited act, be appropriated for the said purposes.

Certain materials to be sold :

SEC. 3. *And be it further enacted*, That the President of the United States be, and he is hereby authorized, to cause to be sold, such part of the perishable materials as may not be wanted for completing the three frigates, and to cause the surplus of the other materials to be safely kept for the future use of the United States.

others to be preserved.

APPROVED, April 20, 1796.

April 20, 1796.

CHAP. XV.—*An Act authorizing and directing the Secretary of War to place certain Persons, therein named, on the Pension List.*

[Obsolete.]
Secretary at War to place certain persons on the list of invalid pensioners at certain rates.

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary for the department of War be, and he is hereby directed, to place upon the list of invalid pensioners of the United States, the persons herein after named, who have been returned, as such, by the judges of the several districts, pursuant to the act of Congress, passed the twenty-eighth day of February, one thousand seven hundred and ninety-three, intituled "An act to regulate the claims to invalid pensions," at the rates and proportions annexed to the names of the said persons, respectively; that is to say :

1793, ch. 17.

Pensioners and their rates.

Of the district of Maine: Daniel Brawn, a private, two thirds of a pension; John Knowles, a private, one third of a pension: Ebenezer Phinney, a private, one fourth of a pension.

Of the district of New Hampshire: Jonas Adams, a private, one third of a pension; Andrew Aiken, a sergeant major, three fourths of a pension; Caleb Aldrich, a sergeant, a full pension; Caleb Austin, a private, one third of a pension; John Barter, a sergeant, half a pension; Archelaus Batchelder, a sergeant, half a pension; Ebenezer Bean, a private, one third of a pension; Job Briton, a private, one third of a pension; Ebenezer Carleton, a private, three fourths of a pension; Levi Chubbock, a fifer, one fourth of a pension; Edward Clark, a sergeant, one fourth of a pension; Morrell Coburn, a private, one fourth of a pension; Richard Colony, a private, half a pension; Ebenezer Copp, a sergeant, a full pension; James Crombie, a lieutenant, a full pension; William Curtis, a private, half a pension; Henry Danforth, a private, half a pension; James Dean, a private, one fourth of a pension; Lemuel Dean, a private, half a pension; Thomas Eastman, a private, three fourths of a pension; Ebenezer Fletcher, a fifer, one fourth of a pension; James Ford, a captain, half a pension; Stephen Fuller, a private, one third of a pension; Moses Sweat George, a private, half a pension; Joshua Gilman, a private, two thirds of a pension; Windsor Gleason, a private, one fourth of a pension; Joseph Greely, a private, one fourth of a pension; Joseph Green, a private, half a pension; Joshua Haynes, a private, half a pension; Joseph Hilton, a lieutenant, half a pension; Nathan Holt, a private, one fourth of a pension; Jonathan Holten, a lieutenant, half a pension; Caleb Hunt, a private, half a pension; Humphrey Hunt, a private, one fourth of a pension; Charles Huntoon, junior, a private, one third of a pension; Zadock Hurd, a private, one third of a pension; Ebenezer Jennings, a sergeant, one fourth of a pension; Peter Johnson, a private, one fourth of a pension; Thomas Kimball, a private, one fifth of a pension; Abraham Kimball, a private, half a pension; Benjamin Knight, a sergeant, one third of a pension; John Knight, a private, half a pension; Jonathan Lake, a corporal, half a pension; John Lapish, a private, one

Penstoners and
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fourth of a pension; Nathaniel Leavitt, a corporal, half a pension; John Lincoln, a private, one fourth of a pension; Joshua Lovejoy, a sergeant, half a pension; William Lowell, a sergeant, three fourths of a pension; Jonathan Margery, a private, two thirds of a pension; James Moore, a private, a full pension; Samuel Morrell, a private, two fifths of a pension; Joseph Moss, a private, two thirds of a pension; Jotham Nute, a sergeant, half a pension; Phinehas Parkhurst, a fifer, a full pension; Amos Pierce, a lieutenant, one third of a pension; Silas Pierce, a lieutenant, half a pension; Joel Porter, a private, one fourth of a pension; Samuel Potter, a sergeant, half a pension; Thomas Pratt, a private, half a pension; Jeremiah Pritchard, a lieutenant, half a pension; Asa Putney, a sergeant, half a pension; Charles Rice, a private, half a pension; John Smith, a sergeant, half a pension; Samuel Stocker, a private, half a pension; William Taggart, an ensign, half a pension; Eliphalet Taylor, a private, one third of a pension; Ebenezer Tinkham, a private, one third of a pension; John Varnum, a private, half a pension; Edward Waldo, a lieutenant, two thirds of a pension; Weymouth Wallace, a private, half a pension; Josiah Walton, a private, one third of a pension; Jacob Wellman, junior, a private, one fourth of a pension; Francis Whitcomb, a private, one third of a pension; Robert B. Wilkins, a private, two thirds of a pension; Jonathan Willard, an ensign, one fourth of a pension; Seth Wyman, a private, one fourth of a pension.

Of the district of Massachusetts: Thomas Alexander, a captain, half a pension; Ephraim Bailey, a private, half a pension; Robert Bancroft, a private, one sixth of a pension; James Batchelder, a private, one fourth of a pension; James Campbell, a private, one fourth of a pension; Caleb Chadwick, a private, one fourth of a pension; Barnabas Chapman, a private, one third of a pension; Richard Chase, a private, half a pension; Joseph Coxe, a sergeant, two thirds of a pension; Thomas Crowell, a private, a full pension; Levi Farnsworth, a private, half a pension; Benjamin Farnum, a captain, one third of a pension; Moses Fitch, a private, one fifth of a pension; Frederick Follett, a private, half a pension; Joseph Frost, a private, one eighth of a pension; Uriah Goodwin, a private, one fourth of a pension; Joseph Hale, a private, half a pension; Gamaliel Handy, a private, two thirds of a pension; Peter Hemenway, a private, half a pension; Jesse Holt, a corporal, one eighth of a pension; Job Lane, a private, half a pension; Ebenezer Learned, a colonel, one fourth of a pension; Moses MFarland, a captain, one third of a pension; Hugh Maxwell, a captain, one eighth of a pension; John Maynard, a lieutenant, one tenth of a pension; Tilley Mead, a private, one fourth of a pension; Elisha Munsell, a private, half a pension; John Nixon, a colonel, one third of a pension; Timothy Northam, a private, one third of a pension; Joseph Peabody, a private, one third of a pension; Amos Pearson, a sergeant, one fifth of a pension; Abner Pier, a private, half a pension; Job Priest, an ensign, one third of a pension; Amasa Scott, a private, one fourth of a pension; Robert Smith, a private, two thirds of a pension; Silvanus Snow, a private, one third of a pension; Cesar Sprague, a private, half a pension; Samuel Warner, a private, half a pension; William Warren, a lieutenant, one third of a pension; Samuel Willington, a private, half a pension; Nahum Wright, a sergeant, one eighth of a pension.

Of the district of Rhode Island: Clark Albro, a private, one fourth of a pension; John Baggs, junior, a sergeant, one third of a pension; Robert Cars, a private, half a pension; Jonathan Davenport, a private, one twenty-fourth of a pension; Nathan Jaquays, a private, one third of a pension; William Lunt, a private, half a pension; George Popple, a sergeant, one eighth of a pension; Job Snell, a private, one fourth of a pension; Edward Vose, a sergeant, one sixth of a pension.

Of the district of Connecticut: Theodore Andrus, a private, a full

Pensioners and
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pension; Samuel Andrus, a corporal, half a pension; William Bailey, a private, one fourth of a pension; Robert Bailey, a private, one fourth of a pension; Job Bartram, a captain, half a pension; Francis Baxter, a private, three fourths of a pension; Enos Blakesly, a private, a full pension; David Blackman, a private, two thirds of a pension; Elijah Boardman, a sergeant, three fourths of a pension; Jonathan Bowers, a corporal, half a pension; Aner Bradley, a sergeant, half a pension; Jedediah Brown, a sergeant, one fourth of a pension; Isaac Buel, a private, one third of a pension; Oliver Burnham, a sergeant, one fourth of a pension; William Burritt, a private, one fourth of a pension; John Chappell, a private, one third of a pension; Elisha Clark, a private, one fourth of a pension; Jonah Cook, a private, half a pension; Henry Cone, a private, one fourth of a pension; Simon Crosby, a private, half a pension; Prince Dennison, a private, half a pension; Israel Dibble, a private, one third of a pension; Gershom Dorman, a private, one third of a pension; Joseph Dunbar, a corporal, three fourths of a pension; Henry Filmore, a private, half a pension; Samuel French, a private, half a pension; Burr Gilbert, a corporal, two thirds of a pension; David Hall, junior, a sergeant, half a pension; Nathan Hawley, a corporal, one third of a pension; Daniel Hewitt, a sergeant, one third of a pension; Isaac Higgins, a private, half a pension; Thurston Hilliard, a private, one third of a pension; Thomas Hobby, a major, half a pension; John Horseford, a private, one eighth of a pension; Benjamin Howd, a private, three fourths of a pension; Elijah Hoyt, a private, half a pension; David Hubbel, a private, half a pension; Enock Jacobs, a private, three fourths of a pension; Robert Jeroin, a fifer, one fourth of a pension; Aaron Kelsey, a lieutenant, one fourth of a pension; Lee Lay, a captain, one sixth of a pension; John Ledyard, a private, three fourths of a pension; William Leeds, a lieutenant, half a pension; Naboth Lewis, a private, two thirds of a pension; Nathaniel Lewis, a private, one fourth of a pension; George Lord, a private, half a pension; Samuel Loomis, a corporal, one fourth of a pension; Jeremiah Markham, a sergeant, half a pension; Allyn Marsh, a corporal, half a pension; Josiah Merryman, a corporal, two thirds of a pension; Stephen Minor, a quarter gunner, half a pension; Justus Munn, a private, half a pension; Elnathan Norton, a private, three fourths of a pension; Joseph Otis, a private, half a pension; Thomas Parmelee, a sergeant, one eighth of a pension; Chandler Pardie, a private, seven eighths of a pension; Frederick Platt, a private, one third of a pension; Daniel Preston, a private, one third of a pension; David Ranney, a private, three fourths of a pension; Solomon Reynolds, a private, two thirds of a pension; Isaac Richards, a private, one third of a pension; Samuel Rossetter, a private, half a pension; Elijah Royce, a private, three fourths of a pension; Elihu Sabin, a private, half a pension; Samuel Sawyer, a private, half a pension; Nathaniel Scribner, a captain, one fourth of a pension; Thomas Shepherd, a private, one fourth of a pension; Amos Skeel, a private, one third of a pension; Heber Smith, a sergeant, half a pension; Aaron Smith, a private, one fourth of a pension; Edmund Smith, a private, half a pension; Josiah Spalding, a lieutenant, half a pension; Samuel Stillman, a private, half a pension; Benjamin Sturges, a private, one sixth of a pension; Enock Turner, junior, a private, two thirds of a pension; Richard Watrous, a private, three fourths of a pension; Stephen Wells, a lieutenant, half a pension; Jonathan Whaley, a private, one fourth of a pension; Ezra Willcox, a private, one fourth of a pension; Azel Woodworth, a private, three fourths of a pension.

Of the district of Vermont: Elijah Barnes, a private, one fourth of a pension; Elijah Bennett, a private, half a pension; Gideon Brownson, a major, a full pension; Thomas Brush, a private, one fourth of a pension; David Brydia, a private, half a pension; Nathan Burr, a private, half a

Pensioners and
their rates.

pension; James Campbell, a private, half a pension; Oliver Darling, a private, five eighths of a pension; Samuel Eyres, a private, one fourth of a pension; Asa Gould, a private, half a pension; Benjamin Gould, a private, half a pension; Amasa Grover, a private, one third of a pension; William Hazeltine, a private, half a pension; Jonathan Haynes, a private, two thirds of a pension; Zimri Hill, a private, half a pension; William Hunt, a private, half a pension; Elijah Knight, a private, one fourth of a pension; Ebenezer M'Ilvain, a private, half a pension; William Martin, a private, two thirds of a pension; Pliny Pomeroy, a private, four fifths of a pension; Moses Saunderson, a private, two thirds of a pension; John Stark, a captain, one fourth of a pension; Thomas Torrance, a private, half a pension; Benjamin Tower, a private, two thirds of a pension; William Waterman, a private, one third of a pension; John Wilson, a sergeant, one third of a pension.

Of the district of New York: Thomas Baldwin, a sergeant, half a pension; Abraham Blauvelt, a private, a full pension; Thomas Brooks, a private, three fourths of a pension; Duncan Campbell, a lieutenant, half a pension; William Champenois, a private, three fourths of a pension; Russell Chappell, a private, half a pension; Jeremiah Everett, a private, half a pension; Samuel Miller, a private, a full pension; Jared Palmer, a sergeant, half a pension; Stephen Powell, a private, one sixteenth of a pension; John Rogers, a private, half a pension; William Smith Scudder, a private, half a pension; James Slater, a private, half a pension; John Utters, a private, three fourths of a pension; John Vaughan, a sergeant, one fourth of a pension; Asa Virgil, a private, one fourth of a pension.

Of the district of New Jersey: William Crane, a lieutenant, a full pension; William Oliver, a lieutenant, two thirds of a pension; Joel Phelps, a private, half a pension; Samuel Taylor, a corporal, two thirds of a pension.

Of the district of Pennsylvania: John Cardiffe, a private, a full pension; Josiah Conckling, a private, half a pension; William Dewitt, a private, half a pension; Thomas Eagan, a matross, half a pension; Jacob Fox, a private, one third of a pension; Alexander Garrett, a private, three fourths of a pension; Samuel Gilman (alias Gilmore,) a private, half a pension; Adam Godenberger, a private, one fourth of a pension; John Haley, a corporal, three fourths of a pension; David Hickey, a private, a full pension; Lawrence Hipple, a private, half a pension; Nathaniel Hubble, a major, two thirds of a pension; Philip Lauer, a sergeant, one fourth of a pension; Charles M'Cormick, a private, a full pension; William M'Hatton, a lieutenant, a full pension; Michael Orner, a private, one fourth of a pension; Griffith Rees, a private, half a pension; Thomas Richart, a private, a full pension; Edward Wade, a private, half a pension; Thaddeus Williams, a private, one fourth of a pension; John Wright, a sergeant, half a pension.

Of the district of Delaware: Donald M'Donald, a corporal, a full pension.

Of the district of Maryland: John Bean, a private, half a pension; William Ormond, a private, three fourths of a pension.

Of the district of Virginia: John Bell, a lieutenant, three fourths of a pension; David Welch, a private, a full pension.

Of the district of Kentucky: James Speed, a lieutenant, a full pension.

Of the district of North Carolina: John Benton, a private, a full pension; George Bledsoe, a private, a full pension; Thomas Chiles, a captain, two thirds of a pension; James Christian, a private, half a pension; Robert Harris, a private, a full pension; John Knowles, a private, two thirds of a pension; James Smith, a private, a full pension.

SEC. 2. *And be it further enacted,* That the pensions allowed by this

These pensions how to be estimated.

Return of commutation.

1791, ch. 2.

These pensions how to be paid.

act, shall be estimated in manner following; that is to say: A full pension to a commissioned officer shall be considered, the one half of his monthly pay, as by law established; and the proportions less than a full pension shall be the like proportions of half pay: And a full pension to a non-commissioned officer or private soldier, shall be five dollars per month; and the proportions less than a full pension, shall be the like proportions of five dollars per month: *Provided*, That every commissioned officer who shall, by virtue of this act, be placed on the pension list, as entitled to a sum less than a full pension, shall receive such pension, only upon compliance with the same rule respecting a return of the commutation, which he may have received, as is provided for, in the case of captain David Cook, by an act of Congress, passed December the sixteenth, one thousand seven hundred and ninety-one.

SEC. 3. *And be it further enacted*, That the pensioners aforesaid shall be paid in the same manner as invalid pensioners are paid, who have heretofore been placed on the list of pensioners of the United States, under such restrictions and regulations, in all respects, as are prescribed by the laws of the United States, in such cases provided.

APPROVED, April 20, 1796.

STATUTE I.

April 28, 1796.

[Obsolete.]

Commissioners of the sinking fund to pay the funded stock bearing an interest of six per cent. by dividends.

Ante, p. 433.

CHAP. XVI.—*An Act in addition to an act intituled "An act making further provision for the support of Public Credit, and for the redemption of the Public Debt."*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall be lawful for the commissioners of the sinking fund, and they are hereby required, to cause the funded stock of the United States bearing a present interest of six per centum per annum, to be reimbursed and paid, in manner following, to wit: First, by dividends to be made on the last days of March, June and September for the present year, and from the year one thousand seven hundred and ninety-seven, to the year one thousand eight hundred and eighteen inclusive, at the rate of one and one half per centum upon the original capital. Secondly, by dividends to be made on the last day of December for the present year, and from the year one thousand seven hundred and ninety-seven, to the year one thousand eight hundred and seventeen inclusive, at the rate of three and one half per centum upon the original capital; and by a dividend to be made on the last day of December, in the year one thousand eight hundred and eighteen, of such a sum, as will be then adequate, according to the contract, for the final redemption of the said stock.

SEC. 2. *And be it further enacted*, That it shall be lawful for the said commissioners of the sinking fund, and they are hereby required, to cause the funded debt of the United States, upon which an interest of six per centum per annum will commence on the first day of January, in the year one thousand eight hundred and one, to be reimbursed and paid, in manner following, to wit: First, by dividends to be made on the last days of March, June and September, from the year one thousand eight hundred and one, to the year one thousand eight hundred and twenty-four, inclusively, at the rate of one and one half per centum upon the original capital: Secondly, by dividends to be made on the last day of December, from the year one thousand eight hundred and one, to the year one thousand eight hundred and twenty-three, inclusively, at the rate of three and one half per centum upon the original capital: and by a dividend to be made on the last day of December, in the year one thousand eight hundred and twenty-four, of such a sum, as will be then adequate, according to the contract, for the final redemption of the said stock.

SEC. 3. *And be it further enacted*, That it shall be lawful for the

The funded debt, the interest of which is deferred, also by dividends;

said commissioners of the sinking fund, and they are hereby required, to cause to be reimbursed and paid in manner before prescribed, such sum and sums, as, according to the right for that purpose reserved, may rightfully be paid for and towards the reimbursement or redemption of all such balances of the funded debt or stock of the United States, bearing a present interest of six per centum per annum, or which will bear a like interest, from and after the first day of January, in the year one thousand eight hundred and one, as stand to the credit of certain states, in consequence of an act passed on the thirty-first day of May, in the year one thousand seven hundred and ninety-four; and with the consent of the said states, such additional sums, as will render the reimbursement of the said balances equal to that made upon the residue of the said stock, at the commencement of the present year.

SEC. 4. *And be it further enacted*, That, in addition to the sums already appropriated to the sinking fund, by the act, intituled "An act making further provision for the support of public credit, and for the redemption of the public debt," there shall be, and is hereby, in like manner, appropriated to the said fund, such a sum of the duties on goods, wares and merchandise imported on the tonnage of ships and vessels, and on spirits distilled in the United States and on stills, as, with the monies, which now constitute the sinking fund, and shall accrue to it, in virtue of the provisions already made by law, and the interest upon the sums which shall be annually reimbursed, will be sufficient, yearly and every year, to reimburse and pay the said balances standing to the credit of certain states, in the manner herein before prescribed and directed.

SEC. 5. *And be it further enacted*, That it shall be lawful for the commissioners of the sinking fund, to appoint a secretary, whose duty it shall be, to record and preserve their proceedings and documents, and to certify copies thereof, when thereunto duly required; and the said secretary shall be allowed a compensation not exceeding two hundred and fifty dollars, annually, for his services.

APPROVED, April 28, 1796.

And certain sums of balances of funded debt or stock, standing to the credit of certain states, in like manner.

Ante, p. 371.

Appropriation for the payment of said balances standing to the credit of certain states.

1795, ch. 45.

The commissioners may appoint a secretary.

His compensation.

STATUTE I.

May 6, 1796.

CHAP. XVII.—*An Act making an Appropriation towards defraying the Expenses which may arise in carrying into effect the Treaty of Amity, Commerce and Navigation, made between the United States and the King of Great Britain.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That towards defraying the expenses which may arise in carrying into effect the treaty of amity, commerce and navigation, made between the United States and the king of Great Britain, there be appropriated a sum not exceeding eighty thousand eight hundred and eight dollars, to be paid out of the duties on impost and tonnage, to the end of the present year, not already appropriated; *Provided*, that the compensations to be allowed to any of the commissioners appointed, or to be appointed, in pursuance of any article of the said treaty, shall not exceed, to those who shall serve in Great Britain, the rate of six thousand six hundred and sixty-seven dollars and fifty cents, per annum; and to those who shall serve in the United States, the rate of four thousand four hundred and forty-five dollars, per annum.

APPROVED, May 6, 1796.

[Obsolete.]

Appropriation towards defraying the expenses of carrying the treaty of amity, commerce, &c. between the United States and Great Britain, into effect.

Limitation of the commissioners' compensation.

STATUTE I.

May 6, 1796.

CHAP. XVIII.—*An Act making an appropriation for defraying the expenses which may arise in carrying into effect the Treaty made between the United States and the King of Spain.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of defray-

[Obsolete.]

Appropriation for the expenses

of carrying into effect the treaty made between the United States and the king of Spain.

Limitation of the commissioners' compensation.

ing the expenses which may arise in carrying into effect, the treaty made between the United States and the king of Spain, a sum not exceeding eighteen thousand six hundred and eighty-three dollars, be, and the same hereby is appropriated, to be satisfied from the duties of impost and tonnage, to the end of the present year, not heretofore appropriated: *Provided*, That the compensation to be allowed to any of the commissioners, to be appointed in pursuance of any article of the said treaty, shall not exceed the rate of three thousand five hundred dollars, per annum.

APPROVED, May 6, 1796.

STATUTE I.

May 6, 1796.

[Obsolete.]

\$24,000 per annum appropriated for the payment of the annuity to the Dey and Regency of Algiers.

CHAP. XIX.—*An Act making an appropriation for defraying the expenses which may arise in carrying into effect the Treaty made between the United States and the Dey and Regency of Algiers.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of defraying the expenses of carrying into effect the treaty made between the United States and the Dey and Regency of Algiers, the monies arising under the revenue laws of the United States, which have been heretofore passed, not already appropriated to any other purpose, or so much thereof as may be necessary, to the amount of twenty-four thousand dollars per annum, be, and the same are hereby pledged and appropriated for the payment of the annuity stipulated in the said treaty, to be paid to the said Dey and Regency of Algiers, and to continue so pledged and appropriated, so long as the said treaty shall be in force.

APPROVED, May 6, 1796.

STATUTE I.

May 6, 1796.

[Obsolete.]

Appropriation for defraying the expenses of carrying into effect a treaty made between the United States and certain Indian tribes, northwest of the river Ohio.

CHAP. XX.—*An Act making Appropriations for defraying the Expenses which may arise in carrying into effect a Treaty made between the United States and certain Indian Tribes, northwest of the river Ohio.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of defraying the expenses which may arise in carrying into effect the treaty made between the United States and the tribes of Indians, called the Wyandots, Delawares, Shawanoes, Ottawas, Chippewas, Putawatimes, Miamis, Eel river, Weeá, Kickapoo, Piankashaw, and Kaskaskias, at Greenville, on the third day of August, one thousand seven hundred and ninety-five, the monies arising under the revenue laws of the United States, which have been heretofore passed, not already appropriated to any other purpose, or so much thereof as may be necessary, be, and are hereby pledged and appropriated for the payment of the annuity stipulated in the said treaty, to be paid to the said Indian tribes; that is to say; to the Wyandots, one thousand dollars; to the Delawares, one thousand dollars; to the Shawanoes, one thousand dollars; to the Ottawas, one thousand dollars; to the Chippewas, one thousand dollars; to the Putawatimes, one thousand dollars; to the Miamis, one thousand dollars; to the Eel river, Weeá, Kickapoo, Piankashaw and Kaskaskias tribes, each five hundred dollars: And to continue so pledged and appropriated, so long as the said treaty shall be in force. And that a further sum of one thousand five hundred dollars, out of the monies aforesaid, be also appropriated to defray the cost of transportation, and other contingent charges which may arise from the payment of the said annuity, according to the stipulations contained in the said treaty.

APPROVED, May 6, 1796.

CHAP. XXI.—*An Act authorizing a Loan for the use of the City of Washington, in the District of Columbia, and for other purposes therein mentioned.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the commissioners, under the act, intituled "An act for establishing the temporary and permanent seat of the government of the United States," be, and they are hereby authorized, under the direction of the President of the United States, to borrow, from time to time, such sum or sums of money, as the said President shall direct, not exceeding three hundred thousand dollars in the whole, and not exceeding two hundred thousand dollars, in any one year, at an interest not exceeding six per centum per annum, and reimbursable at any time after the year one thousand eight hundred and three, by instalments, not exceeding one fifth of the whole sum borrowed, in any one year; which said loan or loans shall be appropriated and applied by the said commissioners, in carrying into effect the above recited act, under the control of the President of the United States.

SEC. 2. *And be it further enacted,* That all the lots, except those now appropriated to public use in the said city, vested in the commissioners aforesaid, or in trustees, in any manner, for the use of the United States, now holden and remaining unsold, shall be, and are hereby declared and made chargeable with the repayment of all and every sum and sums of money, and interest thereupon, which shall be borrowed in pursuance of this act: And, to the end, that the same may be fully and punctually repaid, the said lots, or so many of them as shall be necessary, shall be sold and conveyed, at such times, and in such manner, and on such terms, as the President of the United States, for the time being, shall direct: And the monies arising from the said sales, shall be applied and appropriated, under his direction, to the discharge of the said loans, after first paying the original proprietors any balances due to them, respectively, according to their several conveyances to the said commissioners or trustees. And if the product of the sales of all the said lots shall prove inadequate to the payment of the principal and interest of the sums borrowed under this act, then the deficiency shall be paid by the United States, agreeably to the terms of the said loans; for it is expressly hereby declared and provided, that the United States shall be liable only for the repayment of the balance of the monies to be borrowed under this act, which shall remain unsatisfied by the sales of all the lots aforesaid, if any such balance shall thereafter happen.

SEC. 3. *And be it further enacted,* That every purchaser or purchasers, his or their heirs or assigns, from the said commissioners or trustees, under the direction of the said President, of any of the lots herein before mentioned, after paying the price, and fulfilling the terms stipulated and agreed to be paid and fulfilled, shall have, hold and enjoy the said lot or lots so bought, free, clear and exonerated from the charge and incumbrance hereby laid upon the same.

SEC. 4. *And be it further enacted,* That the commissioners aforesaid, shall, semi-annually, render to the Secretary of the Treasury, a particular account of the receipts and expenditures of all monies intrusted to them, and also, the progress and state of the business, and of the funds under their administration; and that the said secretary lay the same before Congress, at every session after the receipt thereof.

APPROVED, May 6, 1796.

STATUTE I.

May 6, 1796.

[Obsolete.]

Commissioners of the city of Washington may, under the direction of the President, borrow certain sums.

1790, ch. 28.

1802, ch. 41.

Certain lots made chargeable with the repayment of those loans.

Those lots to be sold, and the monies applied to discharge the loans.

If the product of such sales should be insufficient, then only the United States to pay the deficiency.

Purchasers of lots to be exempt from incumbrance.

Commissioners shall render an account of receipts and expenditures, &c. semi-annually to the Secretary of the Treasury, who shall lay it before Congress.

STATUTE I.

May 6, 1796.

[Obsolete.]

CHAP. XXII.—*An Act making further provision relative to the Revenue Cutters.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from

Alteration of the compensation to the officers and mariners of the revenue cutters.

Forfeitures under the impost laws, recovered in consequence of information given by officers of the revenue cutters, how to be disposed of.

President to cause other revenue cutters to be built or purchased in lieu of such as become unfit for service.

Those which are unfit for service to be sold.

Limitation of the first section.

Act of March 2, 1799, ch. 22.

STATUTE I.

May 6, 1796.

[Obsolete.]

Consent of Congress granted to the act of Maryland for collecting a duty of one cent per ton on vessels coming into Baltimore district from a foreign voyage.

Limitation of the act.

See page 546, post.

and after the first day of May, in the present year, there be allowed, in lieu of the compensation now established, to the master of each revenue cutter, fifty dollars per month; to each first mate, thirty-five dollars per month; to each second mate, thirty dollars per month; to each third mate, twenty-five dollars per month; and to each mariner, not exceeding twenty dollars per month; to be paid by the collectors of the revenue, who shall be designated for that purpose.

SEC. 2. *And be it further enacted*, That all penalties, fines and forfeitures which may be incurred under the impost laws of the United States, and recovered in consequence of information given by any officer of a revenue cutter, shall, after deducting all proper costs and charges, be disposed of, as follows: One fourth part shall be for the use of the United States, and be paid into the treasury thereof; one fourth part, for the officers of the customs, to be distributed in the manner now provided, relative to that part of forfeitures they are now entitled to; and the remainder thereof, to the officers of such cutter, to be divided among them, in proportion to their pay.

SEC. 3. *And be it further enacted*, That the President of the United States be, and he hereby is authorized, to cause other revenue cutters to be built or purchased, in lieu of such as are or shall, from time to time, become unfit for further service; the expense whereof, as well as all future expenses of building, purchasing or repairing revenue cutters, shall be paid out of the product of the duties on goods, wares and merchandise, imported into the United States, and on the tonnage of ships or vessels.

SEC. 4. *And be it further enacted*, That the President of the United States be, and he is hereby authorized to cause such revenue cutters as shall, from time to time, become unfit for service, to be sold at public auction, and the proceeds of such sales to be paid into the treasury of the United States.

SEC. 5. *And be it further enacted*, That so much of this act as fixes the compensation of the officers and men on board the said cutters, shall be, and remain in force, for the term of one year, and from thence to the end of the next session of Congress thereafter, and no longer.

APPROVED, May 6, 1796.

CHAP. XXIII.—*An Act to continue in force, for a limited time, an act intituled "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."*

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, and from thence to the end of the next session of Congress thereafter, and no longer.

APPROVED, May 6, 1796.

STATUTE I.

May 12, 1796.

CHAP. XXIV.—*An Act to repeal so much of an act intituled "An act to establish the judicial courts of the United States," as directs that alternate sessions of the Circuit Court for the district of Pennsylvania shall be holden at Yorktown; 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 so much of the fifth section of the act, intituled "An act to establish the judicial courts of the United States," as directs that alternate sessions of the circuit court for the district of Pennsylvania, shall be holden at Yorktown, be, and the same is hereby repealed; and that all the sessions of the said circuit court, shall, from and after the passing of this act, be holden at the city of Philadelphia, excepting only, when at any session of the said court, the judges thereof shall direct the next session to be holden at Yorktown; which they are hereby authorized and empowered to do, whenever it shall appear to them to be necessary.

SEC. 2. *And be it further enacted,* That all such process of the said court, as may have issued before the passing of this act, and all recognizances returnable, and all suits and other proceedings that were continued to the said circuit court for the district of Pennsylvania, on the eleventh of October next, in Yorktown, shall now be returned, and held continued to the same court, on the same day, at Philadelphia. And to the end, that suitors, witnesses and all others concerned, may have notice of the alteration hereby made, the marshal of the said district of Pennsylvania is hereby required to make the same known, by proclamation, on or before the first day of August next.

APPROVED, May 12, 1796.

Act of Sep. 20, 1789, ch. 20. Circuit court for Pennsylvania district to be holden only at Philadelphia, except when the judges direct it to be holden at Yorktown.

Returns and continuances to the 11th of next October at Yorktown changed to the same day at Philadelphia.

Notice thereof to be given by the marshal by proclamation.

STATUTE I.

May 12, 1796.

CHAP. XXV.—*An Act allowing compensation for Horses killed in battle belonging to officers of the army 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 every officer in the army of the United States, whose duty requires him to be on horseback, in time of action, and whose horse shall be killed in battle, be allowed a sum not exceeding two hundred dollars, as a compensation for each horse so killed.

SEC. 2. *And be it further enacted,* That the provision contained in this act shall have retrospective operation, so far as the fourth day of March, in the year one thousand seven hundred and eighty-nine: *Provided,* That no person shall receive payment for any horse so killed, until he make satisfactory proof to the Secretary at War, that the horse, for which he claims compensation, was actually killed under such circumstances, as to entitle him to this provision, in all cases, which have heretofore taken place, within one year after the end of the present session of Congress; and in all cases which may take place hereafter, within one year after such horse shall have been killed.

SEC. 3. *And be it further enacted,* That the proof of the value of such horse shall be, by the affidavit of the quartermaster of the corps, to which the owner may belong, or of two other credible witnesses.

APPROVED, May 12, 1796.

Officers whose duty requires them to be on horseback, to be paid for horses killed in battle.

Act to be retrospective as far as fourth of March, 1789.

Proof to be made to the Secretary of War within a limited time.

How proof of the value shall be made.

STATUTE I.

May 12, 1796.

CHAP. XXVI.—*An Act declaring the consent of Congress to a certain Act of the State of Maryland, and to continue an act declaring the assent of Congress to certain Acts of the States of Maryland, Georgia and Rhode Island and Providence Plantations, so far as the same respects the States of Georgia, and Rhode Island and Providence Plantations.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the con-

[Expired.]

Consent of Congress to a certain act of

Maryland empowering the wardens of the port of Baltimore to levy and collect the duty therein mentioned.

Part of the act declaring the assent of Congress to certain acts of the states of Maryland, Georgia, and Rhode Island and Providence Plantations continued in force. 1800, ch. 15.

sent of Congress be, and is hereby granted and declared to the operation of an act of the General Assembly of Maryland, made and passed at a session begun and held at the city of Annapolis, on the first Monday of November, in the year one thousand seven hundred and ninety-one, intituled "An act empowering the wardens of the port of Baltimore to levy and collect the duty therein mentioned."

SEC. 2. *And be it further enacted*, That the act, intituled "An act declaring the assent of Congress to certain acts of the states of Maryland, Georgia and Rhode Island and Providence Plantations," shall be continued, and is hereby declared to be in full force, so far as the same respects the states of Georgia and Rhode Island and Providence Plantations.

SEC. 3. *And be it further enacted*, That this act shall be, and continue in force for the term of three years, and from thence to the end of the next session of Congress thereafter, and no longer.

APPROVED, May 12, 1796.

STATUTE I.

May 17, 1796.

CHAP. XXVII.—*An Act authorizing the erection of a Lighthouse on Cape Cod, in the State of Massachusetts.*

A lighthouse to be erected on Cape Cod.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the Secretary of the Treasury, to provide, by contract, which shall be approved by the President of the United States, for building a lighthouse on Cape Cod, in the state of Massachusetts, (as soon as the necessary cession of land for the purpose shall be made by the said state to the United States;) 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 number or disposition of the light or lights in the said lighthouse, be such, as may tend to distinguish it from others, as far as is practicable; and that the light or lights on Gurnet head, at the entrance of Plymouth harbour, be altered or diminished, if necessary: And that eight thousand dollars be appropriated for the same, out of any monies not otherwise appropriated.

Appropriation therefor.

APPROVED, May 17, 1796.

STATUTE I.

May 18, 1796.

CHAP. XXIX.—*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.*(a)

A surveyor general to be appointed; his power and duties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That a Surveyor General shall be appointed, whose duty it shall be to engage a sufficient number of skilful surveyors, as his deputies; whom he shall

(a) The acts of Congress relating to the sale of the public lands northwest of the river Ohio, are: 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 the Kentucky river, May 18, 1796, chap. 29; an act for regulating grants of land appropriated for military services, and for the Society of the United Brethren, for propagating the gospel among the heathen, June 1, 1796, chap. 46; an act to amend the act entitled "An act for regulating grants of land appropriated for military services, and for the Society of United Brethren for propagating the gospel among the heathen," March 2, 1799, chap. 29; an act to authorize the sale of certain lands between the Great and Little Miami rivers, in the territory of the United States, northwest of the river Ohio; and for giving a pre-emption to certain purchasers, March 2, 1799, chap. 34; an act in addition to an act regulating the grants of land appropriated for military services, and for the Society of United Brethren for propagating the gospel among the heathen, and for other purposes, March 1, 1800; act of May 10, 1800; an act making provision for the disposal of the public lands in the Indiana territory, and for other purposes, March 26, 1804, chap. 35; an act to authorize the Secretary at War, to issue land warrants, and for other purposes, April 15, 1806, chap. 26; an act providing for the cases of lost military land warrants and discharges for faithful services, April 27, 1816, chap. 127, &c. &c.

cause, without delay, to survey and mark the unascertained outlines of the lands lying northwest of the river Ohio, and above the mouth of the river Kentucky, in which the titles of the Indian tribes have been extinguished, and to divide the same in the manner herein after directed; he shall have authority to frame regulations and instructions for the government of his deputies; to administer the necessary oaths, upon their appointments; and to remove them for negligence or misconduct in office.(a)

SEC. 2. *Be it further enacted*, That the part of the said lands,

(a) The decisions of the courts of the United States, as to the principles which regulate the titles to the public lands, in the states which form part of the territory northwest of the river Ohio, have been :

A title to lands under grants by Indian titles northwest of the river Ohio, to private individuals in the years 1773 and 1775, cannot be sustained in the courts of the United States. *Lessee of Johnson et al. v. McIntosh*, 8 Wheat. 543; 5 Cond. Rep. 515.

The title to land depends entirely on the laws of the nation in which they lie. *Ibid.*

Discovery constitutes the original title to lands on the American continent, as between the different European nations. The title thus derived was the exclusive right of acquiring the soil from the natives, and establishing settlements upon it. The title was to be consummated by possession. *Ibid.*

The right of the original inhabitants, was to a considerable extent impaired, but in no instance disregarded. The Europeans respected the right of the natives as occupants, but asserted the ultimate dominion to be in themselves; and claimed and exercised as a consequence of this ultimate dominion, a power to grant the soil while yet in the possession of the natives. *Ibid.*

By the treaty between Great Britain and the United States, which concluded the revolution, the powers of government and the right of soil, which had been previously in Great Britain, passed definitely to the United States. *Ibid.*

The United States, or the several states, have a clear title to all the lands within the boundary lines described in the treaty; subject only to the Indian right of occupancy: and the exclusive power to extinguish that right, was vested in the United States, which might constitutionally exercise it. *Ibid.*

It is a principle of universal law, that if an uninhabited country be discovered by a number of individuals, who acknowledge no connection with, and own no allegiance to any government whatever, the country becomes the property of the discoverers, so far as they can use it. *Ibid.*

If the discovery be made, and possession be taken under the authority of an existing government which is acknowledged by the emigrants, the discovery is made for the whole nation; and the country becomes a part of the nation, and the vacant soil is to be disposed of by that organ of the government which has the constitutional power to dispose of the national domain. *Ibid.*

The decision of the register and receiver of a land-office, in the absence of fraud, would be conclusive as to the facts that the applicant for the land was then in possession, and of his cultivating the land during the preceding year; because these questions are directly submitted to those officers. Yet if they undertake to grant pre-emptions to land, on which the law declares they shall not be granted, then they are acting on a subject matter clearly not within their jurisdiction; as much so, as if a court whose jurisdiction was declared not to extend beyond a given sum, should attempt cognizance of a case beyond that sum. *Wilcox v. Jackson*, 13 Peters, 498.

Appropriation of land by the government, is nothing more or less than setting it apart for some peculiar use. Whenever a tract of land has been once legally appropriated to any purpose, from that moment the land thus appropriated becomes severed from the mass of public lands: and no subsequent law or proclamation, or sale, would be construed to embrace it, or to operate upon it, although no other reservation were made of it. *Ibid.*

Nothing passes a perfect title to public lands, with the exception of a few cases, but a patent. The exceptions are where Congress grants lands in words of present grant. The general rule applies as well to pre-emptions, as to other purchases of public land. *Ibid.*

A state has a perfect right to legislate as she may please, in regard to the remedies to be prosecuted in her courts, and to regulate the disposition of the property of her citizens, by descent, devise or alienation. But Congress are invested by the constitution with the power of disposing of the public land, and making needful rules and regulations concerning it. *Ibid.*

Where a patent has not been issued for a part of the public land, a state has no power to declare any title less than a patent valid against the claim of the United States to the land; or against a title held under a patent from the United States. *Ibid.*

Whenever the question in any court, state or federal, is whether the title to property which had belonged to the United States, has passed, that question must be resolved by the laws of the United States. But whenever the property has passed, according to those laws, then the property, like all other in the state, is subject to state legislation; so far as that legislation is consistent with the admission that the title passed, and was vested according to the laws of the United States. *Ibid.*

Congress has the sole power to declare the dignity and effect of titles emanating from the United States; and the whole legislation of the government, in reference to public lands, declares the patent to be the superior and conclusive evidence of legal title. Until it issues, the fee is in the government, which by the patent passes to the grantee, and he is entitled to recover the possession by ejectment. *Bagnell v. Broderick*, 13 Peters, 436.

Where the title to the public land has passed out of the United States by conflicting patents, there can be no objection to the practice adopted by the courts of a state, to give effect to the better right in any form of remedy the legislature or courts of the state may prescribe.

No doubt is entertained, of the power of the states to pass laws authorizing purchasers of lands from the United States, to prosecute actions of ejectment upon certificates of purchase against trespassers on the lands purchased; but it is denied that the states have any power to declare certificates of purchase, of equal dignity with a patent. Congress alone can give them such effect. *Ibid.*

The lands how to be surveyed, laid out, &c.

which has not been already conveyed by letters patent, or divided, in pursuance of an ordinance in Congress, passed on the twentieth of May, one thousand seven hundred and eighty-five, or which has not been heretofore, and during the present session of Congress may not be appropriated for satisfying military land bounties, and for other purposes, shall be divided by north and south lines run according to the true meridian, and by others crossing them at right angles, so as to form townships of six miles square, unless where the line of the late Indian purchase, or of tracts of land heretofore surveyed or patented, or the course of navigable rivers may render it impracticable; and then this rule shall be departed from no further than such particular circumstances may require. The corners of the townships shall be marked with progressive numbers from the beginning; each distance of a mile between the said corners shall be also distinctly marked with marks different from those of the corners. One half of the said townships, taking them alternately, shall be subdivided into sections, containing, as nearly as may be, six hundred and forty acres each, by running through the same, each way, parallel lines, at the end of every two miles; and by marking a corner, on each of the said lines, at the end of every mile; the sections shall be numbered respectively, beginning with the number one, in the north-east section, and proceeding west and east alternately, through the township with progressive numbers, till the thirty-sixth be completed. And it shall be the duty of the deputy surveyors, respectively, to cause to be marked, on a tree near each corner made, as aforesaid, and within the section, the number of each section, and over it, the number of the township, within which such section may be; and the said deputies shall carefully note, in their respective field-books, the names of the corner trees marked, and the numbers so made: The fractional parts of townships shall be divided into sections, in manner aforesaid, and the fractions of sections shall be annexed to, and sold with, the adjacent entire sections. All lines shall be plainly marked upon trees, and measured with chains, containing two perches of sixteen feet and one half each, subdivided into twenty-five equal links, and the chain shall be adjusted to a standard to be kept for that purpose. Every surveyor shall note in his field-book the true situations of all mines, salt licks, salt springs and mill seats, which shall come to his knowledge; all water courses, over which the line he runs shall pass; and also the quality of the lands. These field-books shall be returned to the Surveyor General, who shall therefrom cause a description of the whole lands surveyed, to be made out and transmitted to the officers who may superintend the sales: He shall also cause a fair plat to be made of the townships, and fractional parts of townships, contained in the said lands, describing the subdivisions thereof, and the marks of the corners. This plat shall be recorded in books to be kept for that purpose; a copy thereof shall be kept open at the Surveyor General's office, for public information; and other copies sent to the places of the sale, and to the Secretary of the Treasury.

Plat of townships and fractional parts to be made.

Reservations for the future disposal of the United States.

SEC. 3. *Be it further enacted*, That a salt spring lying upon a creek which empties into the Sciota river, on the east side, together with as many contiguous sections as shall be equal to one township, and every other salt spring which may be discovered, together with the section of one mile square which includes it, and also four sections at the centre of every township, containing each one mile square, shall be reserved, for the future disposal of the United States; but there shall be no reservations, except for salt springs, in fractional townships, where the fraction is less than three fourths of a township.

Sections of 640 acres (except reservations) to be sold at ven-

SEC. 4. *Be it further enacted*, That whenever seven ranges of townships shall have been surveyed below the Great Miami, or between the Sciota river and the Ohio company's purchase, or between the southern boundary of the Connecticut claims and the ranges already laid off

beginning upon the Ohio river and extending westwardly, and the plats thereof made and transmitted, in conformity to the provisions of this act, the said sections of six hundred and forty acres (excluding those hereby reserved) shall be offered for sale, at public vendue, under the direction of the governor or secretary of the western territory, and the Surveyor General: such of them as lie below the Great Miami shall be sold at Cincinnati; those of them which lie between the Sciota and the Ohio company's purchase, at Pittsburg; and those between the Connecticut claim and the seven ranges, at Pittsburg. And the townships remaining undivided shall be offered for sale, in the same manner, at the seat of government of the United States, under the direction of the Secretary of the Treasury, in tracts of one quarter of a township lying at the corners thereof, excluding the four central sections, and the other reservations before mentioned: *Provided always*, that no part of the lands directed by this act to be offered for sale, shall be sold for less than two dollars per acre.

SEC. 5. *Be it further enacted*, That the Secretary of the Treasury, after receiving the aforesaid plats, shall forthwith give notice, in one newspaper in each of the United States, and of the territories northwest and south of the river Ohio, of the times of sale; which shall, in no case, be less than two months from the date of the notice; and the sales at the different places shall not commence, within less than one month of each other: And when the governor of the western territory, or Secretary of the Treasury, shall find it necessary to adjourn, or suspend the sales under their direction, respectively, for more than three days, at any one time, notice shall be given in the public newspapers, of such suspension, and at what time the sales will re-commence.

SEC. 6. *Be it further enacted*, That immediately after the passing of this act, the Secretary of the Treasury shall, in the manner herein before directed, advertise for sale, the lands remaining unsold in the seven ranges of townships, which were surveyed, in pursuance of an ordinance of Congress, passed the twentieth of May, one thousand seven hundred and eighty-five, including the lands drawn for the army, by the late Secretary of War, and also those heretofore sold, but not paid for; the townships which by the said ordinance, are directed to be sold entire, shall be offered for sale, at public vendue in Philadelphia, under the direction of the Secretary of the Treasury, in quarter townships, reserving the four centre sections, according to the directions of this act. The townships, which, by the said ordinance, are directed to be sold in sections, shall be offered for sale at public vendue, in Pittsburg, under the direction of the governor or secretary of the western territory, and such person as the President may specially appoint for that purpose, by sections of one mile square each, reserving the four centre sections, as aforesaid; and all fractional townships shall also be sold in sections, at Pittsburg, in the manner, and under the regulations provided by this act, for the sale of fractional townships: *Provided always*, That nothing in this act shall authorize the sale of those lots, which have been heretofore reserved in the townships already sold.

SEC. 7. *Be it further enacted*, That the highest bidder for any tract of land, sold by virtue of this act, shall deposit, at the time of sale, one twentieth part of the amount of the purchase money; to be forfeited, if a moiety of the sum bid, including the said twentieth part, is not paid within thirty days, to the treasurer of the United States, or to such person as shall be appointed by the President of the United States, to attend the places of sale for that purpose; and upon payment of a moiety of the purchase money, within thirty days, the purchaser shall have one year's credit for the residue; and shall receive from the Secretary of the Treasury, or the governor of the western territory, (as the case may be) a certificate describing the land sold, the sum paid on account, the balance

due, by the Governor or Secretary of the western territory, and the Surveyor General.

Undivided townships to be sold in like manner by the Secretary of the Treasury.

No part of the lands to be sold for less than two dollars per acre.

Secretary of Treasury to give notice of the times of sale, &c.

Certain other lands to be sold.

Mode of payment and of obtaining a patent, &c.

Mode of payment, and of obtaining a patent, &c.

1812, ch. 68, sec. 8.
1836, ch. 352, sec. 6.

Entries to be made of the date of sales &c.

Governor or Secretary to transmit copies at certain times.

Tracts sold to be noted on the general plat.

Navigable rivers to be public highways.
Streams not navigable, to be common property.

Compensation of Surveyor Gen. President to fix compensation of assistant surveyors.

Expense not to exceed three dollars for every mile surveyed.

Regulation of fees to be paid.

Oath to be taken by the Surveyor General, &c.

The person to be appointed to receive the mo-

remaining due, the time when such balance becomes payable; and that the whole land sold will be forfeited, if the said balance is not then paid; but that if it shall be duly discharged, the purchaser, or his assignee, or other legal representative, shall be entitled to a patent for the said lands: And on payment of the said balance to the treasurer, within the specified time, and producing to the Secretary of State a receipt for the same, upon the aforesaid certificate, the President of the United States is hereby authorized to grant a patent for the lands to the said purchaser, his heirs or assigns: And all patents shall be countersigned by the Secretary of State, and recorded in his office. But if there should be a failure in any payment, the sale shall be void, all the money theretofore paid on account of the purchase shall be forfeited to the United States, and the lands thus sold shall be again disposed of, in the same manner as if a sale had never been made: *Provided nevertheless*, that should any purchaser make payment of the whole purchase money, at the time when the payment of the first moiety is directed to be made, he shall be entitled to a deduction of ten per centum on the part, for which a credit is hereby directed to be given; and his patent shall be immediately issued.

SEC. 8. *Be it further enacted*, That the Secretary of the Treasury, and the governor of the territory north west of the river Ohio, shall respectively, cause books to be kept, in which shall be regularly entered, an account of the dates of all the sales made, the situation and numbers of the lots sold, the price at which each was struck off, the money deposited at the time of sale, and the dates of the certificates granted to the different purchasers. The governor, or secretary of the said territory shall, at every suspension or adjournment, for more than three days, of the sales under their direction, transmit to the Secretary of the Treasury, a copy of the said books, certified to have been duly examined and compared with the original. And all tracts sold under this act, shall be noted upon the general plat, after the certificate has been granted to the purchaser.

SEC. 9. *And be it further enacted*, That all navigable rivers, within the territory to be disposed of by virtue of this act, shall be deemed to be, and remain public highways: And that in all cases, where the opposite banks of any stream, not navigable, shall belong to different persons, the stream and the bed thereof shall become common to both.

SEC. 10. *And be it further enacted*, That the surveyor general shall receive for his compensation, two thousand dollars per annum; and that the President of the United States may fix the compensation of the assistant surveyors, chain carriers and axe men: *Provided*, that the whole expense of surveying and marking the lines, shall not exceed three dollars per mile, for every mile that shall be actually run or surveyed.

SEC. 11. *And be it further enacted*, That the following fees shall be paid for the services to be done under this act, to the treasurer of the United States, or to the receiver in the western territory, as the case may be; for each certificate for a tract containing a quarter of a township, twenty dollars; for a certificate for a tract containing six hundred and forty acres, six dollars; and for each patent for a quarter of a township, twenty dollars; for a section of six hundred and forty acres, six dollars: And the said fees shall be accounted for by the receivers, respectively.

SEC. 12. *And be it further enacted*, That the surveyor general, assistant surveyors, and chain carriers, shall, before they enter on the several duties to be performed under this act, severally take an oath or affirmation, faithfully to perform the same; and the person, to be appointed to receive the money on sales in the western territory, before he shall receive any money under this act, shall give bond with sufficient security,

for the faithful discharge of his trust : That, for receiving, safe keeping, and conveying to the treasury the money he may receive, he shall be entitled to a compensation to be hereafter fixed.

APPROVED, May 18, 1796.

ney in the western territory to give bond, &c.

STATUTE I.

CHAP. XXX.—*An Act to regulate Trade and Intercourse with the Indian Tribes, and to preserve Peace on the Frontiers.*(a)

May 19, 1796.

[Expired.]

Act of March 30, 1802, Act of March 3, 1799.

A boundary line between the United States and various Indian tribes to be ascertained and marked.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following boundary line, established by treaty between the United States and various Indian tribes, shall be clearly ascertained, and distinctly marked, in all such places, as the President of the United States shall deem necessary, and in such manner as he shall direct, to wit: Beginning at the mouth of Cayahoga river on Lake Erie, and running thence up the same, to the portage between that and the Tuscaroras branch of the Muskingum; thence down that branch, to the crossing place above Fort Lawrence; thence westerly to a fork of that branch of the Great Miami river, running into the Ohio, at, or near which fork, stood Jaromie's store, and where commences the portage, between the Miami of the Ohio, and Saint Mary's river, which is a branch of the Miami, which runs into Lake Erie; thence a westerly course to Fort Recovery, which stands on a branch of the Wabash; thence southwesterly, in a direct line to the Ohio, so as to intersect that river, opposite the mouth of Kentucky or Cuttawba river; thence down the said river Ohio, to the tract of one hundred and fifty thousand acres, near the rapids of the Ohio, which has been assigned to General Clark, for the use of himself and his warriors; thence around the said tract, on the line of the said tract, till it shall again intersect the said river Ohio; thence down the same, to a point opposite the high lands or ridge between the mouth of the Cumberland and Tennessee rivers; thence easterly on the said ridge, to a point, from whence, a southwest line will strike the mouth of Duck river; thence still easterly on the said ridge, to a point forty miles above Nashville; thence northeast, to Cumberland river; thence up the said river, to where the Kentucky road crosses the same; thence to the top of Cumberland mountain; thence along Campbell's line, to the river Clinch; thence down the said river, to a point from which a line shall pass the Holsten, at the ridge, which divides the waters running into Little River, from those running into the Tennessee; thence south, to the North Carolina boundary; thence along the South Carolina Indian boundary, to and over the Oconna mountain, in a southwest course, to Tugelo river; thence in a direct line, to the top of the Currahee mountain, where the Creek line passes it; thence to the head or source of the main south branch of the Oconee river, called the Appalachee; thence down the middle of the said main south branch and river Oconee, to its confluence with Oakmulgee, which forms the river Altamaha; thence down the middle of the said Altamaha, to the old line on the said river; and thence along the said old line to the river Saint Mary's; *Provided always,* that if the boundary line between the said Indian tribes and the United States, shall, at any time hereafter, be varied, by any treaty which shall be made between the said Indian tribes and the United States, then all the provisions contained in this act, shall be construed to apply to the said line so to be varied, in the same manner, as the said provisions now apply to the boundary line herein before recited.

Provision for alterations which may be made by treaty.

(a) The act of March 30, 1802, having described what should be the Indian country at that time, as well as at any future time, when purchases of territory should be made of the Indians, the carrying of spirituous liquors into a territory so purchased after March, 1802, although the same should be frequented and inhabited exclusively by Indians, would not be an offence within the meaning of the act of Congress, so as to subject the goods of the trader, found in company with those liquors, to seizure and forfeiture. *American Fur Company v. The United States*, 2 Peters, 358.

Penalty on passing the boundary to hunt, &c.

SEC. 2. *And be it further enacted*, That if any citizen of, or other person resident in the United States, or either of the territorial districts of the United States, shall cross over, or go within the said boundary line, to hunt, or in any wise destroy the game; or shall drive, or otherwise convey any stock of horses or cattle to range, on any lands allotted or secured by treaty with the United States, to any Indian tribes, he shall forfeit a sum not exceeding one hundred dollars, or be imprisoned not exceeding six months.

Penalty on going into the country of the Indians south of the Ohio without a passport.

SEC. 3. *And be it further enacted*, That if any such citizen, or other person, shall go into any country, which is allotted, or secured by treaty as aforesaid to any of the Indian tribes south of the river Ohio, without a passport first had and obtained from the governor of some one of the United States, or the officer of the troops of the United States commanding at the nearest post on the frontiers, or such other person, as the President of the United States may, from time to time, authorize to grant the same, shall forfeit a sum not exceeding fifty dollars, or be imprisoned, not exceeding three months.

Penalty on committing certain offences against the Indians.

SEC. 4. *And be it further enacted*, That if any such citizen or other person, shall go into any town, settlement or territory, belonging, or secured by treaty with the United States, to any nation or tribe of Indians, and shall there commit robbery, larceny, trespass or other crime, against the person or property of any friendly Indian or Indians, which would be punishable, if committed within the jurisdiction of any state, against a citizen of the United States; or, unauthorized by law, and with a hostile intention, shall be found on any Indian land, such offender shall forfeit a sum not exceeding one hundred dollars, and be imprisoned not exceeding twelve months; and shall also, when property is taken or destroyed, forfeit and pay to such Indian or Indians, to whom the property taken and destroyed belongs, a sum equal to twice the just value of the property so taken or destroyed: And if such offender shall be unable to pay a sum at least equal to the said just value, whatever such payment shall fall short of the said just value, shall be paid out of the treasury of the United States: *Provided nevertheless*, that no such Indian shall be entitled to any payment out of the treasury of the United States, for any such property taken or destroyed, if he, or any of the nation to which he belongs, shall have sought private revenge, or attempted to obtain satisfaction by any force or violence.

U. States to pay in certain cases.

Penalty on settling on, &c. the Indian lands.

SEC. 5. *And be it further enacted*, That if any such citizen, or other person, shall make a settlement on any lands belonging, or secured, or granted by treaty with the United States, to any Indian tribe, or shall survey, or attempt to survey, such lands, or designate any of the boundaries, by marking trees, or otherwise, such offender shall forfeit all his right, title and claim, if any he hath, of whatsoever nature or kind the same shall or may be, to the lands aforesaid, whereupon he shall make a settlement, or which he shall survey, or attempt to survey, or designate any of the boundaries thereof, by marking trees or otherwise, and shall also forfeit a sum not exceeding one thousand dollars, and suffer imprisonment not exceeding twelve months. And it shall, moreover, be lawful for the President of the United States, to take such measures and to employ such military force, as he may judge necessary, to remove from lands belonging, or secured by treaty, as aforesaid, to any Indian tribe, any such citizen or other person, who has made or shall hereafter make, or attempt to make a settlement thereon: And every right, title, or claim forfeited under this act, shall be taken and deemed to be vested in the United States, upon conviction of the offender, without any other or further proceeding.

President may cause settlers to remove.

Penalty on committing murder upon an Indian.

SEC. 6. *And be it further enacted*, That if any such citizen, or other person, shall go into any town, settlement or territory belonging to any nation or tribe of Indians, and shall there commit murder, by killing any

Indian or Indians, belonging to any nation or tribe of Indians in amity with the United States, such offender, on being thereof convicted, shall suffer death.

SEC. 7. *And be it further enacted*, That no such citizen, or other person, shall be permitted to reside at any of the towns, or hunting-camps, of any of the Indian tribes as a trader, without a license under the hand and seal of the superintendent of the department, or of such other person as the President of the United States shall authorize to grant licenses for that purpose: which superintendent, or person authorized, shall, on application, issue such license, for a term not exceeding two years, who shall enter into bond, with one or more sureties, approved of by the superintendent, or person issuing such license, or by the President of the United States, in the penal sum of one thousand dollars, conditioned for the true and faithful observance of such regulations and restrictions, as are, or shall be made for the government of trade and intercourse with the Indian tribes: and the superintendent, or person issuing such license, shall have full power and authority to recall the same, if the person so licensed shall transgress any of the regulations or restrictions provided for the government of trade and intercourse with the Indian tribes; and shall put in suit, such bonds as he may have taken, on the breach of any condition therein contained.

Traders to have licenses.

SEC. 8. *And be it further enacted*, That any such citizen or other person, who shall attempt to reside in any town, or hunting camp, of any of the Indian tribes, as a trader without such license, shall forfeit all the merchandise offered for sale, to the Indians, or found in his possession, and shall, moreover, be liable to a fine not exceeding one hundred dollars, and to imprisonment not exceeding thirty days.

Penalty on trading without license.

SEC. 9. *And be it further enacted*, That if any such citizen, or other person, shall purchase, or receive of any Indian, in the way of trade or barter, a gun, or other article commonly used in hunting, any instrument of husbandry, or cooking utensil, of the kind usually obtained by the Indians, in their intercourse with white people, or any article of clothing, excepting skins or furs, he shall forfeit a sum not exceeding fifty dollars, and be imprisoned not exceeding thirty days.

Penalty on purchasing or receiving certain things from Indians.

SEC. 10. *And be it further enacted*, That no such citizen or other person, shall be permitted to purchase any horse of an Indian, or of any white man in the Indian territory, without special license for that purpose; which license, the superintendent, or such other person as the President shall appoint, is hereby authorized to grant, on the same terms, conditions and restrictions, as other licenses are to be granted under this act: and any such person, who shall purchase a horse or horses, under such license, before he exposes such horse or horses for sale, and within fifteen days after they have been brought out of the Indian country, shall make a particular return to the superintendent, or other person, from whom he obtained his license, of every horse purchased by him, as aforesaid; describing such horses, by their colour, height, and other natural or artificial marks, under the penalty contained in their respective bonds. And every such person, purchasing a horse or horses, as aforesaid, in the Indian country, without a special license, shall, for every horse thus purchased, and brought into any settlement of citizens of the United States, forfeit a sum not exceeding one hundred dollars, and be imprisoned not exceeding thirty days. And every person, who shall purchase a horse, knowing him to be brought out of the Indian territory, by any person or persons, not licensed, as above, to purchase the same, shall forfeit the value of such horse.

No person to purchase a horse in the Indian country without special license.

Return to be made thereof.

Penalty.

SEC. 11. *And be it further enacted*, That no agent, superintendent, or other person authorized to grant a license to trade, or purchase horses, shall have any interest or concern in any trade with the Indians, or in the purchase or sale of any horse, to or from any Indian, excepting

Person authorized to grant a license not to trade or purchase horses on private account.

for, and on account of the United States. And any person offending herein, shall forfeit a sum not exceeding one thousand dollars, and be imprisoned not exceeding twelve months.

Purchases of Indian lands to be sold only by treaty.

Penalty on treating without authority.

SEC. 12. *And be it further enacted*, That no purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from any Indian, or nation or tribe of Indians, within the bounds of the United States, shall be of any validity, in law or equity, unless the same be made by treaty, or convention, entered into pursuant to the constitution: and it shall be a misdemeanor in any person, not employed under the authority of the United States, to negotiate such treaty or convention directly or indirectly, to treat with any such Indian nation, or tribe of Indians, for the title or purchase of any lands by them held, or claimed, punishable by fine not exceeding one thousand dollars, and imprisonment not exceeding twelve months: *Provided nevertheless*, that it shall be lawful for the agent or agents of any state, who may be present at any treaty held with Indians, under the authority of the United States, in the presence, and with the approbation of the commissioner or commissioners of the United States, appointed to hold the same, to propose to, and adjust with the Indians, the compensation to be made, for their claims to lands within such state, which shall be extinguished by the treaty.

Presents to the Indians—agents to reside among them.

SEC. 13. *And be it further enacted*, That in order to promote civilization among the friendly Indian tribes, and to secure the continuance of their friendship, it shall be lawful for the President of the United States, to cause them to be furnished with useful domestic animals, and implements of husbandry, and with goods or money, as he shall judge proper, and to appoint such persons, from time to time, as temporary agents, to reside among the Indians, as he shall think fit: *Provided*, that the whole amount of such presents, and allowance to such agents, shall not exceed fifteen thousand dollars per annum.

Proceedings on offences committed by Indians.

SEC. 14. *And be it further enacted*, That if any Indian or Indians, belonging to any tribe in amity with the United States, shall come over or across the said boundary line, into any state or territory inhabited by citizens of the United States, and there take, steal or destroy any horse, horses, or other property, belonging to any citizen or inhabitant of the United States, or of either of the territorial districts of the United States, or shall commit any murder, violence or outrage, upon any such citizen, or inhabitant, it shall be the duty of such citizen or inhabitant, his representative, attorney or agent, to make application to the superintendent, or such other person as the President of the United States shall authorize for that purpose; who, upon being furnished with the necessary documents and proofs, shall, under the direction or instruction of the President of the United States, make application to the nation or tribe, to which such Indian or Indians shall belong, for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction, in a reasonable time, not exceeding eighteen months, then it shall be the duty of such superintendent, or other person authorized, as aforesaid, to make return of his doings to the President of the United States, and forward to him all the documents and proofs in the case, that such further steps may be taken, as shall be proper to obtain satisfaction for the injury: And, in the mean time, in respect to the property so taken, stolen, or destroyed, the United States guarantee to the party injured, an eventual indemnification: *Provided always*, that if such injured party, his representative, attorney, or agent, shall, in any way, violate any of the provisions of this act, by seeking, or attempting to obtain private satisfaction or revenge, by crossing over the line, on any of the Indian lands, he shall forfeit all claim upon the United States, for such indemnification: *And provided also*, that nothing herein contained shall prevent the legal apprehension or arresting, within the limits of any state

or district, of any Indian having so offended: *And provided further*, that it shall be lawful for the President of the United States, to deduct such sum or sums, as shall be paid for the property taken, stolen or destroyed by any such Indian, out of the annual stipend, which the United States are bound to pay to the tribe, to which such Indian shall belong.

SEC. 15. *And be it further enacted*, That the superior courts in each of the said territorial districts, and the circuit courts, and other courts of the United States, of similar jurisdiction in criminal causes, in each district of the United States, in which any offender against this act shall be apprehended, or, agreeably to the provisions of this act, shall be brought for trial, shall have, and are hereby invested with, full power and authority, to hear and determine all crimes, offences and misdemeanors, against this act; such courts proceeding therein, in the same manner, as if such crimes, offences and misdemeanors had been committed within the bounds of their respective districts: And in all cases, where the punishment shall not be death, the county courts of quarter sessions in the said territorial districts, and the district courts of the United States in their respective districts, shall have, and are hereby invested with like power to hear and determine the same, any law to the contrary notwithstanding: And in all cases, where the punishment shall be death, it shall be lawful for the governor of either of the territorial districts, where the offender shall be apprehended, or into which he shall be brought for trial, to issue a commission of oyer and terminer, to the superior judges of such district, who shall have full power and authority to hear and determine all such capital cases, in the same manner, as the superior courts of such district have in their ordinary sessions: And when the offender shall be apprehended, or brought for trial, into any of the United States, except Kentucky, it shall be lawful for the President of the United States, to issue a like commission to any one or more judges of the supreme court of the United States, and the judge of the district, in which such offender may have been apprehended, or shall have been brought for trial; which judges, or any two of them, shall have the same jurisdiction in such capital cases, as the circuit court of such district, and shall proceed to trial and judgment, in the same manner, as such circuit court might or could do. And the district courts of Kentucky and Maine shall have jurisdiction of all crimes, offences and misdemeanors committed against this act, and shall proceed to trial and judgment, in the same manner, as the circuit courts of the United States.

Jurisdiction of the courts herein.

Commissions of oyer and terminer may be issued.

SEC. 16. *And be it further enacted*, That it shall be lawful for the military force of the United States, to apprehend every person, who shall, or may be found in the Indian country, over and beyond the said boundary line, between the United States and the said Indian tribes, in violation of any of the provisions or regulations of this act, and him or them immediately to convey, in the nearest convenient and safe route, to the civil authority of the United States, in some one of the three next adjoining states or districts, to be proceeded against, in due course of law: *Provided*, that no person, apprehended by military force, as aforesaid, shall be detained longer than ten days, after the arrest, and before removal.

Military may apprehend offenders.

SEC. 17. *And be it further enacted*, That if any person, who shall be charged with a violation of any of the provisions or regulations of this act, shall be found within any of the United States, or either of the territorial districts of the United States, such offender may be there apprehended and brought to trial, in the same manner, as if such crime or offence had been committed within such state or district; and it shall be the duty of the military force of the United States, when called upon by the civil magistrate, or any proper officer, or other person duly

Trial may be had where the offender is found.

Military to aid the civil officers.

authorized for that purpose, and having a lawful warrant, to aid and assist such magistrate, officer, or other person authorized, as aforesaid, in arresting such offender, and him committing to safe custody, for trial according to law.

Amount of fines and duration of imprisonment discretionary, &c.

SEC. 18. *And be it further enacted*, That the amount of fines, and duration of imprisonment, directed by this act as a punishment, for the violation of any of the provisions thereof, shall be ascertained and fixed, not exceeding the limits prescribed, in the discretion of the court, before whom the trial shall be had; and that all fines and forfeitures, which shall accrue under this act, shall be, one half to the use of the informant, and the other half to the use of the United States: Except where the prosecution shall be first instituted on behalf of the United States; in which case, the whole shall be to their use.

To whose use the forfeitures shall be.

Certain trade and intercourse excepted.

SEC. 19. *And be it further enacted*, That nothing in this act shall be construed to prevent any trade or intercourse with Indians living on lands surrounded by settlements of the citizens of the United States, and being within the ordinary jurisdiction of any of the individual states; or the unmolested use of a road from Washington district, to Mero district; and of the navigation of the Tennessee river, as reserved and secured by treaty.

Certain roads excepted.

The President may cause to be ascertained other boundary lines.

SEC. 20. *And be it further enacted*, That the President of the United States be, and he is hereby authorized, to cause to be clearly ascertained, and distinctly marked, in all such places as he shall deem necessary, and in such manner as he shall direct, any other boundary lines between the United States and any Indian tribe, which now are, or hereafter may be established by treaty.

Other acts repealed.

SEC. 21. *And be it further enacted*, That all and every other act and acts, coming within the purview of this act, shall be, and they are hereby repealed: *Provided, nevertheless*, that all disabilities, that have taken place, shall continue and remain; all penalties and forfeitures, that have been incurred, may be recovered; and all prosecutions and suits, that may have been commenced, may be prosecuted to final judgment, under the said act or acts, in the same manner, as if the said act or acts were continued, and in full force and virtue.

Proviso.

Limitation of this act.

SEC. 22. *And be it further enacted*, That this act shall be in force, for the term of two years, and from thence to the end of the session of Congress next thereafter, and no longer.

APPROVED, May 19, 1796.

STATUTE I.

May 27, 1796.

CHAP. XXXI.—*An Act relative to Quarantine.*(a)

Repealed by the 8th sec. of the Act of Feb. 25, 1799. ch. 12.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized, to direct the revenue officers and the officers commanding forts and revenue cutters, to aid in the execution of quarantine, and also in the execution of the health laws of the states, respectively, in such manner as may to him appear necessary.

APPROVED, May 27, 1796.

STATUTE I.

May 27, 1796.

CHAP. XXXII.—*An Act altering the Compensation of the Accountant of the War Department.*

[Obsolete.]

Compensation to the Accountant of the War Department.

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there shall hereafter be allowed to the Accountant of the Department of War, the sum of one thousand six hundred dollars per annum, as a com-

(a) See an act respecting quarantine and health laws, passed February 25, 1799, chap. 12.

compensation for his services, in lieu of the compensation heretofore allowed.

SEC. 2. *And be it further enacted*, That all letters and packets to or from the Accountant of the department of War, shall be conveyed by post, free of postage, under such restrictions as are provided by law, in like cases.

APPROVED, May 27, 1796.

Privilege of
franking.

CHAP. XXXIII.—*An Act respecting the Mint.*

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 appropriated for the purchase of copper for the further coinage of cents and half cents, a sum equal to the amount of the cents and half cents which shall have been coined at the mint, and delivered to the treasurer of the United States, subsequent to the first day of January, one thousand seven hundred and ninety-six, which sum shall be payable out of any monies in the treasury not otherwise appropriated.

SEC. 2. *And be it further enacted*, That from and after the passing of this act, there shall be retained from every deposit in the mint, of gold or silver bullion below the standard of the United States, such sum as shall be equivalent to the expense incurred in refining the same, and an accurate account of such expense on every deposit shall be kept, and of the sums retained on account of the same, which shall be accounted for by the treasurer of the mint, to the treasurer of the United States.

SEC. 3. *And be it further enacted*, That this act shall continue in force for the term of two years from the passing thereof, and from thence until the end of the next session of Congress thereafter holden, and no longer.

APPROVED, May 27, 1796.

STATUTE I.

May 27, 1796.

[Expired.]
Act of Jan. 14,
1793, ch. 2.
Act of April
24, 1800, ch. 34.
Appropriation
for the purchase
of copper.

Part of gold
and silver bul-
lion to be re-
tained.

Limitation.

STATUTE I.

May 27, 1796.

CHAP. XXXIV.—*An Act altering the Sessions of the Circuit Courts in the Districts of Vermont and Rhode Island; 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 from and after the first day of June next, the circuit court, for the district of Vermont, shall be held at Rutland and Windsor, alternately, beginning with the former, on the seventh day of November, and on the twelfth day of May, annually: *Provided*, when either of those days shall be Sunday, the court shall be held on the day following.

SEC. 2. *And be it further enacted*, That the fall session of the circuit court, for the district of Rhode Island, shall be held on the nineteenth day of November, with the exception for Sunday, as is provided in the preceding section.

SEC. 3. *And be it further enacted*, That the district court for the district last aforesaid, instead of the several days heretofore prescribed, shall be held annually, on the first Tuesday of August, the third Tuesday of November, the first Tuesday of February, and the second Tuesday of May.

SEC. 4. *And be it further enacted*, That all writs and processes, of whatever name or description, which may have issued from either of the courts before mentioned, or which shall hereafter issue, the return of which will be interrupted by this act, shall be returned to the terms of the courts, respectively, next succeeding the terms, to which they were made returnable: And the said writs and processes before mentioned, together with all matters and business depending before either of the courts before mentioned, shall be taken up and proceeded upon to final issue and determination, in the same manner, and to the same effect, as

[Obsolete.]
Time and
place of holding
the district court
of Vermont.

1802, ch. 31.

Fall session of
the circuit court
of Rhode Island.

Times of hold-
ing the district
court of Rhode
Island.

1804, ch. 31.

Returns of
writs and pro-
cesses, &c.

if no alteration had been made in the times or places of holding the said courts respectively.

APPROVED, May 27, 1796.

STATUTE I.

May 27, 1796.

[Obsolete.]
Certain new
districts and
ports of delivery
established.
1799, ch. 22.
Ante, p. 420.

CHAP. XXXV.—*An Act in addition to an act intituled "An act supplementary to the act, intituled An act to provide more effectually for the Collection of the Duties on Goods, Wares and Merchandise imported into the United States, and on the Tonnage of Ships or Vessels."*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the last day of June next, there shall be established, the following new districts and ports of delivery, to wit: In the state of Massachusetts, a district to be called the district of Ipswich; which shall include the waters and shores within the said town of Ipswich, which shall be the sole port of entry of the same: And a collector shall be appointed, to reside in the said town of Ipswich; and thenceforward, the office of surveyor for the said port shall cease. In the state of New Jersey, a district, to be called the district of Little Egg Harbor, which shall comprehend all the shores, waters, bays, rivers and creeks from Barnegat inlet to Brigantine inlet, both inclusively; and the town of Tuckerton shall be the sole port of entry for the said district: And a collector for the same shall be appointed, to reside at the said town of Tuckerton; and thenceforward, the office of surveyor for the port of Little Egg Harbor shall cease. In the state of Maryland, a district, to be called the district of Havre-de-Grace; which shall include all the shores and waters of the Chesapeake bay, above Turkey point and Spes Utæ island: And a collector shall be appointed, to reside at Havre-de-Grace, which shall be the sole port of entry for the same. In the district of Newburyport, the town of Newbury shall be a port of delivery: In the district of Dighton, the towns of Berkley and Taunton shall be ports of delivery.

Alteration of
certain districts.

Ante, p. 420.

SEC. 2. *And be it further enacted,* That from and after the last day of June next, the district of Hudson, in the state of New York, shall be confined to the limits of the city of Hudson; and all other places, which were, by the act, intituled "An act supplementary to the act, intituled An act to provide more effectually for the collection of the duties on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels," included in the said district of Hudson, shall be annexed to the district of New York. And the description of the district of Waldoborough, in the said recited act, shall be so far altered, as, instead of saying, "A place called Duck-trap," to say, "that part of a place called Duck-trap, which lies between the towns of Camden and Northport;" and, instead of saying, "All the shores and waters from the middle of Damarascotty river to Duck trap," to say, "all the shores and waters from the middle of Damarascotty river, to the southwardly side of the town of Northport." That, in the state of Maryland, the district of Cedar-point shall be called the district of Nanjemoy; which shall be the sole port of entry and delivery for the said district; and the collector shall reside at Nanjemoy. And that in the district of Nantucket, in the state of Massachusetts, the name of the port of Sherburne shall be changed to the port of Nantucket. *Provided always,* that no alteration in the name or description of the said districts shall be construed to affect the compensation of the officers thereof.

Proviso.

Collectors to
be appointed
under this act to
give security,
&c.

SEC. 3. *And be it further enacted,* That the collectors to be appointed in conformity with this act, shall each become bound in the sum of two thousand dollars, in manner, as is by law provided in like cases: And the same duties, authorities and fees of office, with a similar distribution thereof, shall appertain to those appointments as are now in like cases

authorized by law. And the collectors aforesaid shall each receive two per centum on all monies by them respectively received; and shall also, respectively, receive the allowance of one hundred dollars, annually, from and after the said last day of June next.

APPROVED, May 27, 1796.

STATUTE I.

May 28, 1796.

CHAP. XXXVI.—*An Act for the relief and protection of American Seamen.*

Act of March
2, 1799, ch. 36.
Two agents
to be appointed.

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, by and with the advice and consent of the Senate, be, and hereby is authorized to appoint two or more agents; the one of whom shall reside in the kingdom of Great Britain, and the others at such foreign ports, as the President of the United States shall direct. That the duty of the said agents shall be, under the direction of the President of the United States, to inquire into the situation of such American citizens or others, sailing, conformably to the law of nations, under the protection of the American flag, as have been, or may hereafter be impressed or detained by any foreign power, to endeavour, by all legal means, to obtain the release of such American citizens or others, as aforesaid; and to render an account of all impressments and detentions whatever, from American vessels, to the executive of the United States.

Their duties.

SEC. 2. *And be it further enacted,* That if it should be expedient to employ an additional agent or agents, for the purposes authorized by this law, during the recess of the Senate, the President alone be, and hereby is, authorized to appoint such agent or agents.

Additional
agents may be
appointed dur-
ing the recess
of the Senate.

SEC. 3. *And be it further enacted,* That the President of the United States be, and he is hereby authorized to draw, annually, out of the treasury of the United States, a sum not exceeding fifteen thousand dollars, not otherwise appropriated, to be applied by him in such proportions as he shall direct, to the payment of the compensation of the said agents, for their services, and the incidental expenses attending the performance of the duties imposed on them by this act.

Appropriation.

SEC. 4. *And be it further enacted,* That the collector of every district shall keep a book or books, in which, at the request of any seaman, being a citizen of the United States of America, and producing proof of his citizenship, authenticated in the manner hereinafter directed, he shall enter the name of such seaman, and shall deliver to him a certificate, in the following form, that is to say: "I, A. B., collector of the district of D., do hereby certify, That E. F., an American seaman, aged _____ years, or thereabouts, of the height of _____ feet _____ inches, [describing the said seaman as particularly as may be] has, this day, produced to me proof in the manner directed in the act, intituled "An act for the relief and protection of American seamen;" and, pursuant to the said act, I do hereby certify, that the said E. F. is a citizen of the United States of America: In witness whereof, I have hereunto set my hand and seal of office, this _____ day of _____."

Collectors to
grant certifi-
cates of citizen-
ship.

And it shall be the duty of the collectors aforesaid, to file and preserve the proofs of citizenship produced, as aforesaid: And for each certificate delivered, as aforesaid, the said collectors shall be entitled to receive from the seaman applying for the same, the sum of twenty-five cents.

SEC. 5. *And, in order that full and speedy information may be obtained of the seizure or detention, by any foreign power, of any seamen employed on board any ship or vessel of the United States, Be it further enacted,* That it shall, and hereby is declared to be the duty of the master of every ship or vessel of the United States, any of the crew whereof shall have been impressed or detained by any foreign power, at

In case of the
impressment or
detention of
seamen, master
of the ship to
make a protest,
&c.

Master to make a protest in case of impressment of seamen.

the first port at which such ship or vessel shall arrive, if such impressment or detention happened on the high seas, or if the same happened within any foreign port, then in the port in which the same happened, immediately to make a protest, stating the manner of such impressment or detention, by whom made, together with the name and place of residence of the person impressed or detained; distinguishing also, whether he was an American citizen; and if not, to what nation he belonged. And it shall be the duty of such master, to transmit by post, or otherwise, every such protest made in a foreign country, to the nearest consul or agent, or to the minister of the United States resident in such country, if any such there be; preserving a duplicate of such protest, to be by him sent immediately after his arrival within the United States, to the Secretary of State, together with information to whom the original protest was transmitted: And in case such protest shall be made within the United States, or in any foreign country, in which no consul, agent or minister of the United States resides, the same shall, as soon thereafter as practicable, be transmitted by such master, by post or otherwise, to the Secretary of State.

Secretary of State, and Secretary of the Treasury, to transmit this act.

SEC. 6. *And be it further enacted*, That a copy of this law be transmitted by the Secretary of State, to each of the ministers and consuls of the United States, resident in foreign countries, and by the Secretary of the Treasury, to the several collectors of the districts of the United States, whose duty it is hereby declared to be, from time to time, to make known the provisions of this law, to all masters of ships and vessels of the United States entering, or clearing at their several offices. And the master of every such ship or vessel shall, before he is admitted to an entry, by any such collector, be required to declare on oath, whether any of the crew of the ship or vessel under his command have been impressed or detained, in the course of his voyage, and how far he has complied with the directions of this act: and every such master as shall wilfully neglect or refuse to make the declarations herein required, or to perform the duties enjoined by this act, shall forfeit and pay the sum of one hundred dollars. And it is hereby declared to be the duty of every such collector to prosecute for any forfeiture that may be incurred under this act.

Master of ship to make oath before admission to an entry.

Penalty on masters of ships violating this act.

Collectors to send a list, &c. to the Secretary of State every three months.

SEC. 7. *And be it further enacted*, That the collector of every port of entry in the United States shall send a list of the seamen registered under this act, once every three months, to the Secretary of State, together with an account of such impressments or detentions, as shall appear, by the protests of the masters, to have taken place.

Limitation of parts of the act.

SEC. 8. *And be it further enacted*, That the first, second and third sections of this act shall be in force for one year, and from thence to the end of the next session of Congress thereafter, and no longer.

APPROVED, May 28, 1796.

STATUTE I.

May 28, 1796.

[Repealed.]

Act of June 5, 1794, ch. 45.
Act of July 24, 1813, ch. 24.
Act of Dec. 15, 1814, ch. 12.

Former duties to cease, and others laid in lieu of them.

CHAP. XXXVII.—*An Act laying duties on Carriages for the conveyance of persons; and repealing the former act for that purpose.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the last day of August next, the duties laid by the act, intitled "An act laying duties upon carriages for the conveyance of persons," shall cease, and shall not thenceforth be collected; but in lieu thereof, there shall be levied, collected and paid, the following yearly rates and duties upon all carriages for the conveyance of persons, which shall be kept by, or for any person, for his or her own use, or to be let out for hire, or for the conveyance of passengers, to wit: For and upon every coach, whether driven with a box, or by postilion, the yearly sum of fifteen dollars: For and upon every chariot, post-chariot and post-chaise, the yearly sum of twelve dollars: For and upon every phaeton for the

conveyance of one or more persons, with or without a top; and for and upon every coachee, or other carriage, having pannel-work, with blinds, glasses or curtains in the upper division of the sides, front or back thereof, the yearly sum of nine dollars: For and upon every four wheel carriage, having framed posts and tops, and hanging on steel springs, (whether drawn by one or more horses) the yearly sum of six dollars: For and upon every four wheel top-carriage, hanging upon wooden or iron springs or jacks, (whether drawn by one or more horses;) and upon every curricule, chaise, chair, sulkey, or other two wheel top-carriage, and upon every two wheel carriage, hanging or resting upon steel or iron springs, the yearly sum of three dollars; and for and upon every other two wheel carriage, the yearly sum of two dollars: And upon every four wheel carriage, having framed posts and tops, and resting upon wooden spars, the yearly sum of two dollars: *Provided always*, that nothing herein contained shall be construed to charge with a duty, any carriage usually and chiefly employed in husbandry, or for the transportation or carrying of goods, wares, merchandise, produce or commodities.

SEC. 2. *And be it further enacted*, That the duties aforesaid shall be levied and collected upon all carriages usually and chiefly employed for the conveyance of persons, by whatever name or description the same have been, or shall hereafter be known and called. And in cases of doubt, any carriage shall be deemed to belong to that class, to which the same shall bear the greatest resemblance (to be determined in manner herein after provided) and shall be subject to duty accordingly.

All carriages for the conveyance of persons to be taxed. Carriages of doubtful class.

SEC. 3. *And be it further enacted*, That the duties aforesaid shall be levied, collected, received and accounted for, by and under the immediate direction of the supervisors and inspectors of the revenue, and other officers of inspection; subject to the superintendence, control and direction of the department of the treasury, according to the authorities and duties of the respective officers thereof.

These duties how to be collected, &c.

SEC. 4. *And be it further enacted*, That every person having or keeping a carriage or carriages, upon which a duty or duties shall be payable, according to this act, shall, yearly and in every year, in the month of September, or within sixty days previous thereto, make and subscribe a true and exact entry of each and every such carriage; therein specifying, distinctly, each carriage owned or kept by him or her, for his or her use, or for hire, with the description and denomination thereof, and the rate of duty to which each and every such carriage is liable; which entry shall be lodged with the officer of inspection for the district, in which such owner or person liable for the payment of such duty shall reside: and that it shall be the duty of the officers of inspection, to attend, within the month of September in each year, at one or more of the most public and convenient places, in each county within their respective districts, and to give public notice, at least one month previous to such day, of the time and place of such attendance, and to receive such entry made in the manner before directed, at such place, or at any other, where he may happen to be within the said month of September; and on tender and payment being made of the duty or duties therein mentioned, to grant a certificate for each and every carriage mentioned in such entry; therein specifying the name of the owner, the description and denomination of the carriage, and the sum paid, with the time when, and the period for which, such duty shall be so paid: and the forms of the certificates to be so granted shall be prescribed by the treasury department; and such certificates, or the acknowledgments of the officer of inspection, by a credit in his public accounts, shall be the only evidence, to be exhibited and admitted, that any duty imposed by this act has been discharged: *Provided nevertheless*, that no certificate shall be deemed of validity, any longer, than while the carriage, for which the

Entry to be made every year.

Duty of the officers of inspection.

Certificate to be granted.

Change of ownership.

said certificate was granted, is owned by the person mentioned in such certificate, unless such certificate shall be produced to the officer of inspection, by whom it was granted; and an entry shall be thereon made, specifying the name of the then owner of such carriage, and the time when he or she became possessed of the same.

Provision for persons beginning to keep a carriage after the month of September.

SEC. 5. *And be it further enacted*, That any and all persons, who shall commence the having or keeping of any carriage, subject to duties, after the month of September, and before the month of September in the next succeeding year, shall and may, at any time during the month in which they shall so commence the having or keeping of such carriage, make like entry, in manner before prescribed; and on payment of such proportion of the duties laid by this act, on such carriage, as the time, at which he shall commence the keeping of such carriage, to the end of the month of September then next ensuing, shall bear to the whole year, shall be entitled to, and may demand like certificates, subject, nevertheless, to the conditions before and herein after provided.

When duties shall be deemed to commence.

SEC. 6. *And be it further enacted*, That the duties payable by this act shall, in respect to any and all persons who shall have or keep carriages, during the month of September, be deemed to commence, and shall be computed from the last day of the said month: And in respect to persons, who shall commence the having or keeping of carriages, after the said month of September, the said duties shall be deemed to commence, and shall be computed, from the last day of the month in which they shall so begin to have or keep such carriages; conformably to which, the certificates before, and herein after mentioned, shall be issued and granted.

Penalty on making an untrue entry; or no entry; or not paying duties.

SEC. 7. *And be it further enacted*, That any person having or keeping any carriage subject to duty, who shall make an untrue or defective entry, to evade the whole or any part of the duty justly and truly payable, according to this act, shall lose the sum paid pursuant to such untrue or defective entry; and where such untrue or defective entry hath been made, or where no entry shall be made, or where there shall be a neglect of payment after entry, such person shall, moreover, in addition thereto, at any time thereafter, on personal application and demand, at the house, dwelling, or usual place of abode of such person, by the proper officer of inspection, be liable, and shall pay the duties by this act imposed, with a further sum for the benefit of such officer, of twenty-five per centum: which duties, with the said addition, shall be collected by distress and sale of the goods and chattels of the person, by whom the same shall be due and payable: *Provided always*, that such application and demand shall not be made until sixty days after the day on which any duty shall commence; and if entry and payment shall be made, within the said sixty days, at the office of inspection of the district, or at any other place, where the inspector may happen to be, the owner of the carriage shall be exempted from the payment of the said sum of twenty-five per centum: *Provided nevertheless*, that if any person, of whom such application and demand shall be made, shall forthwith present to such officer of inspection, a full and exact description, of the carriage or carriages, on which the duties demanded shall have accrued, with a statement of the cause, matter or thing, whereby an entire exemption from duty is claimed, or whereby a right is claimed under this act, to a remission of a part of the sum demanded, such description and statement being first subscribed and verified on oath or affirmation, before some competent magistrate, by the person, by or for whom the same shall be presented; then and in such case, the officer of inspection shall receive such description and statement, and shall, furthermore, forbear to collect the duties and sum demanded.

Proviso.

SEC. 8. *And be it further enacted*, That the officers of inspection, who shall receive the statements and allegations of persons claiming

either an entire exemption, or a remission of any part of any duty, or sum demanded under authority, derived from this act, which may be presented to them, in manner and form before prescribed, shall forthwith transmit the same to the supervisors of their respective districts, for their consideration and decision, with such proofs and evidence in relation thereto, as they shall judge proper. And the supervisors shall forthwith, on receiving the statements and allegations before mentioned, with the proofs and evidence accompanying the same, decide thereon, according to the true intent and meaning of this act.

Sec. 9. *And be it further enacted*, That the decisions of the supervisors in the cases referred to them, in manner before prescribed, shall be forthwith communicated to the officers of inspection, whom the same may concern; and such decisions shall be final and conclusive, when rendered against the demand of any officer of inspection, for any duties imposed by this act: And in cases, where the said supervisors shall decide, that the duties in question, or any part thereof, are justly payable according to this act, the proper officer of inspection shall forthwith collect the same, by distress and sale of the goods and chattels of the persons charged with such duties: *Provided nevertheless*, that any person aggrieved by the decision of a supervisor, may, within two months, by application in writing to such supervisor, require that the statements and proofs, on which such decision was founded, be transmitted to the Secretary of the Treasury, who shall have power to determine thereon, and if he judge proper, to direct the duty or duties, which shall have been collected in consequence of such decision, to be returned; and if any such person shall be aggrieved by the decision of the Secretary of the Treasury, he shall be allowed, within four months, to institute a suit in the proper district court of the United States, against the supervisor of the district, for the recovery of any duties collected in pursuance of any decision rendered in manner aforesaid; but the parties maintaining such suits shall, in all such cases, be confined to the assignment and proof of such facts and matters, as may have been previously stated to the said supervisors, in manner before provided.

Sec. 10. *And be it further enacted*, That in all cases, where any duty shall be collected, pursuant to this act, whether by distress or otherwise, certificates shall be granted for each carriage, in manner, as before prescribed.

Sec. 11. *And be it further enacted*, That the supervisors of the revenue, and inspectors of surveys, shall have power, from time to time, to examine, upon oath or affirmation, any officers or persons employed under them in the collection and receipt of the duties imposed by this act: And any officer or person, who shall swear or affirm falsely, touching any matter hereby required to be verified on oath or affirmation, shall, on conviction thereof, suffer the pains and penalties, which are prescribed for wilful and corrupt perjury.

Sec. 12. *And be it further enacted*, That it shall be lawful for the President of the United States, and he is hereby empowered to make such allowances for compensation to the officers of inspection employed in the collection of the duties aforesaid, and for incidental expenses, as he shall judge reasonable, not exceeding, in the whole, five per centum of the total amount of the said duties collected.

Sec. 13. *And be it further enacted*, That the act, intituled "An act laying duties on carriages for the conveyance of persons," and so much of the fifteenth section of the act, intituled "An act to alter and amend the act, intituled An act laying certain duties upon snuff and refined sugar," as authorizes the President of the United States to apply a sum not exceeding five per centum on the total amount of duties collected on carriages for the conveyance of persons, shall cease, and be repealed, from and after the last day of August next; except for the

Officers of inspection to send allegations to supervisors for their decision.

Decisions of supervisors to be final.

Proviso.

Certificates to be given for the duties.

Power to supervisors and inspectors to examine on oath the officers employed by them.

President of U. States to allow for collection of the duties not exceeding five per cent. on the whole amount.

Certain act and parts of act repealed.

1794, ch. 45.
1795, ch. 43.

Exception.

recovery of any duties or penalties, which shall have accrued, and remain unpaid; any thing in the last section of the act of the last session, intituled "An act making further provision for the support of public credit, and for the redemption of the public debt," to the contrary notwithstanding: And that this act shall continue in force, until the last day of August, in the year one thousand eight hundred and one, and no longer.

APPROVED, May 28, 1796.

STATUTE I.

May 28, 1796.

CHAP. XXXVIII.—*An Act for the relief of persons imprisoned for Debt.*

[Expired.]

1798, ch. 50.
1792, ch. 29.
Privileges of
persons impris-
oned in civil ac-
tions under U.
States.

Oath to be ad-
ministered to
them.

Oath to be ad-
ministered to
persons impris-
oned for debt,
and by whom.

Penalty on
swearing false-
ly.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That persons imprisoned on process issuing from any court of the United States in civil actions, shall be entitled to like privileges of the yards or limits of the respective gaols, as persons confined in like cases, on process from the courts of the respective states, are entitled to, and under the like regulations and restrictions.

SEC. 2. *And be it further enacted,* That any person imprisoned as aforesaid, may have the oath or affirmation herein after expressed, administered to him by any judge of the United States; and in case there shall be no judge of the United States residing within twenty miles of the gaol wherein such debtor may be confined, such oath or affirmation may be administered by any two persons, who may be commissioned for that purpose by the judge of the district court of the United States within whose jurisdiction the debtor may be confined; the creditor, his agent or attorney, if either live within one hundred miles of the place of imprisonment, or within the district in which the judgment was rendered, having had at least thirty days previous notice by a citation served on him, issued by the district judge to appear at the time therein mentioned at the said gaol, if he see fit, to shew cause, why the said oath or affirmation should not be so administered: at which time and place, if no sufficient cause, in the opinion of the judge, (or the commissioners appointed as aforesaid) be shewn, or doth, from examination, appear to the contrary, he (or they) may, at the request of the debtor, proceed to administer to him the following oath or affirmation, as the case may be, viz: "You, _____, solemnly swear (or affirm) that you have not estate, real or personal, nor is any, to your knowledge, holden in trust for you, (necessary wearing apparel excepted) to the amount or value of thirty dollars, nor sufficient to pay the debt for which you are imprisoned." Which oath or affirmation being administered, the judge or commissioners shall certify the same under his or their hands to the prison keeper, and the debtor shall be discharged from his imprisonment on such judgment, 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. And whenever the oath aforesaid shall be administered by commissioners, in addition to the certificate by them made and delivered to the prison keeper, they shall make return of their doings to the district court with the commission to them issued to be kept upon the files and records of the same court.

SEC. 3. *And be it further enacted,* That if any person shall falsely take the oath or affirmation aforesaid, such person shall be deemed guilty of perjury, and upon conviction thereof, shall suffer the pains and penalties in that case provided. And the court, upon the motion of the creditor, shall recommit the debtor to the prison from whence he was liberated, there to be detained for the said debt, in the same manner as if such oath or affirmation had not been taken.

1794, ch. 34.

SEC. 4. *And be it further enacted,* That the act, entitled "An act

to continue in force the act for the relief of persons imprisoned for debt," be and the same is hereby repealed.

SEC. 5. *And be it further enacted*, That this act shall continue in force for the term of three years.

APPROVED, May 28, 1796.

Former act repealed.

Limitation of this act for three years.

STATUTE I.

CHAP. XXXIX.—*An Act to ascertain and fix the Military Establishment of the United States.*

May 30, 1796.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the military establishment of the United States, from and after the last day of October next, be composed of the corps of artillerists and engineers, as established by the act, intituled "An act providing for raising and organizing a corps of artillerists and engineers;" two companies of light dragoons, who shall do duty on horse or foot, at the discretion of the President of the United States; and four regiments of infantry, of eight companies each; the company of dragoons shall consist of one captain, two lieutenants, one cornet, four sergeants, four corporals, one farrier, one saddler, one trumpeter, and fifty-two privates; and shall be armed and accoutred in such manner as the President of the United States may direct.

[Repealed.]
Military establishment after 31st of October next.

Page 507, post.

1794, ch. 24.

SEC. 2. *And be it further enacted*, That each regiment of infantry shall consist of one lieutenant colonel commandant, two majors, one adjutant, one paymaster, one quartermaster, one surgeon, two surgeon's mates, eight captains, eight lieutenants, eight ensigns, two sergeant majors, two quartermaster-sergeants, two senior musicians, thirty-two sergeants, thirty-two corporals, sixteen musicians, and four hundred and sixteen privates: *Provided always*, that the President of the United States may, in his discretion, appoint an additional number of surgeon's mates, not exceeding ten, and distribute the same, according to the necessity of the service.

Number of officers and men to each regiment of infantry.

Page 507, post.

SEC. 3. *And be it further enacted*, That there shall be one major-general, with two aids-de-camp, one brigadier-general, who may choose his brigade-major from the captains or subalterns of the line; which brigade-major shall receive the monthly pay of twenty-four dollars, in addition to his pay in the line, be entitled to four rations of provisions, for his daily subsistence; and whenever forage shall not be furnished by the public, to ten dollars per month in lieu thereof: one quartermaster-general; one inspector, who shall do the duty of adjutant-general; and one paymaster-general: and that the adjutants, quartermasters and paymasters of regiments shall be appointed from the subalterns of their respective regiments.

To be one major general with two aids, &c.

Allowance to certain officers in addition to their pay in the line.

Page 507, post.

SEC. 4. *And be it further enacted*, That the President of the United States cause to be arranged, the officers, non-commissioned officers, privates and musicians of the legion of the United States, and light dragoons, in such manner, as to form and complete out of the same, the four regiments aforesaid, and two companies of light dragoons: And the supernumerary officers, privates and musicians shall be considered, from and after the last day of October next, discharged from the service of the United States.

President of the U. States to cause to be arranged the legion and light dragoons.

Supernumeraries to be discharged on 31st October next.

SEC. 5. *And be it further enacted*, That the corps of artillerists and engineers be completed, conformably to the act of the eighth day of May, one thousand seven hundred and ninety-four, establishing the same, and prescribing the number and term of enlistments, and the method of organization.

Artillerists and engineers to be completed.

SEC. 6. *And be it further enacted*, That the commissioned officers, who shall be employed in the recruiting service, to keep up, by enlistments, the corps of artillerists, infantry and dragoons aforesaid, shall be

Two dollars allowance to each recruit.

entitled to receive, for every able-bodied recruit, duly enlisted and mustered, of at least five feet six inches in height, and not under the age of eighteen, nor above the age of forty-six years, the sum of two dollars.

Bounty to certain soldiers on re-enlisting for five years.

SEC. 7. *And be it further enacted*, That there shall be allowed and paid to each soldier now in the service of the United States, or discharged therefrom, subsequent to the third day of March, one thousand seven hundred and ninety-four, who shall re-enlist, for the term of five years, unless sooner discharged, a bounty of sixteen dollars; and to each person not now in the army of the United States, or discharged, as above, who shall hereafter enlist for the term aforesaid, a bounty of fourteen dollars; but the payment of four dollars of the bounty of each and every man so enlisting, shall be deferred, until he shall have joined the corps, in which he is to serve.

Uniform clothing for artillery and infantry.

SEC. 8. *And be it further enacted*, That every non-commissioned officer, private and musician of the artillery and infantry, shall receive, annually, the following articles of uniform clothing, to wit: one hat, one coat, one vest, two pair of woollen, and two pair of linen overalls, four pair of shoes, four shirts, four pair of socks, one blanket, one stock and clasp, and one pair of buckles.

For dragoons.

SEC. 9. *And be it further enacted*, That suitable clothing be provided for the dragoons, adapted to the nature of the service, and conformed, as near as may be, to the value of the clothing, allowed to the infantry and artillery.

Rations.

SEC. 10. *And be it further enacted*, That every non-commissioned officer, private and musician shall receive, daily, the following rations of provisions, to wit: one pound of beef, or three quarters of a pound of pork, one pound of bread or flour, half a gill of rum, brandy or whiskey; and at the rate of one quart of salt, two quarts of vinegar, two pounds of soap, and one pound of candles, to every hundred rations.

Additional allowance to those employed on the frontiers.

SEC. 11. *Provided always, and be it further enacted*, That to those in the military service of the United States, who are, or shall be employed on the western frontiers, there shall be allowed, during the time of their being so employed, two ounces of flour or bread, and two ounces of beef or pork, in addition to each of the rations, and half a pint of salt, in addition to every hundred of their rations.

Page 507, post.

Monthly pay.

SEC. 12. *And be it further enacted*, That the monthly pay of the officers, non-commissioned officers, musicians and privates, of the military establishment, be as follows: a major-general, one hundred and sixty-six dollars; a brigadier-general, one hundred and four dollars; quartermaster, inspector, and paymaster-generals, each, in addition to their pay in the line, twenty-five dollars; principal artificer, forty dollars; second artificer, twenty-six dollars; lieutenant-colonel-commandant, seventy-five dollars; major of artillery and of dragoons, fifty-five dollars; major of infantry fifty dollars; paymaster, adjutant and regimental quartermaster, in addition to their pay in the line, ten dollars; captain, forty dollars; lieutenants, twenty-six dollars; ensigns and cornets, twenty dollars; surgeons, forty-five dollars; surgeon's mates, thirty dollars; sergeant-majors, and quartermaster-sergeants, eight dollars; senior musicians, seven dollars; sergeants, seven dollars; corporals, six dollars; musicians, five dollars; privates, four dollars; artificers allowed to the infantry and artillery, farriers and saddlers to the dragoons, each, nine dollars; matrons and nurses in the hospital, eight dollars.

Subsistence.

SEC. 13. *And be it further enacted*, That the commissioned officers aforesaid, shall be entitled to receive, for their daily subsistence, the following number of rations of provisions: a major-general, fifteen rations; a brigadier-general, twelve rations; a lieutenant-colonel-commandant, six rations; a quartermaster, inspector, and paymaster-generals, each, six rations; and each aid-de-camp shall receive the monthly pay of twenty-four dollars, in addition to his pay in the line, be entitled

to four rations of provisions for his daily subsistence; and whenever forage shall not be furnished by the public, to ten dollars per month, in lieu thereof; a captain, three rations; a lieutenant, ensign, and cornet, each, two rations; a surgeon, three rations; a surgeon's mate, two rations; a principal, and second artificer, each, two rations, or money in lieu thereof, at the option of the said officers, at the posts respectively, where the rations shall become due; and if at such posts, supplies are not furnished by contract, then such allowance, as shall be deemed equitable, having reference to former contracts, and the position of the place in question.

Page 507, post.

SEC. 14. *And be it further enacted*, That the officers herein after described shall, whenever forage shall not be furnished by the public, receive at the rate of the following enumerated sums, per month, instead thereof, to wit: a major-general, twenty dollars; a brigadier-general, sixteen dollars; quartermaster, inspector and paymaster generals, each, twelve dollars; lieutenant-colonel commandant, twelve dollars; major, ten dollars; captain of dragoons, eight dollars; lieutenant and cornet, each, six dollars; surgeon, ten dollars; surgeon's mate, six dollars; principal artificer, paymaster, adjutant and regimental quartermaster, each, six dollars.

Allowance in lieu of forage.

SEC. 15. *And be it further enacted*, That every person, who shall procure or entice a soldier in the service of the United States, to desert, or who shall purchase, from any soldier, his arms, uniform clothing, or any part thereof; and every captain or commanding officer of any ship or vessel, who shall enter on board such ship or vessel, as one of his crew, knowing him to have deserted, or otherwise carry away any such soldier, or shall refuse to deliver him up to the orders of his commanding officer, shall, upon legal conviction, be fined, at the discretion of the court, in any sum not exceeding three hundred dollars, or be imprisoned, for any term, not exceeding one year.

Penalty on enticing a soldier to desert, or on purchasing his arms, &c.

SEC. 16. *And be it further enacted*, That no non-commissioned officer, or private, shall be arrested, or subject to arrest, for any debt under the sum of twenty dollars.

Soldier not to be arrested for debt less than 20 dollars.

SEC. 17. *And be it further enacted*, That if any non-commissioned officer, musician or private, shall desert from the service of the United States, he shall, in addition to the penalties mentioned in the rules and articles of war, be liable to serve, for and during such a period, as shall, with the time he may have served, previous to his desertion, amount to the full term of his enlistment, and such soldier shall and may be tried and sentenced by a regimental, or garrison court martial, although the term of his enlistment may have elapsed, previous to his being apprehended or tried.

Deserters to make good their term of enlistment.

SEC. 18. *And be it further enacted*, That the sentences of general courts martial, in time of peace, extending to the loss of life, the dismissal of a commissioned officer; or which shall, either in time of peace or war, respect a general officer, shall, with the whole of the proceedings in such cases, respectively, be laid before the President of the United States; who is hereby authorized to direct the same to be carried into execution, or otherwise, as he shall judge proper.

Sentence of general courts martial to be sent to the President of United States.

SEC. 19. *And be it further enacted*, That if any officer, non-commissioned officer, private or musician aforesaid, shall be wounded or disabled, while in the line of his duty, in public service, he shall be placed on the list of the invalids of the United States, at such rate of pay, and under such regulations, as shall be directed by the President of the United States for the time being: *Provided always*, that the rate of compensation to be allowed for such wounds or disabilities, to a commissioned officer, shall never exceed for the highest disability, half the monthly pay of such officer, at the time of his being so disabled or wounded; and that the rate of compensation to non-commissioned officers,

Wounded soldiers to be placed on pension list.

Rate of compensation.

privates and musicians, shall never exceed five dollars per month: *And provided also*, that all inferior disabilities shall entitle the person so disabled, to receive an allowance proportionate to the highest disability.

The troops aforesaid to be governed by the articles of war.

SEC. 20. *And be it further enacted*, That the officers, non-commissioned officers, privates and musicians aforesaid, shall be governed by the rules and articles of war, which have been established by the United States in Congress assembled, [except so much of the same as is by this act altered or amended] as far as the same may be applicable to the constitution of the United States; or by such rules and articles, as may hereafter by law be established.

To take oath.

SEC. 21. *And be it further enacted*, That every officer, non-commissioned officer, private and musician aforesaid, shall take and subscribe the following oath or affirmation, to wit: "I, A. B. do solemnly swear, or affirm [as the case may be] to bear true allegiance to the United States of America, and to serve them honestly and faithfully, against their enemies or opposers whomsoever, and to observe and obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the rules and articles of war."

Acts coming within the purview of this act repealed.

SEC. 22. *And be it further enacted*, That so much of any act or acts, now in force, as comes within the purview of this act, shall be, and the same is hereby repealed; saving, nevertheless, such parts thereof, as relate to the enlistments or term of service of any of the troops, which, by this act, are continued on the present military establishment of the United States.

Staff to continue till 4th of March.

SEC. 23. *And be it further enacted*, That the general staff, as authorized by this act, shall continue in service until the fourth day of next March, and no longer.

Page 749, post.

APPROVED, May 30, 1796.

STATUTE I.

May 30, 1796.

CHAP. XL.—*An Act to regulate the Compensation of Clerks.*

[Obsolete.]

Heads of Departments to vary compensations to clerks.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the Secretary of the Treasury, the Secretary of the department of State, and the Secretary of the department of War, be authorized to vary for the present year the compensations heretofore established for clerks in their respective departments, in such manner as the services to be performed shall in their judgment require.

Addition to the appropriations of 1794.

SEC. 2. *And be it further enacted*, That to the aggregate of compensations for clerks, in the year one thousand seven hundred and ninety-four, there shall, during the present year, be farther allowed,

In the Treasury Department, the sum of four thousand dollars, including one thousand eight hundred dollars to three additional clerks.

In the Department of State, the sum of two hundred dollars.

In the Department of War, the sum of two hundred dollars. And that the accountant of the war department may employ a principal clerk at the salary allowed to principal clerks in the other departments.

And to the Director of the Mint, for one clerk to be employed by him the additional sum of two hundred dollars.

Allowance to certain commissioners of loans.

SEC. 3. *And be it further enacted*, That there be allowed for the present year to the commissioners of loans in the states of Massachusetts and New York, respectively, not exceeding five clerks, at the rate of five hundred dollars each; to the commissioner of loans in the state of Connecticut, not exceeding two clerks, at the rate of four hundred dollars each; and to the commissioners of loans in the states of Pennsylvania, Virginia and South Carolina, respectively, not exceeding two clerks, at the rate of five hundred dollars each. The aggregate of the compensations for the clerks employed by either of the said commis-

sioners to be apportioned among them at his discretion. That there be allowed for the year aforesaid, in lieu of clerk hire to the commissioner of loans in the state of New Hampshire, three hundred and fifty dollars; to the commissioner of loans, in the state of Rhode Island, four hundred dollars; to the commissioner of loans, in the state of New Jersey, three hundred dollars; and to the commissioner of loans, in the state of Maryland, two hundred and fifty dollars.

APPROVED, May 30, 1796.

See p. 730, post.

STATUTE I.

CHAP. XLI.—*An Act making further provision for the expenses attending the intercourse of the United States with foreign nations; and to continue in force the act, intituled "An act providing the means of intercourse between the United States and foreign nations."*

May 30, 1796.

[Obsolete.]

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the act, intituled "An act providing the means of intercourse between the United States and foreign nations," passed the first day of July, one thousand seven hundred and ninety; together with the second section of the act, intituled "An act to continue in force, for a limited time, and to amend the act, intituled "An act providing the means of intercourse between the United States and foreign nations," passed the ninth day of February, one thousand seven hundred and ninety-three, shall be continued in force, for the term of one year from the passing of this act, and from thence, until the end of the next session of Congress thereafter holden, and no longer.

Limitations of former acts providing the means of intercourse with foreign nations.

1790, ch. 22.
1793, ch. 4.
1794, ch. 7.

SEC. 2. *And be it further enacted,* That the sum of twenty thousand dollars be, and the same is hereby appropriated, for defraying the expenses which may attend the intercourse between the United States and foreign nations, during the year one thousand seven hundred and ninety-six, in addition to the sum of forty thousand dollars, annually appropriated for that purpose.

Appropriations

SEC. 3. *And be it further enacted,* That so much of the sum appropriated by the first section of the act, intituled "An act making further provision for the expenses attending the intercourse of the United States with foreign nations; and further to continue in force the act, intituled "An act providing the means of intercourse between the United States and foreign nations," passed the twentieth day of March, one thousand seven hundred and ninety-four, as remains unexpended, together with a further sum of two hundred and sixty thousand dollars, be, and the same is hereby appropriated, for the purpose of carrying into effect, any treaty already made, and to enable the President to effect any treaty or treaties, with any of the Mediterranean powers.

for carrying into effect certain treaties:

1794, ch. 7.

SEC. 4. *And be it further enacted,* That the sum of four thousand five hundred and thirty-nine dollars and six cents, be, and the same is hereby appropriated to reimburse certain sums advanced by Captain Colvill and Captain Burnham, for their ransom from captivity in Algiers; which sum, the Secretary of the Treasury is hereby authorized and required to pay to the said captains Colvill and Burnham, dividing the same equally between them.

for reimbursing Captains Colvill and Burnham.

SEC. 5. *And be it further enacted,* That the President of the United States be authorized to borrow, on the credit of the United States, if, in his opinion, the public service shall require it, a sum not exceeding three hundred and twenty-four thousand five hundred and thirty-nine dollars and six cents, at an interest not exceeding six per centum per annum, reimbursable at the pleasure of the United States, to be applied to the purposes of this act, and to be repaid out of the duties on imports and tonnage accruing during the present year, and not otherwise appropri-

President of the U. States to borrow not exceeding \$324,539 6 cts.

ated: And it shall be lawful for the Bank of the United States to lend the same.

APPROVED, May 30, 1796.

STATUTE I.

May 30, 1796.

[Expired.]

Acts for support of lighthouses and for mitigating and remitting forfeitures continued for two years.

Ante, p. 339.

Ante, p. 122.

Also 13th section of act for collecting duties on foreign and domestic distilled spirits, &c. for one year.

Ante, p. 378.

Ante, p. 390.

CHAP. XLIII.—*An Act to continue in force, for a limited time, the acts therein mentioned.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the act, entitled "An act supplementary to the act for the establishment and support of lighthouses, beacons, buoys and public piers," so far as the same provides for defraying the necessary expense of supporting lighthouses, beacons, buoys, and public piers, and the stakeage of channels on the sea coast. And also, the act, entitled "An act to provide for mitigating or remitting the forfeitures and penalties accruing under the revenue laws in certain cases therein mentioned," be, and the same are hereby continued in force for the term of two years.

SEC. 2. *And be it further enacted,* That the thirteenth section of the act, intituled "An act making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines and teas," which section will expire at the end of the present session of Congress, shall be, and the same is hereby further continued in force, for the term of one year from the passing of this act, and from thence to the end of the next session of Congress thereafter, and no longer.

APPROVED, May 30, 1796.

STATUTE I.

May 31, 1796.

[Expired.]

Commissioners of sinking fund, with approbation of the President of the United States to borrow \$5,000,000.

How to be applied.

And credits to be entered.

Certificates for not less than \$100 to be issued.

Ante, p. 138.

CHAP. XLIV.—*An Act making provision for the payment of certain Debts 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 it shall be lawful for the commissioners of the sinking fund, with the approbation of the President of the United States, to borrow, or cause to be borrowed, on the credit of the United States, any sum not exceeding five millions of dollars, to be applied to the payment of the capital, or principal of any parts of the debt of the United States now due, or to become due, during the course of the present year, to the bank of the United States, or to the bank of New York, or for any instalment of foreign debt; And that, for the whole, or such part of the said sum, as shall be borrowed, certificates shall be issued, purporting that the United States are indebted for the sums to be therein expressed, bearing an interest of six per centum per annum, payable quarter yearly; which sums, at the said rate of interest, are to remain fixed and irredeemable, until the close of the year one thousand eight hundred and nineteen, and to be redeemed thereafter, at the pleasure of the United States: And the bank of the United States is hereby authorized to lend the whole, or any part, of the said five millions of dollars, and to sell the stock received for such loan.

SEC. 2. *And be it further enacted,* That credits for the sums which shall be borrowed, pursuant to this act, shall be entered and given on the books of the treasury, in like manner as for the present domestic funded debt; and that certificates, for sums not less than one hundred dollars, pursuant to the provisions herein contained, shall be issued by the Register of the Treasury; which shall be transferable in like manner, and by the like ways and means, as are provided by the seventh section of the act, intituled "An act making provision for the debt of the United States," touching the credits or stock therein mentioned; and that the interest to be paid upon the stock, which shall be constituted by virtue of the loan herein proposed, shall be paid at the offices or places, where

the credits for the same shall, from time to time, stand or be; subject to the like conditions and restrictions as are prescribed in and by the eighth section of the act last aforesaid.

SEC. 3. *And be it further enacted*, That it shall be deemed a good execution of the power to borrow, herein granted, for the said commissioners of the sinking fund, to cause to be constituted, certificates of stock of the description herein mentioned, and to cause the same to be sold in the United States, or elsewhere: *Provided*, That no more than one moiety of the said stock shall be sold under par: And it shall be lawful for the commissioners of the sinking fund, if they shall find the same to be most advantageous, to sell such and so many of the shares of the stock of the bank of the United States, belonging to the United States, as they may think proper; and that they apply the proceeds thereof to the payment of the said debts, instead of selling certificates of stock, in the manner prescribed in this act. And such of the revenues of the United States, heretofore appropriated for the payment of interest of debts, thus discharged, shall be, and the same are hereby pledged and appropriated, towards the payment of the interest, and instalments of the principal, which shall hereafter become due, on the loan obtained of the bank of the United States, pursuant to the eleventh section of the act for incorporating the subscribers to the said bank.

How the power to borrow may be executed.

Appropriation for payment of the interest.

SEC. 4. *And be it further enacted*, That such of the revenues of the United States, heretofore appropriated for the payment of interest on such debts as may be liberated or set free, by payments from the proceeds of the loan herein proposed, together with such further sums of the proceeds of the duties on goods, wares and merchandise imported; on the tonnage of ships or vessels; and upon spirits distilled in the United States, and stills; as may be necessary, shall be, and the same are hereby pledged and appropriated for the payment of the interest which shall be payable upon the sums subscribed to the said loan; and shall continue so pledged and appropriated, until the principal of the said loan shall be fully reimbursed and redeemed.

Funds appropriated for payment of interest and principal.

SEC. 5. *And be it further enacted*, That the principal of the said loan, bearing interest as aforesaid, shall remain fixed and irredeemable by the United States, until the close of the year one thousand eight hundred and nineteen; after which period, the said loan shall be redeemed, at the pleasure of the United States: and the funds which shall be liberated by the discharge of the stock of the United States, bearing a present interest of six per centum, or so much thereof, as may be necessary, shall be, and the same are hereby pledged and appropriated for the said redemption.

Principal irredeemable until the year 1819.

SEC. 6. *And be it further enacted*, That the department of the treasury, according to the respective duties of the officers thereof, shall, and they are hereby directed to establish such forms and rules of proceeding, touching the execution of this act, as shall be conformable with the provisions thereof.

Duty of treasury department herein.

APPROVED, May 31, 1796.

STATUTE I.

CHAP. XLV.—*An Act providing Passports for the ships and vessels of the United States.*

June 1, 1795.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall be the duty of the Secretary of State, to prepare a form, which, when approved by the President, shall be deemed the form of a passport for ships and vessels of the United States.

Act of March 22, 1803, ch. 16. Passport formed by Secretary of State to be approved by the President.

SEC. 2. *And be it further enacted*, That every ship and vessel of the United States, going to any foreign country, shall, before she departs from the United States, at the request of the master, be furnished by

Vessels to be furnished therewith.

On sale or loss of the ship, passport to be delivered up.

Vessels to pay collectors certain sums every voyage.

Penalty on sailing without passport after first September.

the collector for the district, where such ship or vessel may be, with a passport of the form prescribed and established, pursuant to the foregoing section; for which passport, the master of such ship or vessel, shall pay to the said collector, ten dollars, to be accounted for by him; and in order to be entitled to such passport, the master of every such ship or vessel shall be bound with sufficient sureties, to the Treasurer of the United States, in the penalty of two thousand dollars, conditioned, that the said passport shall not be applied to the use or protection of any other ship or vessel, than the one described in the same; and that, in case of the loss or sale of any ship or vessel having such passport, the same shall, within three months, be delivered up to the collector from whom it was received, if the loss or sale take place within the United States; or within six months, if the same shall happen at any place nearer than the Cape of Good Hope; and within eighteen months, if at a more distant place.

SEC. 3. *And be it further enacted*, That there shall be paid on every ship and vessel of the United States sailing or trading to any foreign country, other than some port or place in America, for each and every voyage, the sum of four dollars, to be received and accounted for, by the collector, at the time of clearing outward, if such vessel be bound direct to such foreign country, from any port of the United States, or at the time of entry in the United States, if such ship or vessel shall have sailed to such foreign country, from any port or place in America, other than of the United States.

SEC. 4. *And be it further enacted*, That if any ship or vessel of the United States, shall depart therefrom, after the first day of September next, and shall be bound to any foreign country, other than to some port or place in America, without such passport, the master of such ship or vessel shall forfeit and pay the sum of two hundred dollars for every such offence.

APPROVED, JUNE 1, 1796.

STATUTE I.

June 1, 1796.

Act of May 18, 1796, ch. 29.
Surveyor General to cause certain lands to be surveyed.
Post, p. 724.

CHAP. XLVI.—*An Act regulating the grants of land appropriated for Military services, and for the Society of the United Brethren, for propagating the Gospel among the Heathen.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Surveyor General be, and he is hereby required, to cause to be surveyed, the tract of land beginning at the northwest corner of the seven ranges of townships, and running thence fifty miles due south, along the western boundary of the said ranges; thence due west to the main branch of the Scioto river; thence up the main branch of the said river, to the place where the Indian boundary line crosses the same; thence along the said boundary line, to the Tuscaroras branch of the Muskingum river, at the crossing place above Fort Lawrence; thence up the said river, to the point, where a line, run due west from the place of beginning, will intersect the said river; thence along the line so run to the place of beginning; and shall cause the said tracts to be divided into townships of five miles square, by running, marking and numbering the exterior lines of the said townships, and marking corners in the said lines, at the distance of two and one half miles from each other, in the manner directed by the act, intituled "An act providing for the sales of the lands of the United States, in the territory northwest of the river Ohio, and above the mouth of Kentucky river;" and that the lands above described, except the salt springs therein, and the same quantities of land adjacent thereto, as are directed to be reserved with the salt springs, in the said recited act, and such tracts within the boundaries of the same, as have

been heretofore appropriated by Congress, be, and they are hereby, set apart and reserved for the purposes herein after mentioned.

SEC. 2. *And be it further enacted,* That the said land shall be granted only in tracts containing a quarter of the township to which they belong, lying at the corners thereof; and that the Secretary of the Treasury shall, for the space of nine months, after public notice in the several states and territories, register warrants for military services, to the amount of any one or more tracts, for any person or persons holding the same; and shall immediately after the expiration of the said time, proceed to determine, by lot, to be drawn in the presence of the secretaries of state and of war, the priority of location of the said registered warrants; and the person or persons holding the same, shall severally make their locations, after the lots shall be proclaimed, on a day to be previously fixed in the before mentioned notice; in failure of which, they shall be postponed in locating such warrants, to all other persons holding registered warrants: And the patents for all lands located under the authority of this act, shall be granted in the manner directed by the before mentioned act, without requiring any fee therefor.

SEC. 3. *And be it further enacted,* That after the time limited for making the locations, as aforesaid, any person or persons holding warrants, of the before mentioned description, sufficient to cover any one or more tracts, as aforesaid, shall be at liberty to make their locations, on any tract or tracts not before located.

SEC. 4. *And be it further enacted,* That all the lands set apart by the first section of this act, which shall remain unlocated on the first day of January, in the year one thousand eight hundred, shall be released from the said reservation, and shall be at the free disposition of the United States, in like manner as any other vacant territory of the United States. And all warrants or claims for lands on account of military services, which shall not, before the day aforesaid, be registered and located, shall be forever barred.

SEC. 5. *And be it further enacted,* That the said surveyor general be, and he is hereby, required to cause to be surveyed three several tracts of land, containing four thousand acres each, at Shoenbrun, Gnadenhutzen, and Salem; being the tracts formerly set apart, by an ordinance of Congress of the third of September, one thousand seven hundred and eighty-eight, for the society of United Brethren for propagating the gospel among the heathen; and to issue a patent or patents for the said three tracts to the said society, in trust, for the uses and purposes in the said ordinance set forth.

SEC. 6. *And be it further enacted,* That all navigable streams or rivers within the territory to be disposed of, by virtue of this act, shall be deemed to be and remain public highways. And that, in all cases, where the opposite banks of any stream not navigable shall belong to different persons, the stream and the bed thereof shall be common to both.

APPROVED, June 1, 1796.

Duty of the Secretary of the Treasury herein.

Priority of location how determined,

and patents granted.

Privilege to certain persons holding warrants,

and lands unlocated after the 1st January, to be at disposition of United States.

Claims limited. Post, p. 724.

Three tracts to be surveyed for Society for propagating the Gospel among the heathen.

Reservations.

STATUTE I.

CHAP. XLVII.—*An Act for the admission of the State of Tennessee into the Union.*

WHEREAS by the acceptance of the deed of cession of the state of North Carolina, Congress are bound to lay out into one or more states, the territory thereby ceded to the United States:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the whole of the territory ceded to the United States by the state of North Carolina, shall be one state, and the same is hereby declared to be one of the United States of America, on an equal footing with the original states, in all respects

June 1, 1796.

Ante, p. 106.

Certain territory declared to be one state under the name of Tennessee.

whatever, by the name and title of the State of Tennessee. That until the next general census, the said state of Tennessee shall be entitled to one Representative in the House of Representatives of the United States; and in all other respects, as far as they may be applicable, the laws of the United States shall extend to, and have force in the state of Tennessee, in the same manner, as if that state had originally been one of the United States.

APPROVED, June 1, 1796.

STATUTE I.

June 1, 1796.

[Obsolete.]

Appropriation for defraying expenses on trial of persons concerned in the late insurrection.

Additional compensation to jurors, &c.

1792, ch. 36.

Appropriation for clerks of courts and jurors.

CHAP. XLVIII.—*An Act making an appropriation to satisfy certain Demands attending the late Insurrection; and to increase the compensation to Jurors and Witnesses in the Courts of the United States.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a sum, not exceeding twenty thousand dollars, out of any monies not otherwise appropriated, be, and the same is hereby appropriated to the discharge of certain incidental demands, occasioned by the trial of persons for crimes and offences during the late insurrection, for the payment of which no special provision has been made by law.

SEC. 2. *And be it further enacted,* That in addition to the compensation now allowed by law to jurors and witnesses, attending in the courts of the United States, there shall be allowed and paid to each grand and petit juror, for his attendance, fifty cents per day; and to each witness, for like attendance, fifty cents per day.

SEC. 3. *And be it further enacted,* That the sum of ten thousand dollars, out of any monies not otherwise appropriated, be, and the same is hereby appropriated, for defraying the expense of clerks of courts, jurors and witnesses, for the year one thousand seven hundred and ninety-six, in aid of the fund arising from fines, forfeitures and penalties, and of the appropriations already made for that purpose.

APPROVED, June 1, 1796.

STATUTE I.

June 1, 1796.

[Obsolete.]

Drawbacks in what cases allowed.

56 section of certain act suspended with regard to the Ohio and Mississippi.

1791, ch. 15.

Repealed 1802, ch. 19.

CHAP. XLIX.—*An Act limiting the time for the allowance of Drawback on the Exportation of Domestic distilled Spirits, and allowing a Drawback upon such Spirits exported in vessels of less than thirty tons, by the Mississippi.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the first day of July next, no drawback shall be allowed on any of the spirits distilled in the United States, which shall not be exported, pursuant to regulations heretofore enacted, and in force, within twelve months from the time when such spirits were distilled, to be ascertained by the dates of the certificates which may and ought to accompany the said spirits, at the time of exportation.

SEC. 2. *And be it further enacted,* That the restriction in the fifty-sixth section of the act, intituled "An act, repealing after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also, upon spirits distilled in the United States, and for appropriating the same," shall, from and after the first day of July next, be suspended, and cease to operate for the space of one year, so far as the said restriction respects any distilled spirits which may be exported from the district of Louisville, in the state of Kentucky, or from any district which may be hereafter established on the rivers Mississippi or Ohio, or the branches thereof.

APPROVED, June 1, 1796.

CHAP. L.—*An Act making further appropriations for the year one thousand seven hundred and ninety-six.*

STATUTE I.
June 1, 1796.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in addition to the sums heretofore appropriated, there be further appropriated for and during the present year, the following sums, that is to say: In the Department of State, for the compensation of clerks, two hundred dollars: In the Department of the Treasury, for the compensation of clerks, four thousand dollars: In the Department of War, for the additional salary of the accountant, four hundred dollars; and for the additional compensation of clerks in the said department, seven hundred dollars; and in the mint of the United States, for the additional salary of a clerk, two hundred dollars.

[Obsolete.]
Additional appropriations for 1796.

SEC. 2. *And be it further enacted,* That for the compensation of clerks in the several loan offices; and for defraying the expenses of books and stationery for the said offices, during the present year, and during the year one thousand seven hundred and ninety-five, there be appropriated a sum not exceeding fourteen thousand dollars.

Loan office clerks.

SEC. 3. *And be it further enacted,* That there be further appropriated towards defraying the extraordinary expenses which may be incurred during the year one thousand seven hundred and ninety-six, for foreign intercourse, a sum not exceeding twenty-three thousand five hundred dollars, in addition to the sum already appropriated for that purpose, by the second section of the act of the present session, intituled "An act making further provision for the expenses attending the intercourse of the United States with foreign nations; and to continue in force the act, entitled "An act providing the means of intercourse between the United States and foreign nations."

Foreign intercourse.

Contingent expenses of government.
1796, ch. 41.

SEC. 4. *And be it further enacted,* That there be appropriated for the contingent expenses of the government of the United States, a sum not exceeding twenty thousand dollars, subject to the disposition of the President of the United States, and for the payment of such miscellaneous demands against the United States, other than those on account of the civil department, not otherwise provided for, and which shall have been ascertained and admitted in due course of settlement at the treasury, and which are of a nature, according to the usage thereof, to require payment in specie, a sum not exceeding two thousand dollars; and that the several appropriations herein before made, be, and the same are hereby directed to be paid out of the proceeds of the duties on imports and the tonnage of ships and vessels, and the duties on domestic distilled spirits and on stills, which shall accrue until the close of the present year.

Out of what funds payable.

APPROVED, June 1, 1796.

CHAP. LI.—*An Act making appropriations for the support of the Military and Naval Establishments for the year one thousand seven hundred and ninety-six.*

STATUTE I.
June 1, 1796.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That including the appropriation of five hundred thousand dollars, made for the military establishment for the year one thousand seven hundred and ninety-six, by an act of the present session, there be appropriated for the military and naval establishments, a sum not exceeding one million, three hundred and eighteen thousand, eight hundred and seventy-three dollars; that is to say: For the pay of the army of the United States, the sum of two hundred and seventy-three thousand, six hundred and sixty-six dollars: For subsistence of the officers of the army, the sum of forty-five thousand six hundred and six dollars: For the subsistence of the

[Obsolete.]
Appropriations for military establishment.

Appropriations
for military es-
tablishment.

non-commissioned officers and privates, the sum of three hundred thousand dollars: For forage, the sum of sixteen thousand five hundred and ninety-two dollars: For clothing, the sum of seventy thousand dollars: For purchase of horses for the cavalry, the sum of three thousand seven hundred and fifty dollars: For bounties, the sum of ten thousand dollars: For the hospital department, the sum of thirty thousand dollars: For the ordnance department, the sum of forty thousand dollars: For the Indian department, the sum of sixty thousand dollars: For the quartermaster's department, the sum of two hundred thousand dollars: For contingencies of the war department, the sum of thirty thousand dollars: For the defensive protection of the frontiers, the sum of one hundred thousand dollars: For the completion of the fortifications, magazines, store houses and barracks at West Point, the sum of twenty thousand dollars: For the pay and subsistence of three captains in the naval department, the sum of five thousand dollars: For the payment of military pensions, including an allowance to the widows and children of officers, under an act, intituled "An act in addition to the act for making further and more effectual provision for the protection of the frontiers of the United States," the sum of one hundred and fourteen thousand two hundred and fifty-nine dollars.

1794, ch. 52.

Out of what
funds payable.

1790, ch. 34.

SEC. 2. *And be it further enacted,* That the several appropriations herein before made, shall be paid and discharged out of the funds following, to wit: First, The surplus of the sum of six hundred thousand dollars, reserved by the act "making provision for the debt of the United States;" and which shall accrue, during the year one thousand seven hundred and ninety-six: Secondly, The surplus of revenue and income beyond the appropriations heretofore charged thereupon, to the end of the year one thousand seven hundred and ninety-six; and, Thirdly, The surplus which shall remain unexpended, of the monies appropriated to the use of the war department, for the year one thousand seven hundred and ninety-five.

President of
United States
may borrow
\$650,000 to sa-
tisfy this act.

SEC. 3. *And be it further enacted,* That the President of the United States be empowered to borrow, at an interest not exceeding six per centum, of the Bank of the United States, which is hereby authorized to lend the same; or of any body or bodies politic, person or persons, any sum or sums not exceeding in the whole, six hundred and fifty thousand dollars, and to be applied to the purposes aforesaid, and to be reimbursed, as well interest as principal, out of the funds aforesaid.

APPROVED, June 1, 1796.

STATUTE I.

June 1, 1796.

[Obsolete.]

Distillers when
admitted to an
election to pay
monthly duty on
stills.

CHAP. LII.—*An Act providing relief to the owners of Stills within the United States, for a limited time, in certain cases.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in every case of a distiller, who hath entered his still or stills, in such manner, as to be liable to pay the duty of fifty-four cents upon the capacity or capacities thereof, for the year to end in June, one thousand seven hundred and ninety-six, wherein it shall be made to appear to the supervisor of the district, that the said distiller has been really and truly prevented from employing or working his still or stills, during any part of the term aforesaid, by the destruction or failure of fruit and grain, or any other unavoidable cause within the district in which he resides, it shall and may be lawful for the said supervisor, on application made to him, any time before the last day of September next, to admit such distiller to the benefit of an election, to pay, in lieu of the duty on the capacity of his still or stills for the year, the monthly duty of ten cents per gallon of the capacity for the time he employed his still or stills.

APPROVED, June 1, 1796.

CHAP. LIII.—*An Act to suspend, in part, the act intituled "An act to alter and amend the act intituled An act laying certain duties upon Snuff and refined Sugar."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the act intituled "An act to alter and amend the act, intituled An act laying certain duties upon snuff and refined sugar," as respects the duties therein laid upon mills and implements employed in the manufacture of snuff, and the drawbacks therein allowed upon the exportation of snuff manufactured within the United States, be suspended, from the passing of this act, until the end of the next session of Congress.

APPROVED, June 1, 1796.

STATUTE I.

June 1, 1796.

[Obsolete.]

Certain act laying duty on snuff mills, &c. suspended.

1795, ch. 43.

RESOLUTION.

RESOLVED *by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary for the Department of War, return to the respective district judges, the names of all such persons, as have been transmitted to him by the several district judges, pursuant to the act for the regulation of claims to invalid pensions; and in whose cases, the examining physicians have neglected to specify the ratio of disability; together with such defective returns of physicians. And the said district judges, respectively, shall forthwith cause the examining physicians to specify the several rates of disability, which have been so neglected; or, in case of sickness, death, or removal of one or both such physicians, to make new appointments, and cause the several rates of disability to be specified, and by the said physicians returned to them, as soon as may be; of which, they shall make return to the Secretary at War, who shall, at the session of Congress holden next after, or at the time of such receipt, make return thereof, with such observations, as he may think proper to subjoin, that the proper order may be taken thereon by Congress.*

APPROVED, April 18, 1796.

April 18, 1796.

Relating to invalid pensioners.

ACTS OF THE FOURTH CONGRESS

OF THE

UNITED STATES,

Passed at the second session, which was begun and held at the City of Philadelphia, in the state of Pennsylvania, on Monday, the fifth day of December, 1796, and ended on the third of March, 1797.

GEORGE WASHINGTON, President; JOHN ADAMS, Vice President of the United States, and President of the Senate; WILLIAM BINGHAM, President of the Senate pro tempore, from March 2d, 1797; JONATHAN DAYTON, Speaker of the House of Representatives.

STATUTE II.

Dec. 21, 1796.

[Obsolete.]

Act of March 3, 1795, ch. 50.
Acts of present session, how published.

CHAPTER I.—*An Act to amend the act intituled "An act for the more general promulgation of the Laws of the United States."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary for the department of State shall cause to be included in the edition of the laws of the United States, directed to be printed by the said act, the laws of the United States which may be passed during the present session of Congress: *Provided,* the same can be done at an expense which he shall judge reasonable.

APPROVED, December 21, 1796.

STATUTE II.

Jan. 31, 1797.

CHAP. II.—*An Act giving effect to the Laws of the United States, within the State of Tennessee.*

Act of June 1, 1796, ch. 47.
Act of Feb. 19, 1799, ch. 8.

Laws to extend to Tennessee.

Ante, p. 73.

District courts.

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all the laws of the United States, which are not locally inapplicable, ought to have, and shall have, the same force and effect within the state of Tennessee, as elsewhere within the United States.

And to the end, that the act, intituled "An act to establish the judicial courts of the United States," may be duly administered within the state of Tennessee,

SEC. 2. *Be it enacted,* That the said state shall be one district, to be denominated Tennessee district, and there shall be a district court therein, to consist of one judge, who shall reside in the said district, and be called a district judge, and annually hold four sessions; the first to commence on the first Monday in April next, and the three other sessions progressively, on the like Mondays of every three calendar months afterwards. The said district courts shall be held alternately at Knoxville and Nashville, beginning at Nashville. And the said judge shall, in all things, have and exercise the same jurisdiction and powers, which by law are given to the judge of the district of Kentucky.

SEC. 3. *And be it enacted,* That there shall be allowed to the judge of the said district court, the yearly compensation of eight hundred dollars, to commence from the date of his appointment, to be paid quarterly at the treasury of the United States.

And to the end, that the laws providing for the collection of the duties

Salary of the judge.
1802, ch. 31, sec. 12.

imposed by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships and vessels, may be carried into effect, in the said state of Tennessee.

SEC. 4. *Be it further enacted*, That for the due collection of the said duties, the said state of Tennessee shall be one district, and a collector shall be appointed to reside at Palmyra, which shall be the only port of entry or delivery within the said district, of any goods, wares or merchandise, not the growth or manufacture of the United States; and the said collector shall have, and exercise all the powers, which any other collector hath, or may legally exercise, for collecting the duties aforesaid; and in addition to the fees by law provided, shall be paid the yearly compensation of one hundred dollars.

Collection district.

Act of March 2, 1801, ch. 12.

APPROVED, January 31, 1797.

STATUTE II.

CHAP. III.—*An Act to augment the Compensation of the Attorney General of the United States.*

March 2, 1797.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the compensation allowed by law to the Attorney General of the United States, shall be, and the same is hereby augmented, by an addition of the sum of five hundred dollars per annum, to commence on the first day of January, in the present year, and payable quarter-yearly, at the public treasury.

[Obsolete.]
Compensation to Attorney General.

Ante, p. 72.

APPROVED, March 2, 1797.

STATUTE II.

CHAP. V.—*An Act to continue in force for a limited time, the act, in addition to the act, for the punishment of certain crimes against the United States.*

March 2, 1797.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act, intitled "An act, in addition to the act, for the punishment of certain crimes against the United States," shall continue and be in force, for and during the term of two years, and from thence to the end of the next session of Congress, and no longer.

[Expired.]
Act of June 5, 1794, ch. 50.
Act concerning crimes continued.

APPROVED, March 2, 1797.

STATUTE II.

CHAP. VI.—*An Act making provision for the further accommodation of the household of the President of the United States.*

March 2, 1797.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after the third day of March next, the President of the United States be, and he hereby is authorized and empowered, to cause to be sold, such articles furnished by the United States, for the President's household, as may be decayed, out of repair, or unfit for use, and that the proceeds of such sale, and so much of a sum not exceeding fourteen thousand dollars in addition thereto, out of the proceeds of the duties on imports and tonnage which may accrue during the present year, as the President of the United States may judge necessary, be, and hereby are appropriated for the accommodation of the household of the President, to be laid out and expended for such articles of furniture as he shall direct.

[Obsolete.]
\$14,000 granted to the President for his household.

APPROVED, March 2, 1797.

STATUTE II.

March 2, 1797.

[Obsolete.]

Act of Dec.
31, 1792, ch. 1.Secretary of
Treasury author-
ized to grant
certificates, &c.
in certain cases.

1793, ch. 8.

CHAP. VII.—*An Act, in addition to an act, intituled "An act concerning the registering and recording of ships or vessels," and to an act, intituled "An act for enrolling and licensing ships and vessels employed in the coasting trade and fisheries, and for regulating the same."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever it shall appear, by satisfactory proof, to the Secretary of the Treasury, that any ship or vessel hath been sold and transferred by process of law; and that the register, certificate of enrolment, or license, as the case may be, of such ship or vessel, is retained by the former owners, it shall be lawful for the said secretary, to order and direct the collector of the district to which such ship or vessel may belong, to grant a new register, certificate of enrolment, or license, as the case may be, on the owners, under such sale, complying with such terms and conditions, as are, by law, required for granting of such papers; excepting only the delivering up of the former certificate of registry, enrolment or license, as the case may be: *Provided nevertheless,* that nothing in this act contained, shall be construed to remove the liability of any person or persons to any penalty for not surrendering up the papers, belonging to any ship or vessel, on a transfer or sale of the same.

APPROVED, March 2, 1797.

STATUTE II.

March 3, 1797.

[Obsolete.]

Specific ap-
propriations for
1797.

CHAP. VIII.—*An Act making appropriations for the support of Government, for the year one thousand seven hundred and ninety-seven.*

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the expenditure of the civil list; for the extra expenses of foreign intercourse; for the support of the mint establishment, lighthouses, beacons, buoys and public piers, for the year one thousand seven hundred and ninety-seven; and to satisfy certain miscellaneous claims, stated in the report of the Secretary of the Treasury, of the fifteenth day of December, one thousand seven hundred and ninety-six, together with the incidental and contingent expenses of the several departments, and the offices thereof, the following sums be respectively appropriated; that is to say:

President and
Vice President.

For the compensations granted by law to the President and Vice President of the United States, thirty thousand dollars.

Members of
Congress.

For the like compensations to the members of the Senate and House of Representatives, their officers and attendants, estimated for a session of four months' continuance, one hundred and thirty-eight thousand seven hundred and eighty-six dollars and sixty-seven cents.

Contingencies.

For the expenses of firewood, stationery, printing work, and all other contingent expenses of the two houses of Congress, twelve thousand dollars.

For the compensations granted by law to the chief justice, associate judges, district judges, and attorney general, forty-four thousand nine hundred dollars.

For defraying the expenses of clerks of courts, jurors and witnesses, in aid of the fund arising from fines, forfeitures and penalties; and likewise for defraying the expenses of prosecutions for offences against the United States, and for safe keeping of prisoners, thirty thousand dollars.

For compensation to the Secretary of State, clerks and persons employed in that department, seven thousand seven hundred and ninety-two dollars and sixty-four cents.

For incidental and contingent expenses in the said department, eight thousand seven hundred and five dollars.

For compensation to the Secretary of the Treasury, clerks and per

Specific appropriations for the support of government for 1797.

sons employed in his office, eight thousand seven hundred and fifty dollars.

For expense of stationery, printing and all other contingent expenses in the office of the Secretary of the Treasury, five hundred dollars.

For compensation to the Comptroller of the Treasury, clerks and persons employed in his office, eleven thousand seven hundred and fifty dollars.

For expense of stationery, printing and all other contingent expenses in the Comptroller's office, eight hundred dollars.

For compensation to the Treasurer and clerks employed in his office, four thousand five hundred and fifty dollars.

For expense of firewood, stationery, printing, rent and other contingencies in the Treasurer's office, six hundred dollars.

For compensation to the Auditor of the Treasury, clerks and persons employed in his office, eleven thousand eight hundred and twenty-five dollars.

For expense of stationery, printing and other contingent expenses in the Auditor's office, seven hundred and fifty dollars.

For compensation to the Commissioner of the Revenue, clerks and persons employed in his office, five thousand four hundred and twenty-five dollars.

For expense of stationery, printing and all other contingent expenses in the office of the Commissioner of the Revenue, four hundred dollars.

For compensation to the Register of the Treasury, clerks and persons employed in his office, fifteen thousand four hundred and twenty-five dollars.

For expense of stationery, printing and all other contingent expenses in the Register's office, (including books for the public stocks, and for the arrangement of the marine papers,) two thousand eight hundred dollars.

For compensation to the purveyor of public supplies, two thousand dollars, and five hundred dollars for a clerk.

For compensation to the Secretary to the commissioners of the sinking fund, including his salary from the time of his appointment, to the thirty-first day of December, one thousand seven hundred and ninety-seven, four hundred and nineteen dollars and seventeen cents.

For the payment of rent for the several houses employed in the treasury department, (except the Treasurer's office,) two thousand six hundred and ninety-three dollars and thirty-three cents.

For expense of firewood and candles in the several offices of the Treasury department, (except the Treasurer's office) three thousand five hundred dollars.

For defraying the expense incident to the stating and printing the public accounts, for the year one thousand seven hundred and ninety-seven, one thousand dollars.

For the payment of certain incidental and contingent expenses of the Treasury department, in the year one thousand seven hundred and ninety-six, beyond the sum which was appropriated, one thousand five hundred dollars.

For compensation to the several loan officers, thirteen thousand two hundred and fifty dollars.

For clerk hire and stationery to the commissioners of loans, for the year one thousand seven hundred and ninety-seven, twelve thousand dollars.

For compensation to the Secretary of War, clerks and persons employed in his office, eight thousand dollars.

For expense of firewood, stationery, printing, rent and other contingent expenses of the office of the Secretary of War, two thousand dollars.

For compensation to the accountant to the War department, clerks

Specific appropriations for the support of government for 1797.

and persons employed in his office, seven thousand six hundred and fifty dollars.

For contingent expenses in the office of the accountant to the War department, six hundred dollars.

For compensation to the Surveyor General two thousand dollars.

For compensation to the assistant surveyors, chain-carriers, axe-men and other persons employed in carrying into effect the surveys to be made by the act, intituled "An act providing for the sale of the lands of the United States, in the territory northwest of the river Ohio, and above the mouth of Kentucky river, twenty-five thousand dollars.

For compensation to the Governor, Secretary and Judges of the territory northwest of the river Ohio, five thousand one hundred and fifty dollars.

For expenses of stationery, office rent, printing patents for land, and other contingent expenses in the said territory, three hundred and fifty dollars.

For the payment of sundry pensions granted by the late government, one thousand one hundred and thirteen dollars and thirty-three cents.

1793, ch. 14.

For the annual allowance to the widow and orphan children of Colonel John Harding, and to the orphan children of Major Alexander Trueman, by the act of Congress of the twenty-seventh of February, one thousand seven hundred and ninety three, seven hundred and fifty dollars.

1793, ch. 28.

For the annual allowance for the education of Hugh Mercer, son of the late Major-general Mercer, by the act of Congress of the second of March, one thousand seven hundred and ninety-three, four hundred dollars.

Ante, p. 128.

For defraying the expenses of foreign intercourse, for the year one thousand seven hundred and ninety-seven, beyond the annual appropriations authorized by the act of Congress, passed the first day of July, one thousand seven hundred and ninety, intituled "An act providing the means of intercourse between the United States and foreign nations," seventeen thousand nine hundred dollars.

For compensations to the following officers of the mint: The Director, two thousand dollars; the Treasurer, one thousand two hundred dollars; the assayer, one thousand five hundred dollars; the chief coiner, one thousand five hundred dollars; the melter and refiner, one thousand five hundred dollars; the engraver, one thousand two hundred dollars; three clerks, one at seven hundred dollars, and two at five hundred dollars each, one thousand seven hundred dollars.

For the wages of persons employed in the mint, at the different branches of refining, melting, carpenter's, millwright's, and smith's work, including the sum of eight hundred dollars per annum, allowed to an assistant coiner and die-forgers, who also oversees the execution of the iron work, seven thousand dollars.

For the payment of a deficiency which has arisen in the mint, in coining the precious metals, by reason of wasteage, the sum of one thousand eight hundred and forty-five dollars and ninety-six cents; and for the payment of a deficiency which has arisen by reason of the loss of a quantity of silver, the further sum of nine hundred and seventy-four dollars and seventy-six cents.

For the purchase of ironmongery, lead, wood, coals, stationery, office furniture, and for all other contingencies for the establishment of the mint, seven thousand four hundred dollars.

For the discharge of such demands against the United States, on account of the civil department, not otherwise provided for, as shall be ascertained and admitted in due course of settlement at the treasury, and which are of a nature, according to the usage thereof, to require payment in specie, one thousand dollars.

For the maintenance and support of lighthouses, beacons, buoys, and

public piers, and stakeage of channels, bars and shoals, for the year one thousand seven hundred and ninety-seven, twenty-eight thousand five hundred dollars.

For completing a lighthouse on the island of Seguin, two thousand one hundred and seventy dollars.

For completing the payment due for building the lighthouse on Bald-head, North Carolina, one thousand three hundred and fifty-nine dollars and fourteen cents.

For completing a lighthouse on Montock-point, two thousand seven hundred and forty dollars and sixty-seven cents.

For the balance carried to the "Surplus Fund," of an appropriation for building a lighthouse on Montock-point, thirteen thousand dollars.

For extra clerkship, necessary for a part of the present year in the loan office, for consolidating the accounts of assumed and original debt, agreeable to the thirteenth section of the act passed the third of March, one thousand seven hundred and ninety-five, two thousand five hundred dollars.

For the payment of the representatives of Samuel Patterson, late commissioner of the loan office for the state of Delaware, two hundred and seventy-two dollars and eighty-nine cents.

For the payment of a balance due to James O'Hara, late agent for the quartermaster's department, two hundred and thirty-five dollars and eighty-one cents.

For the payment of a balance due to Timothy Pickering, as commissioner appointed to hold the Indian treaties at Konondaigua and Oneida, three thousand four hundred and sixty-three dollars and twelve cents.

For compensation to persons employed in bringing votes to the seat of government, for electors of the President and Vice President of the United States, one thousand six hundred dollars.

For making good certain deficiencies arising from the balance of monies of various appropriations, being carried to the credit of the "Surplus Fund," in pursuance of the sixteenth section of the act passed the third of March, one thousand seven hundred and ninety-five, viz:

For payment of the clerks employed by the commissioners of loans, for the states of Massachusetts, New York and North Carolina, for the quarter ending the thirtieth of March, one thousand seven hundred and ninety-five, seven hundred and eighty-nine dollars and seventy cents.

For the payment of a balance due to Timothy Pickering, Beverly Randolph, and Benjamin Lincoln, commissioners appointed to negotiate and treat with the Indians, northwest of the river Ohio, on the second day of March, one thousand seven hundred and ninety-three, three thousand two hundred and forty-seven dollars and fifty-six cents.

For the discharge of such miscellaneous demands against the United States, not otherwise provided for, as shall have been admitted in due course of settlement at the treasury, and which are of a nature, according to the usage thereof, to require payment in specie, four thousand dollars.

SEC. 2. *And be it further enacted*, That the several appropriations herein before made, shall be paid and discharged out of the fund of six hundred thousand dollars, reserved by the act "making provision for the debt of the United States;" together with so much as may be necessary, of the proceeds of the duties on imports, and the tonnage of ships and vessels, and the duties on domestic distilled spirits and stills, which shall accrue until the close of the present year.

APPROVED, March 3, 1797.

Specific appropriations for the support of government for 1797.

1795, ch. 45.

1795, ch. 45.

Ante, p. 133.

STATUTE II.

March 3, 1797.

[Obsolete.]

Compensation
to officers of the
revenue.

1799, ch. 22.

Compensation
to collectors.

CHAP. IX.—*An Act relative to the Compensations and Duties of certain Officers employed in the collection of impost and tonnage.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in lieu of the commissions heretofore established by law, there shall be allowed to the collectors of the duties of impost and tonnage, on all monies by them respectively received on account of the duties aforesaid, arising on tonnage, and on goods, wares and merchandise, imported after the last day of March in the present year, as follows, to wit:

To each of the collectors of the districts of Pennsylvania and New York, one quarter per cent.

To each of the collectors of the districts of Boston and Charlestown, and of Baltimore, one half per cent.

To each of the collectors of the districts of Charleston, Salem, and of Norfolk and Portsmouth, seven eighths of one per cent.

To each of the collectors of the districts of Alexandria, and Savannah, one per cent.

To the collector of the district of Newburyport, one and one fourth per cent.

To each of the collectors of the districts of Portsmouth, Portland, Newport, Providence and New Haven, one and one half per cent.

To each of the collectors of the districts of Georgetown, (in Maryland) and Marblehead, two and one half per cent.

To each of the collectors of the districts of New London, Biddeford, Bath and Wiscasset, two per cent.

And to each of the collectors of the districts of Tappahannock, Vermont, Champlain, Gloucester, Ipswich, Plymouth, Barnstable, Nantucket, Edgartown, New Bedford, Dighton, York, Penobscot, Frenchman's Bay, Machias, Passamaquoddy, Waldoborough, Middletown, Fairfield, Sagg Harbor, Hudson, Perth Amboy, Burlington, Bridgetown, Little Egg Harbor, Wilmington (in Delaware,) Havre-de-Grace, Chester, Oxford, Vienna, Snowhill, Annapolis, Nottingham, Nanjemoy, Bermuda Hundred, Hampton, Yorktown, Yeocomico, Dumfries, Foley Landing, Cherrystone, Southquay, Kentucky, Wilmington, (North Carolina,) Newbern, Washington, Edenton, Camden, Georgetown, (South Carolina,) Beaufort, Sunbury, Brunswick, St. Mary's, Hardwick, and Tennessee, three per cent.

SEC. 2. *And be it further enacted,* That from and after the last day of March, in the present year, in lieu of the yearly allowances heretofore established by law, there shall be yearly allowed to the following officers, the sums following, to wit:

To each of the collectors of the districts of Annapolis, Havre-de-Grace, Gloucester, Southquay, Yeocomico, Tappahannock, Newbern, Edenton, Camden, Wilmington, (North Carolina,) Nanjemoy, Ipswich, York, Washington, Passamaquoddy, Saint Mary's, Vermont, Champlain, and Bermuda Hundred, the sum of two hundred and fifty dollars.

To each of the collectors of the districts of Oxford, Vienna, Chester, Sagg Harbor, Nottingham, Hampton, Yorktown, Dumfries, Foley Landing, Cherrystone, Beaufort, Brunswick and Hardwick, the sum of two hundred dollars.

To each of the collectors of the districts of Perth Amboy, Kentucky, Portsmouth, Hudson, Plymouth, Barnstable, Nantucket, Edgartown, New Bedford, Dighton, Penobscot, Frenchman's Bay, Machias, Newport, Middletown, Fairfield, Burlington, Bridgetown, Great Egg Harbor, Little Egg Harbor, Wilmington, (in Delaware,) Snowhill, Georgetown, (in South Carolina,) Sunbury, Tennessee, Marblehead, New Haven, and Georgetown, (in Maryland,) the sum of one hundred and fifty dollars.

To each of the collectors of the districts of Perth Amboy, Kentucky, Portsmouth, Hudson, Plymouth, Barnstable, Nantucket, Edgartown, New Bedford, Dighton, Penobscot, Frenchman's Bay, Machias, Newport, Middletown, Fairfield, Burlington, Bridgetown, Great Egg Harbor, Little Egg Harbor, Wilmington, (in Delaware,) Snowhill, Georgetown, (in South Carolina,) Sunbury, Tennessee, Marblehead, New Haven, and Georgetown, (in Maryland,) the sum of one hundred and fifty dollars.

To each of the collectors of Biddeford, Bath, and Wiscasset, one hundred dollars.

Compensation to collectors.

To the naval officer of the district of Portsmouth, two hundred dollars.

To each of the naval officers of the districts of Newburyport, Salem, Newport, Providence, Wilmington, (in North Carolina,) and Savannah, the sum of one hundred and fifty dollars.

Compensation to Naval Officers.

To each of the surveyors of Salem, Portsmouth, Newburyport, Bristol, Warren, East Greenwich, Saint Mary's, Suffolk, Smithfield, Richmond, Petersburg, Fredericksburg, Wilmington, Beaufort, and Swansborough, the sum of two hundred and fifty dollars.

Compensation to Surveyors.

To each of the surveyors of Newport, Providence, Thomastown, Beverly, New Haven, Middletown, Hartford, Saybrook, Albany, Hudson, Lewellensburg, Portland, North Kingston, Powhatuck, Patuxet, New London, Stonington, Town Creek, Bermuda Hundred, West Point, Urbanna, Port Royal, Alexandria, Windsor, Hertford, Plymouth, Skewarky, Murfreesborough, Bennet's Creek, Winton, Nixonton, Newbiggen Creek, Pasquotank River, Indiantown, Currituck Inlet, Savannah, and New Brunswick, (in New Jersey,) the sum of one hundred and fifty dollars.

SEC. 3. *And be it further enacted,* That from and after the last day of March, in the present year, in lieu of the sum heretofore established by law, there shall be paid to each inspector, for every day he shall be employed in aid of the customs, a sum not exceeding two dollars; and that instead of the sum heretofore established by law, to be paid for the weighing of every one hundred and twelve pounds, in the districts of Pennsylvania and New York, there shall be paid one cent; in the districts of Boston and Charlestown, and of Baltimore, one cent and a quarter; and the weighers in the several districts shall defray all expense of labourers in weighing, and shall mark on each cask, box, bag, or package, the weight thereof, where the same is not less than three hundred pounds, if thereunto required by the owner, at the time of weighing.

Compensation to Inspectors.

To weighers.

SEC. 4. *And be it further enacted,* That from and after the last day of March, in the present year, all fees arising on the exportation of any goods, wares or merchandise, on which drawbacks are allowed, shall be equally shared among the collector, naval officer and surveyor, where there are such officers at the port where such fees are paid; to be accounted for, quarterly, by the collector or naval officer, who shall receive the same; and where there is no naval officer, such fees shall be divided equally between the collector and the surveyor, who may have been concerned in attending to such exportation. And the surveyors shall pay their proportion of the expense of stationery and printing.

Fees arising on exportation to be divided among collectors, naval officers and surveyors.

SEC. 5. *And be it further enacted,* That previous to a clearance being granted to any vessel, outward bound, the legal fees which shall have accrued on such vessel, shall be paid at the office or offices where such fees are respectively payable; and receipts for the same shall be produced to the collector, or other officer, whose duty it may be to grant clearances, before such clearance is granted.

No vessel to clear out till fees are paid.

SEC. 6. *And be it further enacted,* That a surveyor be appointed for the port of New Brunswick, (in New Jersey,) to reside at New Brunswick. And the port of Marblehead shall hereafter be a port at which vessels arriving from beyond the Cape of Good Hope, may enter and unlade.

APPROVED, March 3, 1797.

STATUTE II.

CHAP. X.—*An Act for raising a further sum of money, by additional duties on certain articles imported, and for other purposes.*

March 3, 1797.

[Obsole:e.]

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from

Additional duty on certain imports.

and after the thirtieth day of June next, the following duties, in addition to those now in force, and payable on the several articles herein after enumerated, shall be laid, levied and collected upon those articles, respectively, at their importation into the United States, from any foreign port or place, viz : upon all brown sugar, per pound, one half cent ; upon all bohea tea, per pound, two cents ; upon all molasses, per gallon, one cent ; and upon all velvets, and velverets, whether printed, stained, coloured, or otherwise, and upon all muslins and muslinets, and other cotton goods, not printed, stained or coloured, two and a half per centum, ad valorem.

Duty on cocoa and sugar candy varied.

SEC. 2. *And be it further enacted*, That from and after the said thirtieth day of June next, the duties now in force, and payable upon sugar candy, and cocoa, imported into the United States, shall cease ; and that, in lieu thereof, there shall thenceforth be levied and collected the following duty, viz : upon all sugar candy, at its importation into the United States, from any foreign port or place, nine cents per pound ; and upon all cocoa upon its importation as aforesaid, two cents per pound.

Ten per cent. addition on imports in foreign vessels.

SEC. 3. *And be it further enacted*, That an addition of ten per centum, shall be made to the several rates of duties above specified and imposed, in respect to all such goods, wares and merchandise, as aforesaid, as shall, after the said last day of June next, be imported in ships or vessels, not of the United States.

How duties shall be collected.

SEC. 4. *And be it further enacted*, That the duties laid by this act, shall be levied and collected in the same manner, and under the same regulations and allowances as to drawbacks, mode of security, and time of payment, respectively, with the several duties now in force on the respective articles herein before enumerated.

Drawbacks.

SEC. 5. *And be it further enacted*, That on account of the additional duties laid on brown sugar and molasses, by this act, the following sums, respectively, shall, from and after the last day of December next, be added to the drawbacks now allowed and paid by law on sugar refined within the United States, and exported therefrom, and on spirits distilled from molasses within the United States and exported therefrom, viz : on all sugar so refined and exported, one cent per pound ; and on all spirits so distilled and exported, one cent per gallon ; which additional drawbacks shall be allowed and paid according to the regulations now established by law, respecting the present drawbacks allowed on the said articles.

Appropriation of duties.

SEC. 6. *And be it further enacted*, That the proceeds of the duties laid by this act, shall be solely appropriated to the following purpose ; that is to say : First, for the payment of the principal of the present foreign debt of the United States : Secondly, for the payment of the principal of the debt now due by the United States to the Bank of the United States.

APPROVED, March 3, 1797.

STATUTE II.

March 3, 1797.

1792, ch. 32.

Repealed April 6, 1802.

Option respecting certain duties on distilled spirits abolished.

CHAP. XI.—*An Act repealing in part, the "Act concerning the Duties on spirits distilled within the United States," passed the eighth of May, one thousand seven hundred and ninety-two ; and imposing certain Duties on the capacity of Stills of a particular description.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in respect to stills employed in distilling spirits from materials of the growth and produce of the United States, at any other place than a city, town or village, or at any distillery in a city, town, or village, at which there are one or more stills, which singly, if only one, or together, if more than one, are of less capacity than four hundred gallons, the option and alternative of paying a duty of seven cents for every gallon of spirits distilled

in such stills, as secured and allowed by the first section of the act, intituled "an act concerning the duties on spirits distilled within the United States, passed on the eighth day of May, one thousand seven hundred and ninety-two, be, and the same is hereby, declared to be abolished, from and after the thirtieth day of June, ensuing.

SEC. 2. *And be it further enacted*, That in lieu of the option and alternative aforesaid, the proprietor, or possessor of any such still or stills, as are above mentioned, shall and may, after the first day of July, ensuing, be charged with, and shall pay the following duties, to wit: For a license for the employment of each and every such still, for and during the term of two weeks, six cents per gallon, according to the capacity or content of every such still, including the head thereof: For a license, for and during the term of one month, ten cents per gallon, as aforesaid: For a license, for and during the term of two months, eighteen cents per gallon, as aforesaid: For a license, for and during the term of three months, twenty-four cents per gallon, as aforesaid: For a license, for and during the term of four months, thirty cents per gallon, as aforesaid: For a license, for and during the term of five months, thirty-six cents per gallon, as aforesaid: And for a license, for and during the term of six months, forty-two cents per gallon, as aforesaid.

Duties according to capacity of stills established.

SEC. 3. *And be it further enacted*, That upon the sale or transfer of any still licensed, according to this act, the right and privilege of using such still, during the time for which such license may remain in force, shall accrue to the new proprietor, or possessor, due entry of the sale or transfer being previously made, with the proper officer of inspection.

Transfers.

SEC. 4. *And be it further enacted*, That every distiller, as aforesaid, who shall commence any distillation, prior to obtaining a license therefor, shall pay a duty equal to that demandable, in consequence of a license for six months; and no new license shall be granted for any still, until all duties, which have accrued thereon, shall have been paid and discharged.

Penalty for distilling without license.

SEC. 5. *And be it further enacted*, That the several provisions and clauses of the acts heretofore passed, and remaining in force, for laying, securing, and collecting duties on spirits distilled within the United States, and on stills; for regulating the exportation of such spirits, and for making an allowance to the exporters of the same, by way of drawback, shall extend to, and remain in full force, with respect to the several provisions and clauses of this act, subject only to the alterations hereby made.

Drawbacks.

APPROVED, March 3, 1797.

STATUTE II.

CHAP. XII.—*An Act authorizing the President of the United States to apply a further sum to the expense of Negotiations with the Dey and Regency of Algiers.*

March 3, 1797.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and he is hereby authorized to apply a sum, not exceeding two hundred and eighty thousand two hundred and fifty-nine dollars and three cents, to the expenses which may have been incurred in any negotiations with the Dey and Regency of Algiers, beyond the sums heretofore appropriated; and that the said sum of two hundred and eighty thousand two hundred and fifty-nine dollars and three cents, be, and the same is hereby appropriated for that purpose.

[Obsolete.]
Appropriation for negotiations with Algiers.

SEC. 2. *And be it further enacted*, That a further sum, not exceeding ninety-six thousand two hundred and forty-six dollars and sixty-three cents, be, and the same is hereby appropriated for discharging the two first years' annuity to the Dey and Regency of Algiers, pursuant to

To pay annuity.

treaty, in addition to the sum appropriated for that purpose, by the act of the sixth of May, one thousand seven hundred and ninety-six.

SEC. 3. *And be it further enacted*, That the said several sums shall be paid and discharged out of any monies arising from the revenues of the United States, beyond the appropriations heretofore charged thereupon, to the end of the year one thousand seven hundred and ninety-seven.

APPROVED, March 3, 1797.

STATUTE II.

March 3, 1797.

CHAP. XIII.—*An Act to provide for mitigating or remitting the Forfeitures, Penalties and Disabilities accruing in certain cases therein mentioned.*(a)

[Obsolete.]

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That whenever any person or persons, who shall have incurred any fine, penalty, forfeiture or disability, or shall have been interested in any vessel, goods, wares or merchandise, which shall have been subject to any seizure, forfeiture, or disability, by force of any present or future law of the United States, for the laying, levying or collecting any duties or taxes, or by force of any present or future act, concerning the registering and recording of ships or vessels, or any act concerning the enrolling and licensing ships or vessels employed in the coasting trade or fisheries, and for regulating the same, shall prefer his petition to the judge of the district, in which such fine, penalty, forfeiture, or disability shall have accrued, truly and particularly setting forth the circumstances of his case; and shall pray, that the same may be mitigated or remitted, the said judge shall inquire, in a summary manner into the circumstances of the case; first, causing reasonable notice to be given to the person or persons claiming such fine, penalty, or forfeiture, and to the attorney of the United States, for such district, that each may have an opportunity of showing cause against the mitigation or remission thereof; and shall cause the facts which shall appear upon such inquiry, to be stated and annexed to the petition, and direct their transmission to the Secretary of the Treasury of the United States, who shall thereupon, have power to mitigate or remit such fine, forfeiture, or penalty, or remove such disability, or any part thereof, if, in his opinion, the same shall have been incurred without wilful negligence, or any intention of fraud in the person or persons incurring the same; and to direct the prosecution, if any shall have been instituted for the recovery thereof, to cease and be discontinued, upon such terms or conditions as he may deem reasonable and just.

1814, ch. 14.

Courts of the states have the same power as district courts.

SEC. 2. *And be it further enacted*, That the judicial courts of the several states, to whom, by any of the said acts, a jurisdiction is given, shall and may exercise all and every power in the cases cognizable before them, for the purpose of obtaining a mitigation, or remission of any fine, penalty or forfeiture, which may be exercised by the judges of the district courts, in cases depending before them.

Rights of individuals not to be affected in cases where a prosecution shall have been

SEC. 3. *Provided always, and be it further enacted*, That nothing herein contained, shall be construed to affect the right or claim of any person, to that part of any fine, penalty, or forfeiture, incurred by the breach of any of the laws aforesaid, which such person shall, or may be entitled to, by virtue of the said laws in cases where a prosecution has been commenced, or information has been given, before the passing of

(a) The remission of a forfeiture or penalty by the Secretary of the Treasury, accruing under the revenue laws, under the remission act of March 3, 1797, before the final judgment, and until the actual payment over to the collector for distribution of the money arising from such forfeiture, extends to the shares of the forfeiture or penalty to which the officers of the customs are entitled, as well as to the interests of the United States. *United States v. Morris*, 10 Wheat. 246; 6 Cond. Rep. 90. *United States v. Lancaster*, 4 Wash. C. C. R. 64. *McLane v. The United States*, 6 Peters, 404.

this act, or any other act relative to the mitigation or remission of such fines, penalties, or forfeitures; the amount of which right and claim shall be assessed and valued by the proper judge, or court, in a summary manner.

SEC. 4. *And be it further enacted*, That this act shall continue in force for the term of two years, and from thence to the end of the next session of Congress, and no longer.

APPROVED, March 3, 1797.

commenced or information given.

Limitation.
Repealed 1800,
ch. 6.

STATUTE II.

CHAP. XIV.—*An Act to authorize the receipt of evidences of the Public Debt, in payment for the Lands of the United States.*

March 3, 1797.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the evidences of the public debt of the United States, shall be receivable in payment for any of the lands which may be hereafter sold in conformity to the act, intituled "An act providing for the sale of the lands of the United States, in the territory northwest of the river Ohio, and above the mouth of Kentucky river," at the following rates, viz.: the present foreign debt of the United States, and such debt, or stock, as, at the time of payment, shall bear an interest of six per centum per annum, shall be received at their nominal value; and the other species of debt, or stock, of the United States, shall be received at a rate bearing the same proportion to their respective market price, at the seat of government, at the time of payment, as the nominal value of the above mentioned six per centum stock shall, at the same time, bear to its market price at the same place; the Secretary of the Treasury, in all cases, determining what such market price is.

[Obsolete.]
Stock of the United States received in payment for western lands.

Ante, p. 464.

APPROVED, March 3, 1797.

STATUTE II.

CHAP. XV.—*An Act to alter the time for the next meeting of Congress.*

March 3, 1797.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after the end of the present session, the next meeting of Congress shall be on the first Monday of November, in the present year.

APPROVED, March 3, 1797.

[Obsolete.]

STATUTE II.

CHAP. XVI.—*An Act to amend and repeal, in part, the Act intituled "An Act to ascertain and fix the Military Establishment of the United States."*

March 3, 1797.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the third section of the act, passed the thirtieth of May, one thousand seven hundred and ninety-six, intituled "An act to ascertain and fix the military establishment of the United States," together with all other parts thereof which relate to provision made for the major general and his staff, be repealed; and that all such parts of the said act, together with so much of the twenty-third section, as may be construed to affect the Brigadier, and the whole of the eleventh section of the said act be, and are hereby repealed.

→ [Repealed.]
Act of May 30,
1796, ch. 39.
Certain sections repealed.

SEC. 2. *And be it further enacted*, That there shall be one brigadier general, who may choose his brigade major and inspector, from the captains and subalterns in the line, (to each of whom there shall be allowed the monthly pay of twenty-five dollars, in addition to his pay in the line, and two rations extraordinary per day; and whenever forage shall not be furnished by the public, to ten dollars per month in lieu thereof.) That there shall be one judge advocate, who shall be taken from the

Brigadier General.
Inspector.

See p. 557, post.

Judge advocate.

commissioned officers of the line, and shall be entitled to receive two rations extra per day, and twenty-five dollars per month, in addition to his pay in the line; and whenever forage shall not be furnished by the public, to ten dollars per month in lieu thereof.

Quarter master and paymaster general.

SEC. 3. *And be it further enacted*, That there shall be one quartermaster general and one paymaster general, who shall receive the same pay and emoluments, respectively, which those officers have heretofore been allowed by law.

Pay of lieutenants and ensigns.

SEC. 4. *And be it further enacted*, That from and after the thirtieth day of June next, the monthly pay of the lieutenants shall be thirty dollars, and that of the ensigns twenty-five dollars: That to the brigadier, while commander in chief, and to each officer, while commanding a separate post, there shall be allowed twice the number of rations to which they would otherwise be entitled.

Subsistence allowed to majors.

SEC. 5. *And be it further enacted*, That the majors be entitled to receive four rations per day, for their subsistence.

Allowance to officers deranged.

SEC. 6. *And be it further enacted*, That to each commissioned officer, who may have been deranged under the act "to ascertain and fix the military establishment of the United States," there shall be paid the amount of six months' pay and subsistence.

Ante, p. 483.

APPROVED, March 3, 1797.

STATUTE II.

March 3, 1797.

CHAP. XVII.—*An Act making appropriations for the Military and Naval establishments for the year one thousand seven hundred and ninety-seven.*

[Obsolete.]

Military appropriations for 1797.

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That for the support of the military and naval establishments, for the year one thousand seven hundred and ninety-seven, the following sums be respectively appropriated; that is to say:

For the pay of the army of the United States, the sum of two hundred and fifty-six thousand four hundred and fifty dollars.

For the subsistence of the officers of the army, a sum not exceeding forty-seven thousand three hundred and ninety-five dollars.

For the subsistence of the non-commissioned officers and privates, a sum not exceeding two hundred and forty-five thousand two hundred and eighty-three dollars.

For forage, the sum of fourteen thousand nine hundred and four dollars.

For clothing, a sum not exceeding eighty-three thousand and fifty dollars.

For the purchase of horses and equipments for the cavalry, sixteen thousand and eighty-five dollars.

For the hospital department, a sum not exceeding ten thousand dollars.

For the ordnance department, a sum not exceeding forty thousand dollars.

For the fortifications of the ports and harbors of the United States, a sum not exceeding twenty-four thousand dollars.

For the quartermaster's department, the Indian department, the defensive protection of the frontiers, bounties, and all the contingent expenses of the war department, a sum not exceeding three hundred thousand dollars.

To make good deficiencies in the appropriations in the military establishment, for the year one thousand seven hundred and ninety-six, the sum of seventy six thousand three hundred and twelve dollars.

For the pay and subsistence of three captains in the naval department, and for the pay of laborers employed in taking care of the frigates, the sum of five thousand dollars.

For finishing the frigates United States, Constitution, and Constellation, the sum of one hundred and seventy-two thousand dollars.

For the payment of military pensions, including an allowance to the widows and children of officers, under an act, intituled "An act in addition to the act for making further and more effectual provision for the protection of the frontiers of the United States," the sum of ninety-six thousand three hundred and fifty dollars.

To satisfy and discharge claims for militia services on the frontiers of Georgia, the sum of seventy thousand four hundred and ninety-six dollars and thirty-five cents; for militia services on the frontiers of Kentucky, three thousand eight hundred and thirty-six dollars and seventy-six cents; and for militia services on the frontiers of South Carolina, the sum of forty-eight thousand four hundred dollars and twenty-five cents.

For the payment of general John Sevier and his brigade, for services in the year one thousand seven hundred and ninety-three, the sum of twenty-two thousand eight hundred and sixteen dollars and ninety-five cents.

For the payment of six months' pay and subsistence to each of the officers discharged under the act "to ascertain and fix the military establishment of the United States," a sum not exceeding three thousand dollars; which sums shall be solely applied to the objects for which they are respectively appropriated.

SEC. 2. *And be it further enacted*, That the several appropriations herein before made, shall be paid and discharged out of the surplus of revenue and income beyond the appropriations heretofore charged thereon, to the end of the present year.

APPROVED, March 3, 1797.

Military appropriations for 1797.

1794, ch. 52.

1796, ch. 39.

STATUTE II.

CHAP. XVIII.—*An Act to suspend, in part, the Act, intituled "An act to alter and amend the Act, intituled An Act laying certain Duties upon Snuff and refined Sugar," and to grant relief in certain cases arising under the said Act.*

March 3, 1797.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That so much of the act, intituled "An act to alter and amend the act, intituled An act laying certain duties upon snuff and refined sugar," as respects the duties therein laid upon mills and implements employed in the manufacture of snuff, and the drawbacks therein allowed, upon the exportation of snuff manufactured within the United States, be suspended, from the passing of this act, until the end of the next session of Congress.

[Obsolete.]
Act laying duty on snuff repealed.

1795, ch. 43.
1793, ch. 80.

SEC. 2. *And be it further enacted*, That in all cases of licenses granted under the said act, where, by failure of water, or other casualty, occurring to the mill or mills, or to the implements or to the proprietor, or other person licensed, the use and benefit of such license has been lost, or considerably interrupted, and the duties thereon required or paid, may be considered as peculiarly unequal and injurious, the Secretary of the Treasury, upon due representation and proof of such case, shall be, and hereby is authorized to cause to be refunded or remitted, such part of the duties paid, or secured on such license, as shall appear just and reasonable, under the circumstances of the case, and having regard to the loss, injury, or peculiar hardship sustained as aforesaid.

Relief granted in certain cases.

APPROVED, March 3, 1797.

STATUTE II.

CHAP. XIX.—*An Act in addition to the act intituled "An act to establish the Post-Office and Post Roads within the United States."*

March 3, 1797.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the

1794, ch. 23.
[Obsolete.]

Post roads discontinued.

1799, ch. 43.

following post roads be discontinued, namely: from Blue-hill, in Maine, to Penobscot, Frankfort and Belfast; from Bardstown, in Kentucky, to Nashville, in Tennessee; from Taunton to Providence; from Bethlehem, by Reading, to Lancaster; from Elkton to Warwick; from Georgetown to Cheraw Courthouse; from Bethlehem to Wilkesbarre; from Plymouth to Windsor; from Winton, by the bridge on Bennett's creek, to R. Mitchell's; from Mecklenburg to Halifax Courthouse; from Richmond, by Newcastle, to Aylett's Warehouse; from Morgantown, by Lincolntown, to Pinckney Courthouse; from Springfield, by Northampton, Brattleborough and Charleston, by Windsor, in Vermont, to Hanover.

Post roads established.

SEC. 2. *And be it further enacted*, That the following be established as post roads, namely: from Blue-hill, in Maine, through Castine, Penobscot, Buckston, Frankfort and Prospect, to Belfast; from Hallowell, in Maine, to Farmington, on Sandy river; from Portland, in Maine, by Falmouth, Gorham, Buxton and Standish, to Limerick; from Berwick, in Maine, through Lebanon, Shapleigh and Parsonfield, to Limerick; from Standish, by Flintstown, to Fryburg academy; from Sandwich, by Tamworth and Conway, in New Hampshire, to Fryburg, in Massachusetts; from Portsmouth to Dover, in New Hampshire; from Newburyport to Haverhill; and from Haverhill, by Kingston, Exeter, Newmarket and Durham, to Dover; from Yarmouth, by Dennis, Harwich and Chatham, to Truro; from Worcester, in Massachusetts, by Petersham and Northfield, to Brattleborough, in Vermont; from Newport, in Rhode Island, through Taunton, Norton, Mansfield and Sharon, to Boston; from Boston, through Charlestown, Medford, Woburn, Billerica, Chelmsford and Tyngsborough, in Massachusetts, to Amherst, in New Hampshire; from Windsor, in Vermont, by Royalton, Randolph, Williamston and Montpelier, to Burlington; from New Haven, in Connecticut, by such route as the postmaster shall deem expedient, to Litchfield and Sheffield, in Massachusetts; from New York, by Whiteplains, Bedford, Frederickstown, Dover, Sharon, Sheffield, Stockbridge, Pittsfield and Williamston, to Bennington, in Vermont; from Lansingburg, in New York, by Waterford, Stillwater, Fort Edward, Whitehall landing, and Fairhaven, to Rutland, in Vermont; from New York to Hackensack, Paramus, New Antrim, thence to Chester and Goshen; from Lansingburg, by Salem, Fairhaven, Vergennes and Bason harbor, to Plattsburg; from Plattsburg to Pliny Moore's in the town of Champlain; from Schenectady, by Ballston Springs and Glen's bridge, to Sandy-hill; from Old Fort Schuyler, in New York, by Cincinnatus, to Oxford academy, on the Chenango; from Rome, in the state of New York, to Rotterdam, on the Oneida Lake; from Philadelphia to Tuckerton, in New Jersey; from Bristol, in Pennsylvania, to Burlington, in New Jersey; from Bethlehem, by Easton, to Wilkesbarre, in Pennsylvania; from Harrisburg, upon the east side of the Susquehanna river, to Clark's Ferry at Petersburg, by Millerstown, Thompson-town, Mifflintown, Lewistown, and Huntingdon, to Alexandria; from thence, by Center Furnace and Bellefont, to Milesburg, on the Bald Eagle river, at the mouth of Spring Creek; from thence, by Aaronsburg, Mifflinburg, Lewisburg (Deerston) and Northumberland, to Sunbury, and from thence down the east side of the Susquehanna river, to Harrisburg; from Somerset, through Connelville, to Uniontown, and from Bedford, in Pennsylvania, the mail shall be carried through Somerset, to Greensburg, after the expiration of the present contract for carrying the mail; from Baltimore, by Ellicott's lower mills, Montgomery Courthouse and Charlesburg, to Leesburg, in Virginia; from Morgantown, in Virginia, to Clarksburg, in Harrison county; from Leesburg, by Middleburg, in Loudoun county, by Fauquier Courthouse, to Culpeper Courthouse; from Petersburg, by Sussex Courthouse, and Southampton Courthouse,

to South Quay; from Richmond, by Hanover-town, to Aylett's Warehouse; from Todd's bridge to King and Queen Courthouse; from Halifax Courthouse, in Virginia, by Danville, to Caswell Courthouse, in North Carolina; from Newbern to Beaufort and Swansborough, the mail to go alternately; and from Wilmington, in North Carolina, by Georgetown, to Charleston, in South Carolina; from Jonesburg, in North Carolina, by Northwest River Bridge, Great Bridge, and Kempsville, to Norfolk; from Elizabeth city, in North Carolina, by New Lebanon, to Northwest River Bridge; from Morgantown, by Rutherfordton, to Spartan Courthouse, in South Carolina, and from Charlotte, by Lincolnton, to Iredell; from Bethania, in North Carolina, by Grayson Courthouse, to Wythe Courthouse, in Virginia; from Mecklenberg Courthouse, to return by Lunenberg Courthouse and Edmonds's store, to Goldson's; from Augusta, in Georgia, by Robison's at the White Ponds and Gillett's mill, to Coosawhatchie, in South Carolina; from Moffet's store, in Tennessee, to Danville, in Kentucky; from Knoxville, by Southwest Point, and Fort Blount, to Nashville; from Winton, by Windsor, to Edenton; from Murfreesborough, by South Quay, to Suffolk, in Virginia; from Fayetteville to Pittsburg, in Chatham county; from Nottingham to Lower Marlborough, in Maryland; from Benedict to Chaptico, by Charlottehall academy; from Allensfresh, in Maryland, by Laidlor's Ferry, to Port Conway, in Virginia; from Waynesborough to Louisville, by Georgetown to Rock landing, in Georgia; from Kandaigua, in the state of New York, to Niagara; from Suffield, in Connecticut, by Northampton, Brattleborough and Charlestown, by Windsor, in Vermont, to Hanover; from Springfield, by West Springfield, to Northampton; and that the route of the mail, from Easton, on the Eastern Shore of Maryland, to Vienna, shall be through Newmarket.

SEC. 3. *And be it further enacted*, That the postmaster general be authorized to expend, for clerk hire, a sum not exceeding five hundred dollars, in addition to the sum heretofore allowed; and that he be authorized to charge the United States with two hundred and seventy-one dollars and fifty-two cents, for the occasional hire of extra clerks, from the first of January to the thirty-first of December, one thousand seven hundred and ninety-six.

Post roads established.

Allowance to postmaster general for clerk hire.

SEC. 4. *And be it further enacted*, That from and after the passing of this act, every person who shall procure, aid, advise or assist in the doing or perpetration of any of the crimes, or acts, forbidden to be done or perpetrated by the act, intituled, "An act to establish the post-office and post roads within the United States," shall be subject to the same punishments and penalties as the persons are subject, who shall actually do, or perpetrate any of the acts or crimes forbidden by the said act.

Accessories punishable.

1794, ch. 23.

SEC. 5. *And be it further enacted*, That from and after the thirty-first day of March, of the present year, instead of the compensation heretofore allowed by law to the deputy postmasters, the postmaster general be hereby authorized to allow to the deputy postmasters, respectively, such commission on the monies arising from the postages of letters and packets, as shall be adequate to their respective services and expenses: *Provided*, the said commission shall not exceed thirty per cent. on the first hundred dollars collected in one quarter, and twenty-five per cent. on a sum over one hundred, and not more than three hundred dollars; and twenty per cent. on any sum over four hundred and not exceeding two thousand dollars; and eight per cent. on any sum collected, being over two thousand four hundred dollars; except to the deputy postmasters, who may be employed in receiving and dispatching foreign mails, whose compensation may be augmented, not exceeding twenty-five dollars, in one quarter; and excepting, to the deputy postmasters, at offices where the mail is regularly to arrive between the hours of nine o'clock at night, and five o'clock in the morning; whose commission, on the

Compensation to deputy postmasters.

first hundred dollars, collected in one quarter, may be increased to a sum not exceeding fifty per cent. The postmaster general may allow to the deputy postmasters, respectively, a commission of fifty per cent. on the money arising from the postages of newspapers, magazines and pamphlets; and to the deputy postmasters, whose compensations shall not exceed five hundred dollars, in one quarter, two cents for every free letter delivered out of the office, excepting such as are for the deputy postmaster himself: *Provided*, that the authority given by this section to the postmaster general, to regulate the commissions to be allowed to the deputy postmasters, shall continue in force until the thirty-first day of March, one thousand seven hundred and ninety-eight, and no longer: And that it shall be his duty, to report to the said session, the respective commissions which he shall have allowed, by virtue of the authority herein given.

1798, ch. 24.

Regulations
respecting
newspapers.

SEC. 6. *And be it further enacted*, That no newspapers shall be received by the deputy postmasters, to be conveyed by post, unless they are sufficiently dried and enclosed in proper wrappers, on which, besides the direction, shall be noted the number of papers, which are enclosed for subscribers, and the number for printers: The deputy postmasters shall form all newspapers deposited in their offices, to be conveyed by post, into mails; and if any deputy postmaster shall open, or permit any mail of newspapers not directed to his office, to be opened, he shall, on conviction thereof, forfeit, for every such offence, a sum not exceeding twenty dollars; and any other person, who shall open such mail of newspapers, on conviction thereof, shall forfeit a sum not exceeding twenty dollars, for every such offence: *Provided*, that when mails are directed to places where no post-office is kept, they may be opened at the post-office most convenient to such place, and may also be opened, where the direction is effaced.

SEC. 7. *And be it further enacted*, That this act shall not be construed to affect any existing contracts.

Postmaster
general to re-
port to Congress
concerning cer-
tain roads.

SEC. 8. *And be it further enacted*, That it shall be the duty of the postmaster general, to report annually to Congress, every post-road, which shall not, after the second year, from its establishment, have produced one third of the expense of carrying the mail on the same.

Letters to
George Wash-
ington to be
free.

SEC. 9. *And be it further enacted*, That all letters and packets to George Washington, now President of the United States, after the expiration of his term of office, and during his life, shall be received and conveyed by post free of postage.

APPROVED, March 3, 1797.

STATUTE II.

March 3, 1797.

CHAP. XX.—*An Act to provide more effectually for the Settlement of Accounts between the United States, and Receivers of public Money.*

Act of March
3, 1817, ch. 45.

Revenue offi-
cer or other per-
son not paying
public money,
to be sued, to
forfeit commis-
sions, and to pay
interest.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That when any revenue officer, or other person accountable for public money, shall neglect or refuse to pay into the treasury, the sum or balance reported to be due to the United States, upon the adjustment of his account, it shall be the duty of the comptroller, and he is hereby required to institute suit for the recovery of the same, adding to the sum stated to be due on such account, the commissions of the delinquent, which shall be forfeited in every instance where suit is commenced, and judgment obtained thereon, and an interest of six per cent. per annum, from the time of receiving the money, until it shall be repaid into the treasury.

SEC. 2. *And be it further enacted*, That in every case of delinquency, where suit has been, or shall be instituted, a transcript from the books and proceedings of the treasury certified by the register, and authenticated under the seal of the department, shall be admitted as evidence,

and the court trying the cause, shall be thereupon authorized to grant judgment, and award execution, accordingly. And all copies of bonds, contracts, or other papers relating to, or connected with the settlement of any account between the United States and an individual, when certified by the register to be true copies of the originals on file, and authenticated under the seal of the department, as aforesaid, may be annexed to such transcripts, and shall have equal validity, and be entitled to the same degree of credit, which would be due to the original papers, if produced and authenticated in court: *Provided*, That where suit is brought upon a bond, or other sealed instrument, and the defendant shall plead "*non est factum*," or upon motion to the court, such plea or motion being verified by the oath or affirmation of the defendant, it shall be lawful for the court to take the same into consideration, and (if it shall appear to be necessary for the attainment of justice) to require the production of the original bond, contract or other paper specified in such affidavit. (a)

A transcript of the books of the Treasury to be evidence.

Original contract to be produced in certain cases.

(a) The decisions of the courts of the United States on Treasury statements, transcripts and documents, have been:

An account stated at the treasury department, which does not arise in the ordinary mode of doing business in that department, can derive no additional validity from being certified under the act of Congress. A treasury statement can only be regarded as establishing items for moneys disbursed through the ordinary channels of the department, where the transactions are shown by its books. In these cases the officers may well certify, for they must have official knowledge of the facts stated. *United States v. Buford*, 3 Peters, 29.

But when moneys come into the hands of an individual, not through the officers of the treasury, or in the regular course of official duty, the books of the treasury do not exhibit the facts, nor can they be officially known to the officers of the department. In such a case the claim of the United States for money thus in the hands of a third person must be established, not by a treasury statement, but by the evidence on which that statement was made. *Ibid*.

Action of debt on a bond executed by Alpha Kingsley, a paymaster in the army, and by John Smith, T. and another, as his sureties, to the United States. The condition of the obligation was, that Alpha Kingsley, "about to be appointed a district paymaster," &c. "and who will, from time to time, be charged with funds to execute and perform the duties of that station, for which he will be held accountable," &c. shall "well and truly execute the duties of district paymaster, and regularly account for all moneys placed in his hands to carry into effect the object of his appointment." On the trial the plaintiff gave in evidence a duly certified copy of the bond, and a "transcript from the books and proceedings of the treasury department, of the account of Alpha Kingsley, late district paymaster, in account with the United States." In this account A. K. was charged with moneys advanced to him for pay, subsistence, and forage, bounties and premiums, and contingent expenses of the army; and credited with disbursements of the same, for the purposes for which they were paid to him, and showing a large amount of items suspended and disallowed; making a balance due to the United States of forty-eight thousand four hundred and ninety-two dollars and fifty-three cents. The account was thus settled by the third auditor of the treasury, and was duly certified to the second comptroller of the treasury, and this balance was by him admitted and certified on the 23d of April, 1823. The account was further certified, "Treasury department, third auditor's office, 1st of September, 1824: pursuant to an act to provide for the prompt settlement of public accounts, approved 3d of March, 1817, I, Peter Hagner, third auditor, &c. do hereby certify that the foregoing transcripts are true copies of the originals, on file in this office." To this was annexed a certificate that Peter Hagner was the third auditor, &c. "In testimony whereof I, William H. Crawford, secretary of the treasury, have hereunto subscribed my name, and caused to be affixed the seal of this department, at the city of Washington, this 1st of September, 1824. (Signed) Edward Jones, chief clerk, for William H. Crawford, secretary of the treasury." The seal of the treasury department was affixed to the certificate. On the trial, the district court of Missouri instructed the jury, that "as by the account it appears there are in it items of debit and credit to Kingsley, as district paymaster, it furnished evidence of his having acted as district paymaster, and of his appointment as such." By the court—There are two kinds of transcript which the statute authorizes the proper officers to certify: first, a transcript from "the books and proceedings of the treasury," and secondly, "copies of bonds, contracts, and other papers, &c., which remain on file, and relate to the settlement." The certificate under the first head has been literally made in this case, and is a sufficient authentication of the transcript from "the books and proceedings of the treasury," and is a substantial compliance with the requisitions of the statute. *Smith v. The United States*, 5 Peters, 292.

Nothing done at the treasury, which did not fall within the scope of the authority of the accounting officers, in settling accounts, can be received in evidence. In the case of the *United States v. Buford*, 3 Peters, 29, it was held by the supreme court, that an account stated at the treasury department, which does not arise in the ordinary mode of doing business in that department, can derive no additional validity from being certified under the act of Congress. Such statements at the treasury can only be regarded as establishing items for moneys disbursed through the ordinary channels of the department, when the transactions are shown by its books. *Cox and Dick v. The United States*, 6 Peters, 202.

A treasury transcript, produced in evidence by the United States, in an action on a bond for the performance of a contract for the supply of rations to the troops of the United States, contained items of charge which were not objected to by the defendant. The defendant objected to the following items, as not proved by the transcript: "February 19, 1818, for warrant 1680, favour of Richard Smith, dated December 27, 1817, and February 11, 1818, twenty thousand dollars." And on the 11th of April, of the same year, another charge was made "for warrant No. 1904, for the payment of his two drafts, favour of

Judgment to be rendered at return term, except in certain cases.

SEC. 3. *And be it further enacted,* That where suit shall be instituted against any person or persons indebted to the United States, as aforesaid, it shall be the duty of the court where the same may be pending, to grant judgment at the return term, upon motion, unless the de-

Alexander M'Cormick, dated March 11, and 17, 1811, for ten thousand dollars." And on the 14th of May, of the same year, a charge was made "for warrant No. 2038, being in part for a bill of exchange in favour of Richard Smith, for twenty thousand dollars, twelve thousand eight hundred and thirty-two dollars and seventy-eight cents." And one other warrant was charged June 22d, "for a bill of exchange in favour of Richard Smith, dated June 22, 1810, four thousand dollars; and also a warrant to Richard Smith, per order, for eight thousand dollars." These items, the circuit court instructed the jury, were not sufficiently proved, by being charged in the account, and certified under the act of Congress. By the Court—The officers of the treasury may well certify facts which come under their official notice, but they cannot certify those which do not come within their own knowledge. The execution of bills of exchange and orders for money on the treasury, though they may be "connected with the settlement of an account," cannot be officially known to the accounting officers. In such cases, however, provision has been made by law, by which such instruments are made evidence, without proof of the handwriting of the drawer. The act of Congress of the 3d of March, 1797, makes all copies of papers relating to the settlement of accounts at the treasury, properly certified, when produced in court annexed to the transcript, of equal validity with the originals. Under this provision, had copies of the bills of exchange and orders, on which these items were paid to Smith and M'Cormick, been duly certified and annexed to the transcript, the same effect must have been given to them by the circuit court, as if the original had been produced and proved. And every transcript of accounts from the treasury, which contains items of payments made to others, on the authority of the person charged, should have annexed to it a duly certified copy of the instrument which authorized such payments. And so, in every case, where the government endeavours by suit, to hold an individual liable for acts of his agent. The agency, on which the act of the government was founded, should be made to appear by a duly certified copy of the power. The defendant would be at liberty to impeach the evidence thus certified; and, under peculiar circumstances of alleged fraud, a court might require the production of the original instrument. This, however, would depend upon the exercise of the discretion of the court, and could only be enforced by a continuance of the cause until the original should be produced. *United States v. Jones, 8 Peters, 375.*

The following item in the treasury transcript was not admissible in evidence: "To accounts transferred from the books of the second auditor for this sum, standing to his debit, undersaid contract, on the books of the second auditor, transferred to his debit on those of this officer, forty-five thousand dollars." The act of Congress, in making a "transcript from the books and proceedings of the treasury" evidence, does not mean the statement of an account in gross, but a statement of the items, both of the debits and credits, as they were acted upon by the accounting officers of the department. On the trial, the defendant shall be allowed no credit on vouchers, which have not been rejected by the treasury officers, unless it was not in his power to have produced them; and how could a proper effect be given to this provision, if the credits be charged in gross? The defendant is unquestionably entitled to a detailed statement of the items which compose his account. *Ibid.*

The defendant, in an action by the United States, where a treasury transcript is produced in evidence by the plaintiffs, is entitled to the credits given to him in the account; and in claiming those credits, he does not waive any objection to the items on the debit side of the account. He is unquestionably entitled to the evidence of the decision of the treasury officers upon his vouchers, without reference to the charges made against him. And he may avail himself of that decision, without, in any degree, restricting his right to object to any improper charge. The credits were allowed the defendant on the vouchers alone, and without reference to the particular items of demand which the government might have against him. And the debits, as well as the credits, must be established on distinct and legal evidence. *Ibid.*

The law has prescribed the mode by which treasury accounts shall be made evidence, and whilst an individual may claim the benefit of this rule, the government can set up no exemption from its operation. In the performance of their official duty, the treasury officers act under the authority of law; their acts are public, and affect the rights of individuals as well as those of the government. In the adjustment of an account, they sometimes act judicially, and their acts are all recorded on the books and files of the treasury department. So far as they act strictly within the rules prescribed for the exercise of their powers, their decisions are, in effect, final; for if an appeal be made, they will receive judicial sanction. Accounts, amounting to many millions annually, come under the action of these officers. It is, therefore, of great importance to the public, and to individuals, that the rules by which they exercise their powers, should be fixed and known. *Ibid.*

In every treasury account on which suit is brought, the law requires the credits to be stated as well as the debits. These credits the officers of the government cannot properly either suppress or withhold. They are made evidence in the case, and were designed by the law for the benefit of the defendant. *Ibid.*

O. made a contract with the government to supply the troops of the United States with rations within a certain district, and executed a bond and contract agreeably to the usages of the war department. The United States brought an action against O. on the bond, and gave in evidence the contract annexed to the bond, and a treasury statement, which showed a balance against O. The United States also gave in evidence another transcript to prove that O., under a previous account, had been paid a balance of nineteen thousand one hundred and forty-nine dollars and one cent, stated to be due to him, which was paid to his agent, under power of attorney, and the receipt for the same endorsed on the back of the account. The circuit court instructed the jury, that the second transcript was not evidence, per se, to establish the items charged to O. Held, that there was no error in this instruction. *United States v. Jones, 8 Peters, 387.*

The circuit court, on the prayer of the defendant, instructed the jury, that the transcript from the books and proceedings of the treasury, can only be regarded as establishing such of the items of debit, in the account stated in the said transcript, as are for moneys disbursed through the ordinary channels of the treasury department, where the transactions are shown by its books, and where the officers of the department must have had official knowledge of the facts stated: but that the transcript is evidence for the

defendant shall, in open court, (the United States attorney being present) make oath or affirmation, that he is equitably entitled to credits which had been, previous to the commencement of the suit, submitted to the consideration of the accounting officers of the treasury, and rejected; specifying each particular claim, so rejected in the affidavit; and that he cannot then come safely to trial. Oath or affirmation to this effect being made, subscribed and filed, if the court be thereupon satisfied, a continuance, until the next succeeding term, may be granted; but not otherwise, unless as provided in the preceding section.

SEC. 4. *And be it further enacted*, That in suits between the United States and individuals, no claim for a credit shall be admitted, upon trial, but such as shall appear to have been presented to the accounting officers of the treasury, for their examination, and by them disallowed, in whole or in part, unless it should be proved, to the satisfaction of the court, that the defendant is, at the time of trial, in possession of vouchers not before in his power to procure, and that he was prevented from exhibiting a claim for such credit, at the treasury, by absence from the United States, or some unavoidable accident.

SEC. 5. *And be it further enacted*, That where any revenue officer, or other person hereafter becoming indebted to the United States, by bond or otherwise, shall become insolvent, or where the estate of any deceased debtor, in the hands of executors or administrators, shall be insufficient to pay all the debts due from the deceased, the debt due to the United States shall be first satisfied; and the priority hereby established shall be deemed to extend, as well to cases in which a debtor, not having sufficient property to pay all his debts, shall make a voluntary assignment thereof, or in which the estate and effects of an absconding, concealed, or absent debtor, shall be attached by process of law, as to cases in which an act of legal bankruptcy shall be committed. (a)

SEC. 6. *And be it further enacted*, That all writs of execution upon any judgment obtained for the use of the United States, in any of the courts of the United States in one state, may run and be executed in any other state, or in any of the territories of the United States, but shall be issued from, and made returnable to the court where the judgment was obtained, any law to the contrary notwithstanding.

SEC. 7. *And be it further enacted*, That nothing in this act shall be construed to repeal, take away, or impair any legal remedy or remedies

No credit to be admitted unless presented to the Treasury or out of the power of the party to do it.

In all cases of insolvency, the debt due to the United States shall be first paid.

Prior legal remedies not to be impaired.

defendant of the full amount of the credits therein stated; and that, by relying on the said transcript, as evidence of such credits, the defendant does not admit the correctness of any of the debits in the said account, of which the transcript is not, per se, evidence; and that the said transcript is not, per se, evidence of any of the items of debit therein stated, except the first. By the Court—The correctness of the principle laid down by the circuit court in this instruction, has been recognized by the supreme court, in a case between the same parties, at the present term. *Ibid*.

The auditor's report of a balance due from a person accountable for public money, is a guide to the comptroller as to the amount to be sued for, but not evidence for the court of the debt. *United States v. Patterson, Gilpin's D. C. R. 47.*

Where the public officers are authorized by law to certify to certain facts, their certificates to these facts are competent evidence thereof. *Gass v. Stinson, 2 Sumner's C. C. R. 605.*

A certified statement of a balance due, and the report thereof to the comptroller, is not such a transcript from the books and proceedings of the treasury as may be given in evidence under the 2d section of the act of March 3, 1797. *United States v. Patterson, Gilpin's D. C. R. 47.*

The letters and transactions between the officers of the government, and a debtor to the United States, relative to his account, may be given in evidence under a plea of payment. *United States v. Beattie, Gilpin's D. C. R. 97.*

The certificate of the register of the treasury department, under his hand, that certain receipts, of which copies are annexed, are on file in his office, with a certificate of the secretary of the treasury, under the seal of the department, that he is register; is not evidence. It must appear not only that the officer who gives the certificate, has the custody of the papers, but that he is authorized by law to certify them, and the register is not so authorized; a sworn copy should have been produced. *Bleecker v. Bond, 3 Wash. C. C. R. 529.*

At the treasury department, a general account had been kept with the collector or the customs from the time of his appointment; during which, different bonds had been given to the United States for each term of office. Afterwards, a statement of the account of the collector for one term of office was made out, and a transcript of their accounts was offered in evidence. The evidence was legal. *The United States v. Eckford's Ex'rs, 17 Peters' Rep. 251.*

(a) See notes as to the priority of the United States, to act of May 8, 1792, chap. 23, page 263.

for the recovery of debts now due, or hereafter to be due to the United States, in law or equity, from any person or persons whatsoever, which remedy or remedies might be used if this act was not in force.

APPROVED, March 3, 1797.

STATUTE II.

March 3, 1797.

CHAP. XXIII.—*An Act authorizing an expenditure and making an appropriation for the Prosecution of the Claims of certain Citizens of the United States, for Property captured by the belligerent Powers.*

[Obsolete.]
Fifty thousand dollars appropriated to prosecute claims of American citizens, in England in prize causes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be, and he is hereby authorized to advance, on account of the several prize causes before the court of admiralty and court of appeals in England, a sum sufficient to defray the costs thereof, so far as the agents of the United States may have become sureties for the same. And that for defraying, during the year one thousand seven hundred and ninety-seven, that expense, and that which may be incurred in procuring from the admiralty courts of any of the belligerent powers, copies of papers relative to the property of American citizens, captured by any of the said powers, a sum not exceeding fifty thousand dollars, shall be, and hereby is appropriated, in addition to the sums which, from the appropriations for intercourse with foreign nations, have been expended under the direction of the President of the United States, in the prosecution of those claims; which sum shall be paid from any monies which may be in the treasury, not otherwise appropriated.

Costs incurred by the United States to be deducted from the sums recovered.

SEC. 2. *And be it further enacted,* That from the money which has been, or which shall be received on any claim, as aforesaid, all costs in the prosecution thereof, which have been, or which shall be incurred by the United States, shall be taken and deducted, or otherwise refunded, and shall be accounted for by the agent or agents employed therein, under the direction of the President; which account, as far as may be then had, shall be submitted to Congress at their next session.

APPROVED, March 3, 1797.

STATUTE II.

March 3, 1797.

CHAP. XXIV.—*An Act providing for certain Buoys, to be placed in and near the Harbor of Boston.*

Buoys to be placed in the harbor of Boston.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be authorized and directed, to cause to be placed in and near the harbor of Boston, in the state of Massachusetts, upon such rocks, ledges, or shoals, as the security of navigation there most requires to be distinguished, not exceeding six larger, and ten smaller buoys, whereof the whole expense shall not exceed one thousand six hundred dollars.

Appropriation.

SEC. 2. *And be it further enacted,* That a sum not exceeding one thousand six hundred dollars, shall be, and hereby is appropriated to defray the necessary expense of the said buoys, to be paid from the duties on imports and tonnage.

APPROVED, March 3, 1797.

STATUTE II.

March 3, 1797.

CHAP. XXV.—*An Act extending the time for receiving on Loan the Domestic Debt of the United States.*

[Obsolete.]
Time extended to loan domestic debt.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the several provisions of the act, intituled "An act further extending the time for receiving

on loan the domestic debt of the United States," passed the nineteenth day of February, one thousand seven hundred and ninety-six, be, and they are hereby continued in force, until the thirty-first day of December next, and no longer: *Provided*, that nothing herein contained, shall be construed to extend to any evidence of public debt, which may be barred by any act of limitation.

APPROVED, March 3, 1797.

CHAP. XXVI.—*An Act to revive and continue the act, passed the thirtieth of May, one thousand seven hundred and ninety-six, intituled "An act to regulate the compensation of Clerks."*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the act, intituled "An act to regulate the compensation of clerks," passed the thirtieth of May, one thousand seven hundred and ninety-six, be and the same is hereby revived and continued until the first day of January next.

SEC. 2. *And be it further enacted*, That the sum of one hundred dollars be allowed and paid to each of the principal and engrossing clerks in the office of the Secretary of the Senate, in addition to the sums allowed them by law, for the year one thousand seven hundred and ninety-six: And also, that the further sum of one hundred dollars to each of the principal and engrossing clerks employed by the Secretary of the Senate, and the clerk of the House of Representatives, be allowed and paid, for the year one thousand seven hundred and ninety-seven; also, the like sum to the serjeant-at-arms of the House of Representatives, and to each of the doorkeepers and assistant doorkeepers of the two Houses of Congress, in addition to the sums heretofore allowed by law.

APPROVED, March 3, 1797.

CHAP. XXVII.—*An Act concerning the Circuit Courts of the United States.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the expiration of the present session of Congress, the times and places of holding the several circuit courts of the United States, in the present and each succeeding year, shall be as follows, to wit:

In the state of New York, at the city of New York, on the first days of April and September.

In Connecticut, at New Haven, on the thirteenth day of April, and at Hartford on the seventeenth day of September.

In Vermont, at Windsor, on the first day of May, and at Rutland, on the third day of October.

In New Hampshire, at Portsmouth, on the nineteenth day of May, and at Exeter, on the second day of November.

In Massachusetts, at Boston, on the first day of June, and twentieth day of October.

In Rhode Island, at Newport, on the fifteenth day of June, and at Providence on the fifteenth day of November.

In New Jersey, at Trenton, on the first days of April and October.

In Pennsylvania, at Philadelphia, on the eleventh days of April and October.

In Delaware, at New Castle, on the twenty-seventh day of June, and at Dover, on the twenty-seventh day of October.

In Maryland, at Annapolis, on the seventh day of May, and at Baltimore, on the seventh day of November.

In Virginia, at Richmond, on the twenty-second days of May and November.

1796, ch. 2.

STATUTE II.

March 3, 1797.

[Obsolete.]
Act continued.

Ante, p. 486.

Additional allowance to clerks, serjeant-at-arms and doorkeepers.

STATUTE II.

March 3, 1797.

Times of holding the circuit courts.

Act of April 29, 1802, ch. 23.

New York.

Connecticut.

Vermont.

New Hampshire.

Massachusetts.

Rhode Island.

New Jersey.

Pennsylvania.

Delaware.

Maryland.

Virginia.

Georgia.

In Georgia, at Savannah, on the twentieth day of April, and at Augusta, on the eighth day of November.

South Carolina.

In South Carolina, at Charleston, on the sixth day of May, and the twenty-fifth day of October.

North Carolina.

In North Carolina, at Raleigh, on the first day of June, and on the thirtieth day of November: *Provided*, that if any of these days shall happen on a Sunday, the court shall be held on the day following.

Certain acts repealed.

Act of April 13, 1792, ch. 21.

Ante, p. 395.

District courts to be held at Newbern.

SEC. 2. *And be it further enacted*, That the fifth section of an "act for altering the times of holding the circuit courts, in certain districts of the United States, and for other purposes," and the third, fourth, fifth and sixth sections of "An act making certain alterations in the act for establishing the judicial, and altering the time and place of holding certain courts," be, and the same are hereby repealed; and that the stated district courts of North Carolina, shall, in future, be held at the town of Newbern.

SEC. 3. *And be it further enacted*, That all such process of the several district courts, within the said district, as before the passing of this act shall have issued, and all recognizances made, returnable to any of the said several district courts; and all suits and other proceedings, that were continued, and are depending therein, shall now be returned and held continued to the district court of the said state, to be holden at Newbern, on the first Monday in April next; and shall therein be tried, and otherwise proceeded on, according to law; and the dockets and records of the said several district courts, shall be hereafter kept at Newbern, aforesaid. And, to the end, that suitors, witnesses, and all others concerned, may have notice of the alteration hereby made, the marshal of the said district of North Carolina is hereby required to make the same known, by proclamation, on or before the twenty-third day of the present month.

Process how returnable.

SEC. 4. *And be it further enacted*, That all proceedings, and process depending, in, or issuing out of any of the said courts, which are or may be made returnable to any other times and places appointed for holding the same, than those above specified, shall be deemed legally returnable on the days and at the places above specified, and not otherwise. And all suits and other proceedings in any of the said courts, which stand continued to any other times and places than those above specified, shall be deemed continued to the times and places prescribed by this act, and no other.

District judge may issue a venire.

SEC. 5. *Provided, and be it further enacted*, That if in consequence of any alterations made by this act, it shall appear expedient to the district judge of any of the districts where such alterations are made as aforesaid, that a new venire should issue for the summoning of jurors to attend the circuit court of such district, which is to be first held after the present session of Congress, it shall be lawful for him to direct the clerk of the said circuit court to issue a venire accordingly, for the summoning of such number of jurors as the said district judge shall think fit, and from such parts of the district as shall appear to him most suitable to the convenience of the people thereof, giving reasonable notice of the time and place of attendance.

Time of holding district courts in Kentucky.

SEC. 6. *And be it further enacted*, That from and after the first day of September next, the present terms for holding the district court, in the Kentucky district, shall cease, and thereafter the said court shall be holden on the second Monday in March, the third Monday in June, and the third Monday in November, annually.

APPROVED, March 3, 1797.

RESOLUTIONS.

March 2, 1797.

I. RESOLVED, *by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President be requested to adopt some speedy and effectual means of obtaining information from the states of Connecticut, New Jersey, Pennsylvania, Maryland, Virginia, Kentucky, Tennessee and South Carolina, whether they have ratified the amendment proposed by Congress to the Constitution concerning the suability of states; if they have, to obtain the proper evidences thereof.

President to call on certain states respecting an amendment to the Constitution.

APPROVED, March 2, 1797.

March 3, 1797.

II. RESOLVED, *by the Senate and House of Representatives of the United States of America in Congress assembled*, That the five hundred copies of the laws of the United States, directed to be printed by the act, intituled "An act for the more general promulgation of the laws of the United States," and which were, by the said act, reserved for the future disposition of Congress, shall be distributed by the Secretary of State, in the manner following: One set shall be delivered to George Washington, now President of the United States; to the President of the United States; to the Vice President of the United States, and to each of the members of the Senate and House of Representatives; six sets shall be delivered to the Secretary of the Senate, and twelve sets to the clerk of the House of Representatives; one set shall be delivered to each of the Judges of the Supreme Court; to each of the Judges of the District Courts; and to each of the Marshals and Attornies of each district; one set shall be delivered to the Secretary of State; to the Secretary of the Treasury; to the Secretary of War; to the Attorney General; to the Director of the Mint; to the Comptroller of the Treasury; to the Commissioner of the Revenue; to the Register; to the Auditor; to the Accountant of the War Department, and to the Postmaster General, and the Purveyor of Public Supplies; one set shall be delivered to the Governor and to the Secretary of the Territory north-west of the Ohio, and to each of the Judges thereof; one set shall be delivered to each Collector, Naval Officer and Surveyor, and to each Supervisor and Inspector of the Revenue, in the United States.

Mode of distributing laws of United States.

SEC. 1. *And be it further resolved*, That in case of the death, resignation, or dismissal from office, of either of the officers before mentioned, excepting the President and Vice President of the United States, the members of the Senate and House of Representatives, and the Judges of the Supreme and District Courts, the said copies of the laws of the United States, delivered to them as aforesaid, shall belong to their respective successors in the said offices.

APPROVED, March 3, 1797.

ACTS OF THE FIFTH CONGRESS

OF THE

UNITED STATES,

Passed at the first session, which was begun and held at the City of Philadelphia, in the state of Pennsylvania, on Monday, the fifteenth day of May, 1797, and ended on the eighth of July, 1797.

JOHN ADAMS, President; THOMAS JEFFERSON, Vice President of the United States, and President of the Senate; WILLIAM BRADFORD, President of the Senate pro tempore, from July 6th; JONATHAN DAYTON, Speaker of the House of Representatives.

STATUTE I.

June 14, 1797.

Repealed by Act of April 20, 1818, ch. 83, sec. 12.

Citizens fitting out ships, or concerned therein, how punished and fined.

1794, ch. 50.

CHAPTER I.—*An Act to prevent citizens of the United States from Privateering against nations in amity with, or against citizens 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 if any citizen or citizens of the United States shall, without the limits of the same, fit out and arm, or attempt to fit out and arm, or procure to be fitted out and armed, or shall knowingly aid or be concerned in the furnishing, fitting out or arming any private ship or vessel of war, with intent that such ship or vessel shall be employed to cruise or commit hostilities, upon the subjects, citizens or property of any prince or state with whom the United States are at peace, or upon the citizens of the United States, or their property, or shall take the command of, or enter on board of any such ship or vessel for the intent aforesaid, or shall purchase an interest in any vessel so fitted out and armed, with a view to share in the profits thereof, such person or persons so offending shall, on conviction thereof, be adjudged guilty of a high misdemeanor, and shall be punished by a fine not exceeding ten thousand dollars, and imprisonment not exceeding ten years: And the trial for such offence, if committed without the limits of the United States, shall be in the district where the offender shall be apprehended or first brought.

Construction of this act.

SEC. 2. *And be it further enacted,* That nothing in the foregoing act shall be construed to prevent the prosecution or punishment of treason, or any piracy defined by a treaty or other law of the United States.

APPROVED, June 14, 1797.

STATUTE I.

June 14, 1797.

[Expired.]

Exportation of cannon, &c. unlawful until March 3, 1798.

CHAP. II.—*An Act prohibiting, for a limited time, the Exportation of Arms and Ammunition, and for encouraging the Importation thereof.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall not be lawful to export from the United States any cannon, muskets, pistols, bayonets, swords, cutlasses, musket-balls, lead, bombs, grenadoes, gunpowder, sulphur or saltpetre, but the exportation of all the aforesaid articles is hereby prohibited, until the end of the next session of Congress, and no longer.

SEC. 2. *And be it further enacted,* That any of the aforesaid articles, excepting such of them as may constitute a part of the equipment of

Vessels.

any vessel, which during the continuance of this prohibition shall be found on board of any vessel in any river, port, bay or harbour within the territory of the United States, put on board with an intent to be exported from the United States, shall be forfeited, and in case the value thereof shall amount to one hundred dollars, the vessel on board of which the same shall be seized, together with her tackle, apparel and furniture, shall also be forfeited. *Provided nevertheless*, that nothing in this act shall be construed to prohibit the removal or transportation of any of the articles aforesaid from one port to another port within the United States, in any vessel having a license as a coasting vessel, the master, agent or owner of which shall have given bond, with one or more sufficient sureties, to the collector of the district from which such vessel is about to depart, in a sum double the value of such vessel and of such of the said articles as may be laden on board her, that the said articles shall be re-landed and delivered in some port of the United States. Or to prevent the exportation of any of the above articles on public account, under the direction of the President of the United States.

Vessels exporting the same to be forfeited.

Prohibition not to extend to removal of such articles from one part of the United States to another.

SEC. 3. *And be it further enacted*, That if any of the articles aforesaid shall, contrary to the prohibitions of this act, be exported from the United States, the vessel in which the same shall have been exported, together with her tackle, apparel and furniture, shall be forfeited, and the captain or master of such vessel, knowingly offending in the premises, shall be liable to indictment, and upon conviction shall forfeit and pay a sum not exceeding one thousand dollars; which shall be distributed in like manner as is herein after provided as to other forfeitures incurred under this act.

Master of vessel shall be liable to indictment for violating this act.

SEC. 4. *And be it further enacted*, That it shall be the duty of the custom-house officers, and of all persons employed in the collection of the revenue, to attend to the execution of this law, and all forfeitures and penalties incurred under it and not otherwise directed to be prosecuted and recovered, shall be sued for, prosecuted, adjudged and distributed in like manner as is provided in the act, entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships and vessels."

Duty of custom house officers herein.

Ante, p. 145.

SEC. 5. *And be it further enacted*, That all brass cannon, muskets and firelocks with bayonets suited to the same, pistols, swords, cutlasses, musket-ball, lead, and gunpowder, which shall be imported into the United States from any foreign country, within the term of one year, and all sulphur and saltpetre which shall be so imported within the term of two years from and after the passing of this act, shall be free of duty; any thing in any former law to the contrary notwithstanding.

Such articles may be imported free of duty.

APPROVED, June 14, 1797.

STATUTE I.

CHAP. III.—*An Act to provide for the further Defence of the Ports and Harbors of the United States.*

June 23, 1797.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That for fortifying certain ports and harbors of the United States, there be appropriated a sum not exceeding one hundred and fifteen thousand dollars.

Appropriation of \$115,000 for fortifying ports;

Post, p. 554.

SEC. 2. *And be it further enacted*, That the said appropriation shall be paid and discharged out of the surplus of the revenue and income, beyond the appropriations heretofore charged thereon.

SEC. 3. *And be it further enacted*, That the President of the United States be, and he is hereby empowered to authorize any of the states which were found indebted to the United States in a settlement of the

out of which funds payable debtor states may expend under direction of the President, the sums due from them, provided they cede the lands.

accounts between them and the respective states, to expend under his direction the sums respectively due from them in fortifying their ports and harbors; and the sums which may be so expended shall be passed to the credit of the said states, on account of the balances found and reported by the commissioners for settling the accounts between the United States and the individual states, to be due from the said states to the United States. *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.

APPROVED, June 23, 1797.

STATUTE I.

June 24, 1797.

CHAP. IV.—*An Act authorizing a detachment from the Militia of the United States.*

[Expired.]
80,000 militia to be held in readiness.

Proportion of each state.

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 is hereby authorized to require of the executives of the several states, to take effectual measures, at such time as he shall deem necessary, to organize, arm and equip, according to law, and hold in readiness to march at a moment's warning, the following proportions, respectively, of eighty thousand effective militia, officers included, to wit: From the state of Tennessee, eight hundred and six: from the state of Georgia, one thousand three hundred and thirty-four: from the state of South Carolina, three thousand five hundred and thirty-five: from the state of North Carolina, seven thousand two hundred and sixty-eight: from the state of Kentucky, one thousand five hundred and forty-two: from the state of Virginia, eleven thousand one hundred and fifty: from the state of Maryland, five thousand two hundred and sixty-two: from the state of Delaware, one thousand one hundred and sixty-eight: from the state of Pennsylvania, ten thousand six hundred and ninety-six: from the state of New Jersey, four thousand two hundred and eighty-six: from the state of New York, seven thousand nine hundred and twenty-three: from the state of Vermont, two thousand one hundred and fifty: from the state of Connecticut, five thousand eight hundred and sixty: from the state of Rhode Island, one thousand six hundred and twenty-six: from the state of Massachusetts, eleven thousand eight hundred and thirty-six: from the state of New Hampshire, three thousand five hundred and fifty-eight.

The President may authorize the state executives to receive independent corps.

SEC. 2. *And be it further enacted*, That the President may, if he judges expedient, authorize the executives of the several states, to accept any independent corps of cavalry, artillery or infantry, as part of the detachments aforesaid, provided they shall voluntarily engage as corps in the service.

Limitation of service,

SEC. 3. *And be it further enacted*, That the said militia shall not be compelled to serve a longer time, in any one tour, than three months, after their arrival at the place of rendezvous: and that, during the time of their service, the commissioned officers shall be entitled to the same pay and rations that are allowed by law, to officers of the same rank on the military establishment of the United States; and the non-commissioned officers, musicians, and privates, shall receive the pay and allowance for clothing, established by an act, entitled "An act to regulate the pay of the non-commissioned officers, musicians and privates of the militia of the United States, when called into actual service, and for other purposes."

pay and subsistence;

allowance for clothing.

Ante, p. 408.

This act to be in force one year.

SEC. 4. *And be it further enacted*, That this act shall continue and be in force, for the space of one year from the passing thereof, and from thence to the end of the next session of Congress, and no longer.

APPROVED, June 24, 1797.

CHAP. V.—*An Act in addition to an act, entitled “An act concerning the registering and recording of Ships and Vessels.”*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no ship or vessel which has been, or shall be registered, pursuant to any law of the United States, and which hereafter shall be seized, or captured and condemned, under the authority of any foreign power, or that shall by sale become the property of a foreigner or foreigners, shall, after the passing of this act, be entitled to, or capable of receiving, a new register, notwithstanding such ship or vessel should afterwards become American property; but that all such ships and vessels shall be taken and considered, to all intents and purposes, as foreign vessels: *Provided,* that nothing in this act contained, shall extend to, or be construed to affect the person or persons owning any ship or vessel, at the time of the seizure, or capture of the same, or shall prevent such owner, in case he regain a property in such ship or vessel, so condemned, by purchase or otherwise, from claiming and receiving a new register for the same, as he might or could have done, if this act had not been passed.

APPROVED, June 27, 1797.

STATUTE I.
June 27, 1797.

[Expired.]

Act of Dec. 31, 1792, ch. 1. Vessels of U. States captured and condemned under any foreign power, or sold to a foreigner, shall not receive a new register.

Proviso.

CHAP. VI.—*An Act directing the appointment of Agents, in relation to the sixth article of the Treaty of Amity, Commerce and Navigation, between the United States and Great Britain.*

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 hereby is authorized, by and with the advice and consent of the Senate, to appoint a proper person to act in behalf of the United States, under the direction of the Attorney General, in relation to such claims as may be made against the United States, before the commissioners appointed to carry into effect the sixth article of the treaty of amity, commerce and navigation, between the United States of America and his Britannic Majesty. And it shall be the duty of the Attorney General, to counsel such agent, and to attend before the said commissioners, whenever any questions of law, or fact, to be determined by them, shall render his assistance necessary.

SEC. 2. *And be it further enacted,* That the Attorney General be and is hereby authorized to employ such agents, in different parts of the United States, as the business before the said commissioners, in his opinion, shall make necessary, to be paid according to their services, at such rate as the President of the United States shall direct.

SEC. 3. *And be it further enacted,* That during the continuance of the service to be performed under this act, the Attorney General shall be entitled to an additional compensation of six hundred dollars per annum; and the person hereby directed to be appointed, to a compensation at the rate of two thousand dollars per annum.

SEC. 4. *And be it further enacted,* That for enabling the President of the United States, to defray the expenses to be incurred under, and by this act, a sum not exceeding ten thousand dollars, be, and hereby is appropriated, to be paid out of any monies not otherwise appropriated.

APPROVED, June 30, 1797.

STATUTE I.
June 30, 1797.

[Obsolete.]

Agent to be appointed to act on part United States, under direction of Attorney General, before the commissioners under sixth article of treaty with Great Britain.

Duty of Attorney General herein;

authorized to employ agents in different parts of the U. States.

Additional compensation.

Appropriation.

CHAP. VII.—*An Act providing a Naval Armament.*

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 empowered, should he

STATUTE I.
July 1, 1797.

[Expired.]
Act of March 27, 1794, ch. 12.

President may
man and employ
the frigates;
their commis-
sioned officers.

deem it expedient, to cause the frigates United States, Constitution and Constellation, to be manned and employed.

SEC. 2. *And be it further enacted,* That there shall be employed on board each of the ships of forty-four guns, one captain, four lieutenants, two lieutenants of marines, one chaplain, one surgeon, and two surgeon's mates; and in the ship of thirty-six guns, one captain, three lieutenants, one lieutenant of marines, one surgeon, and one surgeon's mate.

Warrant offi-
cers.

SEC. 3. *And be it further enacted,* That there shall be employed in each of the said ships, the following warrant officers, who shall be appointed by the President of the United States, to wit: one sailing master, one purser, one boatswain, one gunner, one sail-maker, one carpenter, and eight midshipmen; and the following petty officers, who shall be appointed by the captains of the ships respectively, in which they are to be employed, viz: two master's mates, one captain's clerk, two boatswain's mates, one cockswain, one sail-maker's mate, two gunner's mates, one yeoman of the gun-room, nine quarter gunners, (and for the two larger ships two additional quarter gunners) two carpenter's mates, one armourer, one steward, one cooper, one master at arms, and one cook.

Crews.

SEC. 4. *And be it further enacted,* That the crews of each of the ships of forty-four guns, shall consist of one hundred and fifty seamen, one hundred and three midshipmen and ordinary seamen, three sergeants, three corporals, one drum, one fife, and fifty marines: and that the crew of the ship of thirty-six guns shall consist of one hundred and thirty able seamen and midshipmen, ninety ordinary seamen, two sergeants, two corporals, one drum, one fife, and forty marines, over and above the officers herein before mentioned.

Pay and sub-
sistence.

SEC. 5. *And be it further enacted,* That the pay and subsistence of the respective commissioned and warrant officers, be as follows: A captain, seventy-five dollars per month, and six rations per day; a lieutenant, forty dollars per month, and three rations per day; a lieutenant of marines, thirty dollars per month, and two rations per day; a chaplain, forty dollars per month, and two rations per day; a sailing master, forty dollars per month, and two rations per day; a surgeon, fifty dollars per month, and two rations per day; a surgeon's mate, thirty dollars per month, and two rations per day; a purser, forty dollars per month, and two rations per day; a boatswain, twenty dollars per month, and two rations per day; a gunner, twenty dollars per month, and two rations per day; a sail-maker, twenty dollars per month, and two rations per day; a carpenter, twenty dollars per month, and two rations per day.

President to
fix the pay to
petty officers,
&c.

SEC. 6. *And be it further enacted,* That the pay to be allowed to the petty officers, midshipmen, seamen, ordinary seamen and marines, shall be fixed by the President of the United States: *Provided,* that the whole sum to be given for the whole pay aforesaid shall not exceed fifteen thousand dollars per month, and that each of the said persons shall be entitled to one ration per day.

Ration.

SEC. 7. *And be it further enacted,* That the ration shall consist of as follows: Sunday, one pound of bread, one pound and a half of beef, and half a pint of rice; Monday, one pound of bread, one pound of pork, half a pint of peas or beans, and four ounces of cheese; Tuesday, one pound of bread, one pound and a half of beef, and one pound of potatoes, or turnips and pudding; Wednesday, one pound of bread, two ounces of butter, or in lieu thereof six ounces of molasses, four ounces of cheese, and half a pint of rice; Thursday, one pound of bread, one pound of pork, and half a pint of peas or beans; Friday, one pound of bread, one pound of salt fish, two ounces of butter, or one gill of oil, and one pound of potatoes; Saturday, one pound of bread, one pound of pork, half a pint of peas or beans, and four ounces of cheese; and there shall also be allowed one half pint of distilled spirits per day, or in lieu thereof one quart of beer per day, to each ration.

SEC. 8. *And be it further enacted*, That the officers, non-commissioned officers, seamen, and marines, belonging to the navy of the United States, shall be governed by the rules for the regulations of the navy heretofore established by the resolution of Congress of the twenty-eighth of November, one thousand seven hundred and seventy-five, as far as the same may be applicable to the constitution and laws of the United States, or by such rules and articles as may hereafter be established.

By what rules to be governed.

SEC. 9. *And be it further enacted*, That the appointment of the officers to the frigates may be made by the President alone in the recess of the Senate; and their commissions, if so appointed, shall continue in force till the advice and consent of the Senate can be had thereupon at their next meeting which may happen thereafter.

The President may make the appointments alone, in recess of the Senate.

SEC. 10. *And be it further enacted*, That the seamen and marines shall not be engaged to serve on board the frigates, for a period exceeding one year; but the President may discharge the same sooner if in his judgment their services may be dispensed with.

SEC. 11. *And be it further enacted*, That if any officer, non-commissioned officer, marine or seaman belonging to the navy of the United States, shall be wounded or disabled, while in the line of his duty in public service, he shall be placed on the list of the invalids of the United States, at such rate of pay and under such regulations as shall be directed by the President of the United States: *Provided always*, that the rate of compensation to be allowed for such wounds or disabilities to a commissioned or warrant officer shall never exceed for the highest disability half the monthly pay of such officer at the time of his being so disabled or wounded; and that the rate of compensation to non-commissioned officers, marines and seamen, shall never exceed five dollars per month: *And provided also*, that all inferior disabilities shall entitle the person so disabled to receive an allowance proportionate to the highest disability.

Term of service.

Provision in case of wounds.

Limitation of the compensation in case of wounds.

SEC. 12. *And be it further enacted*, That the President of the United States be, and he is hereby authorized, if circumstances should hereafter arise, which in his opinion may render it expedient, to increase the strength of the several revenue cutters, so that the number of men employed do not exceed thirty marines and seamen to each cutter; and cause the said revenue cutters to be employed to defend the sea coast, and to repel any hostility to their vessels and commerce, within their jurisdiction, having due regard to the duty of the said cutters, in the protection of the revenue.

President may increase the strength of the cutters.

SEC. 13. *And be it further enacted*, That the compensations established by the first section of the act passed on the sixth day of May, one thousand seven hundred and ninety-six, entitled "An act making further provision relative to the revenue cutters," be, and the same is hereby continued and confirmed, on the terms and conditions of the said act, to the mariners and marines, who are or may be employed as aforesaid.

Act making compensation to their officers and men, continued.

1796, ch. 22.

SEC. 14. *And be it further enacted*, That this act shall continue in force for the term of one year, and from thence to the end of the then next session of Congress and no longer.

Limitation of this act.

APPROVED, July 1, 1797.

STATUTE I.

CHAP. VIII.—*An Act to ascertain the time for the next meeting of Congress, and to repeal the act heretofore passed for that purpose.*

July 1, 1797.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That after the end of the present session, the next meeting of Congress shall be on the second Monday of November in the present year.

Congress to meet second Monday in Nov. 1797.

SEC. 2. *And be it further enacted*, That the act intituled "An act

Ante, p. 507.

to alter the time for the next meeting of Congress," passed on the third day of March last, be, and the same is hereby repealed.

APPROVED, July 1, 1797.

STATUTE I.

July 5, 1797.

CHAP. IX.—*An Act for reviving and continuing suits and process in the Circuit Court for the district of North Carolina.*

[Obsolete.]

WHEREAS, a sufficient quorum of judges did not attend to hold the circuit court, for the district of North Carolina, for the purpose of doing business in June term, one thousand seven hundred and ninety-seven; in consequence whereof, certain provisions are now become necessary and expedient, to prevent a failure of justice in the said court:

SECTION 1. *Be it therefore enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall and may be lawful, for the district judge of the state of North Carolina, to direct the clerk of the said court, to issue such process for the purpose of causing persons to be summoned to serve as jurymen at the said court, at the term to commence the thirtieth day of November next, as has been before issued by the clerk of the said court for the like purpose, returnable to June term, one thousand seven hundred and ninety-seven; that the persons ordered by the said process to be summoned for the said purpose, shall be ordered to be summoned in the same proportion, and from the same counties, as those persons who were ordered to be summoned for the like purpose, by process returnable at June term, one thousand seven hundred and ninety-seven: *Provided,* that if it shall appear expedient to the said district judge, that a different time of notice shall be prescribed, than that hitherto prescribed, he may cause such other time of notice to be directed to be given, as to him shall appear most conducive to justice, and convenient to the persons to be summoned. And the marshal is hereby directed to execute the said process, so to be issued; and the persons who shall be legally summoned to attend as jurymen, in consequence thereof, are hereby required to attend the said court, under the like penalties for disobedience, as if the said process had been ordered to be issued by the said court, in the ordinary method of proceeding: And the marshal and the persons who shall attend as jurymen, in virtue of the said process, so to be issued, shall be entitled to the like allowances for their services, respectively.

How district judge of Carolina, shall cause jury men to be summoned for Nov. term.

Proviso.

Marshal to execute process.

How suits and proceedings shall be proceeded on.

SEC. 2. *And be it further enacted,* That all suits and proceedings, of what nature or kind soever, which have been commenced in the said court, and not finished, shall be proceeded on at the ensuing term, in the same manner, and to the same effect, as if the said circuit court had been regularly held for the purpose of business in June term, one thousand seven hundred and ninety-seven, and continuances had been regularly entered, of all suits and proceedings in the said term, in which they were depending, in the usual manner of proceeding, as the case might be.

All writs, &c. deemed of same validity as if June term had been regularly held.

SEC. 3. *And be it further enacted,* That all writs and other process sued out of the clerk's office of the said circuit court, according to the accustomed method, bearing test in November term, one thousand seven hundred and ninety-six, or June term, one thousand seven hundred and ninety-seven, shall be held and deemed of the same validity and effect as if the term of June, one thousand seven hundred and ninety-seven, had been regularly held by a judge or judges competent to do business, and continuances in respect to writs or other process returnable to the last mentioned term, had been regularly entered.

APPROVED, July 5, 1797

CHAP. X.—*An Act to continue in force to the end of the next session, certain acts, and parts of acts, of limited duration.*

STATUTE I.
July 5, 1797.

[Obsolete.]
Certain laws declared in force till the end of next session.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all laws of the United States, and parts of laws now in force, and which, by the terms of their limitation, will expire with the end of this session of Congress, shall be, and hereby are continued in force, until the end of the next session.

APPROVED, July 5, 1797.

STATUTE I.

July 6, 1797.

[Repealed.]
Rate of duties on stamped vellum, &c. on 1st Jan. 1798.
1797, ch. 11.

Certain certificates.

Exemplification of letters patent.
Receipts.

Policy of insurance.

Rate of Duties on bonds and notes.

CHAP. XI.—*An Act laying Duties on stamped Vellum, Parchment and Paper.*(a)

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 thirty-first day of December next, there shall be levied, collected and paid throughout the United States, the several stamp duties following, to wit: For every skin or piece of vellum, or parchment, or sheet or piece of paper upon which shall be written or printed any or either of the instruments or writings following, to wit: any certificate of naturalization, five dollars: any license to practice or certificate of the admission, enrolment or registry of any counsellor, solicitor, attorney, advocate or proctor in any court of the United States, the sum of ten dollars; any grant or letters patent under the seal or authority of the United States, except for lands granted for military services, four dollars; any exemplification or certified copy of any such grant or letters patent, two dollars; any charter-party, bottomry, or respondentia bond, one dollar; any receipt or other discharge for or on account of any legacy left by any will or other testamentary instrument, or for any share or part of a personal estate divided by force of any statute of distributions, the amount whereof shall be above the value of fifty dollars, and shall not exceed the value of one hundred dollars, twenty-five cents; where the amount thereof shall exceed the value of one hundred dollars and shall not exceed five hundred dollars, fifty cents; and for every further sum of five hundred dollars, the additional sum of one dollar; any policy of insurance or instrument in nature thereof, whereby any ships, vessels or goods going from one district to another in the United States, or from the United States to any foreign port or place, shall be insured, to wit, if going from one district to another in the United States, twenty-five cents; if going from the United States to any foreign port or place, when the sum for which insurance is made shall not exceed five hundred dollars, twenty-five cents; and when the sum insured shall exceed five hundred dollars, one dollar; any exemplification, of what nature soever, that shall pass the seal of any court, other than such as it may be the duty of the clerk of such court to furnish for the use of the United States or some particular state, fifty cents; any bonds, bills, single or penal, foreign or inland bill of exchange, promissory note, or other note for the security of money, according to the following scale, viz. on all bonds,

(a) The acts imposing and relating to duties on stamps, have been: An act laying duties on stamped vellum, parchment, and paper, July 6, 1797, chap. 11; an act to postpone for a limited time, the commencement of the duties imposed by the act entitled, "an act laying duties on stamped vellum, parchment, and paper," December 15, 1797, chap. 1; an act to amend the act entitled, "an act laying duties on stamped vellum, parchment, and paper," March 19, 1798, chap. 20; an act to alter the duties imposed upon foreign bills of exchange, and bills of lading by "an act laying duties on stamped vellum, parchment, and paper," February 28, 1799, chap. 17; an act to establish a general stamp office, April 23, 1800, chap. 31; an act to amend an act "to establish a general stamp office," March 3, 1801, chap. 19; an act laying duties on notes of banks, bankers, and certain companies; on notes, bonds, and obligations discounted by banks, bankers, and certain companies; and on bills of exchange of certain descriptions, August 2, 1813, chap. 52; an act continuing in force certain acts laying duties on bank notes, refined sugars, and for other purposes, February 1, 1816, chap. 9; an act respecting stamps, March 3, 1823, chap. 54.

- bills, single or penal, foreign or inland bill of exchange, promissory note, or other note, above twenty dollars and not exceeding one hundred dollars, ten cents; above one hundred and not exceeding five hundred dollars, twenty-five cents; above five hundred and not exceeding one thousand dollars, fifty cents; above one thousand dollars, seventy-five cents: *Provided*, that if any bonds or notes shall be payable at or within sixty days, such bonds or notes shall be subject to only two fifth parts of the duty aforesaid; and provided, that notes issued by any of the banks now established, or which hereafter may be established, within the United States, shall be subject to a duty according to the following scale, viz. on all notes not exceeding fifty dollars, at the rate of three fifths of a cent for every dollar; above fifty dollars and not exceeding one hundred dollars, fifty cents; above one hundred dollars, and not exceeding five hundred dollars, one dollar; above five hundred dollars, two dollars; any protest, or other notarial act, twenty-five cents; any letter of attorney, except for invalid pensions, or to obtain or sell warrants for land granted by the United States as bounty for military services performed in the late war, twenty-five cents; any certificate or debenture for drawback of customs or duties for less than five hundred dollars, one dollar; any certificate or debenture for five hundred dollars, and not exceeding two thousand dollars, two dollars; and on every certificate or debenture for more than two thousand dollars, three dollars; any note or bill of lading for any goods or merchandise to be exported, if from one district to another district of the United States, not being in the same state, ten cents; if to be exported to any foreign port or place, twenty-five cents; any inventory or catalogue of any furniture, goods or effects, made in any case required by law (except in cases of goods and chattels distrained for rent or taxes, and goods taken in virtue of any legal process by any officer) fifty cents; any certificate of a share in any insurance company, or any certificate of a share in the Bank of the United States, or of any state, or other bank, above twenty dollars, and not exceeding one hundred dollars, ten cents; above one hundred dollars, twenty-five cents; and for any certificate for every such share under twenty dollars, at the rate of ten cents for one hundred dollars; and the same for any less sum of the amount of the shares expressed in such certificate: *Provided*, that nothing in this act contained, shall extend to charge with a duty, any legacy left by any will or other testamentary instrument or any share or part of a personal estate, to be divided by force of any statute of distributions which shall be left to, or divided amongst the wife, children, or grandchildren of the person deceased intestate, or making such will or testamentary instrument, or any recognizance, bill, bond, or other obligation or contract, which shall be made to, or with the United States, or any state, or for their use respectively.
- Proviso.**
- Protest.**
- Rate of duty on certificates or debentures.**
- Any inventory.**
- Proviso.**
- Secretary of Treasury may agree with the banks for one per cent. on annual dividends, in lieu of stamp duty.**
- Deeds, &c. on ship, construed to be policies of assurance.**
- SEC. 2.** *And be it further enacted*, That in respect to any stamp, on any of the notes of the banks now established, or which hereafter may be established within the United States, it shall be lawful for the Secretary of the Treasury, to agree to an annual composition for the amount of such stamp duty, with any of the said banks, of one per centum on the amount of the annual dividend made by such banks, to their stockholders respectively.
- SEC. 3.** *And be it further enacted*, That all deeds and writings whatsoever, for the payment of any sum of money, upon the contingency of the loss of any ship, or goods, laden or to be laden on board of any ship, or of damage thereto, shall be construed and adjudged to be policies of assurance, within this act chargeable with the several rates of duty herein before mentioned.
- SEC. 4.** *And be it further enacted*, That when any vessel, or any goods or merchandise, laden or to be laden on board of any vessel, shall be insured, a policy, duly stamped, shall be issued, or made out, within the

space of three days at furthest; and the insurer or insurers neglecting to make out such policy or policies, within the time aforesaid, shall forfeit the sum of twenty dollars, for every such neglect or offence; and all promissory notes, or other security made for assurance or insurances of ships, goods or merchandises at sea, or going to sea, in lieu of a policy, are hereby declared void.

Penalty on neglecting to make out policy of insurance.

SEC. 5. *And be it further enacted*, That every deed, instrument, note, memorandum, letters or other writing between the captain or master, or owner of any ship or vessel, and any merchant, trader or other person, in respect to the hire or freight of such ship or vessel, for conveyance of any money, goods, wares, merchandise or effects, laden or to be laden on board of such ship or vessel, shall be deemed and adjudged to be a charter party.

SEC. 6. *And be it further enacted*, That every receipt for any sum of money, paid in whole or in part, of any legacy or share of personal estate, distributed as aforesaid, in the cases in which a duty is hereby charged, shall express therein the true sum which shall have been so paid; in default of which, as well the person or persons by whom the same shall have been paid, as the person or persons by whom the same shall have been received, shall severally forfeit and pay the sum of twenty dollars: And every receipt in full, shall be deemed, for the purpose of charging the duties hereby laid, to be for the entire sum of such legacy or share of personal estate, unless it shall be made to appear that all such part thereof, as may not be expressed in such receipt in full, was, previous thereto, paid, and upon a receipt or receipts, duly marked or stamped, according to the directions of this act.

Receipts for legacies, &c. to express the full sum paid.

SEC. 7. *And be it further enacted*, That every counsellor, solicitor, attorney, proctor or advocate, who hath been or shall be admitted, enrolled or registered, in any court of the United States, before he shall at any time after the said thirty-first day of December next, prosecute, carry on, or defend any action, suit or proceeding in any court of the United States, shall take out a certificate of such admission, enrolment or registry from the clerk or prothonotary of the court granting such admission; which certificate shall be written on a piece of vellum, parchment or paper, stamped according to the directions of this act, and such clerk or prothonotary shall make entry of such admission, enrolment or registry, in a book to be by him kept for that purpose, to which any person may, at reasonable times have access, without fee or reward: for which certificate and entry, there shall be paid to such clerk or prothonotary, by the supervisor of the revenue for the district wherein such court shall be held, the sum of twenty-five cents.

Counsellors, &c. shall take out a stamped certificate of admission.

SEC. 8. *And be it further enacted*, That the receiving a certificate as aforesaid in any one of the courts of the United States, for any one of the said offices, shall be a sufficient admission in all the courts of the same, for that or any other of the said offices, so far as relates to the payment of the duties imposed by this act; any thing herein contained to the contrary notwithstanding.

Duty to be paid upon one certificate only.

SEC. 9. *And be it further enacted*, That the several duties aforesaid, shall be levied, collected, received, and accounted for, by and under the immediate direction and management of the supervisors and inspectors of the revenue, and other officers of inspection, subject to the superintendance, control and direction of the treasury department, according to the respective authorities and duties of the officers thereof.

How these duties are to be collected and accounted for.

SEC. 10. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury, to cause to be provided so many marks and stamps differing from each other, as shall correspond with the several rates of duty aforesaid; that is to say, one mark or stamp for each distinct rate of duty; with which marks and stamps respectively shall be marked or stamped all vellum, parchment or paper, upon which shall be

Secretary of the Treasury to provide marks and stamps.

written, or printed, all or any of the several instruments, writings, matters and things herein before enumerated and charged, according to the nature and description of each of the said instruments, writings, matters and things as are herein before specified and described. Which said several marks and stamps shall be notified by a public notification, or advertisement, to be issued by the Secretary of the Treasury, and inserted in at least one newspaper printed in each state, and in the territory north west of the Ohio, and for not less than three months before the said thirty-first day of December next, to the end that all persons may have due notice thereof; and which said marks and stamps, or any of them, shall or may be altered or renewed from time to time, as the said Secretary of the Treasury shall think fit, so as like public notification thereof be made, for a term not less than three months, before such new stamps or marks shall begin to be used.

Supervisors to stamp vellum &c. upon demand made.

SEC. 11. *And be it further enacted,* That the supervisors of the revenue are hereby empowered and required, forthwith upon demand to them or any of them, made by any person or persons, to stamp or mark any quantities or parcels of vellum, parchment or paper (he or they paying to the supervisors of the revenue respectively, the respective duties hereby directed to be paid for the same) to stamp and mark the same accordingly, without any other fee or reward; which stamp or mark shall be a sufficient discharge for the several and respective duties hereby granted upon the said vellum, parchment or paper, which shall be so stamped or marked.

Penalty on stamping before the duties are paid or secured.

SEC. 12. *And be it further enacted,* That if any supervisor of the revenue shall fix any such mark or stamp to any vellum, parchment, or paper, upon such request or demand as aforesaid, before the several and respective duties thereupon charged by this act, shall be duly answered and paid, or secured to be paid, he shall for every such offence, forfeit his office together with the sum of five hundred dollars.

Penalty on writing or printing upon vellum &c. unstamped or improperly stamped.

SEC. 13. *And be it further enacted,* That if any person or persons, shall write or print, or cause to be written or printed upon any unstamped vellum, parchment or paper, (with intent fraudulently to evade the duties imposed by this act) any of the matters and things for which the said vellum, parchment or paper is hereby charged to pay any duty, or shall write or print, or cause to be written or printed any matter or thing, upon any vellum, parchment or paper, that shall be marked or stamped for any lower duty than the duty by this act payable, such person so offending, shall for every such offence, forfeit the sum of one hundred dollars; and in case any clerk, officer, or person, who in respect of any public office or employment, is or shall be authorized or instructed to make, write, or print any deeds, instruments or writings, by this act charged to pay a duty, as aforesaid, shall be guilty of any fraud, or practice to defraud or deprive the United States of any duty by this act payable, by making, writing or printing any such deed, instrument, or writing, or causing the same to be made, written, or printed upon vellum, parchment or paper, not marked or stamped according to this act (or upon vellum, parchment or paper, marked or stamped with any mark or stamp which he shall know to be counterfeited) or by writing or printing any such deed, instrument or other writing upon vellum, parchment or paper, that shall be marked or stamped for a lower duty as aforesaid, every such clerk, officer or person so guilty, and being thereof lawfully convicted, shall, instead of the penalty aforesaid, forfeit and pay the sum of five hundred dollars; and, if an officer of the United States, shall, in addition thereto, forfeit his office and be disabled to hold or enjoy the same for the future; and if any deed, instrument, or writing whatsoever, by this act charged with the payment of a duty, as aforesaid, shall, contrary to the true intent and meaning thereof, be written or printed, by any person or persons whomsoever, upon vellum, parchment,

or paper, not marked or stamped, according to this act, or upon vellum parchment or paper, marked or stamped, for a lower duty than ought to be paid upon the same, then, and in every such case, there shall be paid to the United States, for their use, over and above the duty herein before charged thereupon, for stamping every such deed, instrument or writing, the sum of ten dollars; and no such deed, instrument or writing shall be pleaded or given in evidence in any court, or admitted in any court to be available in law or equity, until it shall be stamped as aforesaid. And the supervisors, respectively, are hereby enjoined and required, upon payment or tender of the said duty and sum of ten dollars unto any of them, to mark or stamp the said vellum, parchment or paper, with the mark or stamp that shall be proper for such deed, instrument or writing, respectively; and if any person or persons whatsoever, shall counterfeit or forge any stamp or mark, to resemble any stamp or mark which shall be provided or made in pursuance of this act, or shall counterfeit or resemble the impression of the same upon any vellum, parchment or paper, thereby to defraud the United States of any [of] the duties hereby granted, or shall utter, vend or sell any vellum, parchment or paper, with such counterfeit mark or impression thereupon, knowing such mark or impression to be counterfeited; or shall privately or fraudulently use any stamp or mark, directed or allowed to be used by this act, in relation to the duties hereby laid, with intent to defraud the United States of any of the said duties, then every such person so offending, being thereof convicted in due form of law, shall be judged guilty of a misdemeanor, and be subject to be fined in any sum not exceeding one thousand dollars, and to be imprisoned for any term not exceeding seven years.

Penalty on counterfeiting.

On fraudulently using genuine stamps.

SEC. 14. *And be it further enacted,* That from and after the thirty-first day of December, no bank now established, or which shall be hereafter established, which shall not have compounded for the duty hereby required, shall issue any bank bill, or promissory note, unless upon paper duly stamped, and whereon the respective duties shall have been paid; and if the officer of any such bank, or any person or persons employed therein, shall thereafter issue any bill or note, not duly stamped as aforesaid, he or they shall forfeit and pay a fine equal to the value of the bill or note so issued.

Penalty on banks issuing bills or notes unstamped.

SEC. 15. *And be it further enacted,* That every person who shall be employed for the marking or stamping of vellum, parchment or paper, as aforesaid, before his acting in the marking or stamping of the said vellum, parchment or paper, shall take the following oath or affirmation: "*I [insert here the name of the person] do solemnly swear, [or affirm, as the case may be] that I will, according to the best of my knowledge and skill, faithfully, honestly and carefully execute the trust reposed in me, and will truly mark or stamp all vellum, parchment or paper which I shall be required or directed to mark or stamp, and will render a true and exact account thereof to the proper officer or officers, and will faithfully account for all monies which I shall receive therefor.*"

Oath to be taken by persons employed in stamping.

SEC. 16. *And be it further enacted,* That the said supervisors of the revenue, officers and other persons to be employed by them, shall, from time to time, for the better execution of their several duties and trusts, observe and execute such directions as they respectively shall, from time to time, receive from the department of the treasury; which department shall take care that the several parts of the United States shall, from time to time, be sufficiently furnished with vellum, parchment and paper, stamped or marked as aforesaid, so that the citizens thereof may have it in their election to buy the same of the officers or persons to be employed in and about the execution of this act, at the usual or most common rates above the said duty, or to bring their own vellum, parchment or paper, to be marked or stamped as aforesaid.

Duty of the supervisors &c. to obey the directions of the Treasury Department.

Duty of the Treasury Department.

What is to be done with stamped vellum &c. in case of the change of marks or stamps.

SEC. 17. *And be it further enacted,* That as often as any alteration or renewal shall be made of, or in the marks or stamps before in use, or any of them, it shall be lawful for all persons who shall, at that time, have in their custody or possession, any vellum, parchment or paper, marked with any mark or stamp, which shall be so altered or renewed, and upon which any of the matters or things hereby charged shall not have been written or printed, at any time within the space of sixty days, after the intention of renewing or altering shall be notified as aforesaid, to bring or send such vellum, parchment or paper, unto some office of inspection; and the officer of inspection, to whom they shall be brought or sent, is hereby required to deliver, or cause to be delivered, unto the several persons who shall so bring and deliver any quantity of vellum, parchment or paper, the like quantity of vellum, parchment or paper, and as good in quality, stamped with such new stamp or mark, without demanding or taking, directly or indirectly, for the same, any money or other consideration whatsoever. And in case any person shall neglect or refuse, within the time aforesaid, to bring, or cause to be brought and delivered unto some officer of inspection, any such vellum, parchment or paper, the same is hereby declared to be of no other effect or use, than if it had never been marked or stamped; and all matters and things which shall, after that time, be written or printed thereon, shall be of no other effect, than if they had been written or printed on vellum, parchment or paper not marked or stamped: And all persons who shall write or print any of the matters or things hereby charged, on such vellum, parchment or paper, after the said time, shall forfeit and suffer as herein before is enacted for persons writing or printing on vellum, parchment or paper not marked or stamped.

Officers collecting the duties to keep accounts and remit monies.

SEC. 18. *And be it further enacted,* That all and every the officer and officers who shall be concerned in the levying, collecting and receiving the duties arising by this act, shall keep a separate and distinct account thereof, and shall pay or remit the same, as speedily as may be, after it shall be received, according to the orders of the department of the treasury.

Salaries and incidental charges.

SEC. 19. *And be it further enacted,* That it shall be lawful for the President of the United States, to cause such sum and sums of money to be expended and paid, from time to time, for salaries, compensations, and other incidental charges as shall be necessary in and for the receiving, collecting, levying or managing of the said duties, so as that the whole amount thereof, shall not exceed five per centum of the gross total product of the said duties.

Penalties how to be sued and appropriated.

SEC. 20. *And be it further enacted,* That all fines, penalties and forfeitures, which shall be incurred by virtue of this act, shall be sued for and recovered in the name of the United States, or of the supervisor of the revenue, within whose district any such fine, penalty or forfeiture shall have been incurred, by bill or information, in any circuit or district court of the United States, or in any court of either of the said states; one half thereof to the use of the persons who, if an officer of inspection, shall first discover; if other than an officer of inspection, shall first inform of the cause whereby any such fine, penalty or forfeiture shall have been incurred (except in the cases in which a different disposition thereof may have been herein before made) and the other half to the use of the United States.

Limitation.

SEC. 21. *And be it further enacted,* That this act shall continue and be in force for, and during the term of five years, and from thence to the end of the next session of Congress, and no longer.

APPROVED, July 6, 1797.

CHAP. XII.—*An Act in addition to the law of the United States, concerning Consuls and Vice Consuls.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in case it be found necessary, for the interest of the United States that a Consul be appointed to reside at Algiers; the President be authorized to allow him an annual salary not exceeding four thousand dollars.

APPROVED, July 6, 1797.

STATUTE I.
July 6, 1797.
Act of April 14, 1792.
Consul at Algiers.

CHAP. XIII.—*An Act for allowing full mileage to the members of the Senate and House of Representatives of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That at the present extraordinary meeting and session of Congress, the respective members of the Senate and of the House of Representatives shall be entitled to receive a full allowance of mileage, any law to the contrary notwithstanding.

APPROVED, July 6, 1797.

STATUTE I.
July 6, 1797.
[Obsolete.]
Ante, p. 448.

CHAP. XIV.—*An Act to revive and continue in force, for a limited time, an act, intituled "An act authorizing the transfer of stock standing to the credit of certain States."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the several provisions of the act, intituled "An act authorizing the transfer of the stock standing to the credit of certain states," passed the second day of January one thousand seven hundred and ninety-five, be and they are hereby revived and continued in force until the fourth day of March, one thousand seven hundred and ninety-nine, and no longer.

APPROVED, July 6, 1797.

STATUTE I.
July 6, 1797.
[Obsolete.]
1795, ch. 10.

CHAP. XV.—*An Act laying an additional Duty on Salt imported into 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 from and after the thirtieth day of September next, there shall be levied, collected and paid upon all salt imported into the United States, in ships or vessels of the United States, in addition to the duty of twelve cents now payable by law, eight cents per bushel, and on all salt which, after the said thirtieth day of September, shall be imported into the United States, in ships or vessels not of the United States, the like additional duty of eight cents, and ten per centum thereon.

SEC. 2. And be it further enacted, That all drawbacks and allowances now authorized by law, in relation to the existing duty on salt imported into the United States, shall apply to the additional duty laid by this act, and that in addition thereto, there shall be allowed and paid upon provisions salted within the United States, except upon dried fish, upon the exportation thereof to any foreign port or place as follows, viz: on pickled fish at the rate of twelve cents per barrel, and on other provisions at the rate of ten cents per barrel; and from and after the first day of January next there shall be an addition of thirty-three and a third per centum to the allowances now respectively granted to ships or vessels employed in the bank or other cod fisheries, and in the terms provided

STATUTE I.
July 8, 1797.
[Repealed.]
Eight cents additional duty on salt imported in vessels of the U. States.
Eight cents and ten per cent. thereon, laid upon other vessels.
Drawbacks and allowances to apply to the additional duty.
Additional drawbacks and allowances.

by an act entitled "An act concerning certain fisheries of the United States and for the regulation and government of the fishermen employed therein," and during the continuance of the said act.

Mode of executing this act.
Ante, p. 145.

SEC. 3. *And be it further enacted*, That the act entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels," shall extend to and be in full force for the collection of the additional duty laid by this act, and generally for the execution thereof, as fully and effectually, as if every regulation, restriction, penalty, provision, clause, matter and thing therein contained had been herein inserted and re-enacted.

Limitation.
Repealed
March 3, 1807.

SEC. 4. *And be it further enacted*, That this act shall continue in force for two years, and from thence unto the end of the next session of Congress, and no longer.

APPROVED, July 8, 1797.

STATUTE I.

July 8, 1797.

CHAP. XVI.—*An Act authorizing a Loan of Money.*

[Obsolete.]
New loan of
\$800,000.

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 empowered to borrow on the credit of the United States, a sum not exceeding eight hundred thousand dollars, at an interest not exceeding six per centum per annum, reimburseable at the pleasure of the United States, or at such period as may be stipulated by contract not exceeding five years from the time of obtaining the loan, to be applied to such public purposes as are or may be authorized by law, and to be repaid out of the revenues accruing to the end of the present year and such further revenues as have been, or may be provided during the present session of Congress; and it shall be lawful for the Bank of the United States to lend the said sum.

How to be paid.

In case of deficiency faith of the United States pledged to make provision for it.

SEC. 2. *And be it further enacted*, That in case the existing revenues of the United States, together with such further revenues as have been, or may be provided, during the present session, shall be insufficient to discharge and reimburse the said loan, the faith of the United States is hereby pledged to make such further provision therefor, as may be necessary.

APPROVED, July 8, 1797.

STATUTE I.

July 10, 1797.

CHAP. XVII.—*An Act making additional appropriations for the support of Government, for the year one thousand seven hundred and ninety-seven.*

[Obsolete.]

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 lighthouses; for the expenses of foreign intercourse; for certain expenses in relation to the military and naval establishments; and to satisfy certain miscellaneous demands the following sums be respectively appropriated; that is to say,

Specific appropriations.

For the compensations granted by law to the members of the Senate and House of Representatives, their officers and attendants estimated for a session of two months, seventy-seven thousand three hundred and eighty-nine dollars and sixty-six cents.

For the expenses of firewood, stationery, printing work, and all other contingent expenses of the two houses of Congress, six thousand five hundred dollars.

For printing the laws of the present session, one thousand and fifty dollars.

For making good the allowance to clerks employed in the Department

of State, agreeably to law, two hundred and sixty-nine dollars and seventy cents.

Specific ap-
propriations.

For the salary of an additional clerk in the Department of State, to perform the duties of an accountant, and when not so employed to do the ordinary services of a clerk, eight hundred dollars.

For defraying the expenses of foreign intercourse for the year one thousand seven hundred and ninety-seven beyond the appropriations heretofore authorized by law, sixty thousand five hundred dollars.

For defraying any advances incidental to the intercourse of the United States, with the Mediterranean powers, to be applied under the direction of the President of the United States, and according to his discretion, a sum not exceeding forty-five thousand dollars.

For the salaries of two extra clerks in the office of the accountant of the War Department, eight hundred dollars.

For completing and equipping the frigates *United States*, *Constitution* and *Constellation*, two hundred thousand dollars.

For the pay and subsistence of the officers and crews of the said frigates, one hundred thousand dollars.

For the extra expenses authorized by law, during the present session in relation to the revenue cutters, ten thousand dollars.

For the repairs and fabrication of arms and cannon carriages, thirty-nine thousand dollars.

For completing the six months pay and subsistence of the officers discharged under the act of the third of March, one thousand seven hundred and ninety-seven, two thousand five hundred and eighty dollars.

Ante, p. 507.

For the Hospital Department, five thousand dollars.

For making good a deficiency arising from the balance of monies of various appropriations being carried to the credit of the "Surplus Fund," in pursuance of the sixteenth section of the act passed the third of March, one thousand seven hundred and ninety-five, viz: for erecting a lighthouse on the head land of Cape Hatteras and a lighted beacon on Shell Castle Island, in the harbour of Ocracock, in the state of North Carolina, forty-four thousand dollars.

Ante, p. 433.

For enabling a remittance to the commissioners of the Dutch loans at Amsterdam, in payment for a quantity of saltpetre, seventeen thousand and thirty-one dollars and eighty-nine cents.

For repaying the Bank of the United States a sum advanced upon certain treasury bills drawn upon collectors of the revenue of the United States, in North Carolina, five thousand, one hundred and fifty dollars.

For the payment of the commissioner of loans for the state of Rhode Island, on account of two clerks who were employed in the year one thousand seven hundred and ninety-six, fifty-four dollars.

SEC. 2. *And be it further enacted*, That the several appropriations herein before made shall be paid and discharged out of the surplus of revenue and income beyond the appropriations heretofore charged thereon to the end of the present year.

How to be
paid.

APPROVED, July 10, 1797.

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.

Commence-
ment of the du-
ties 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 Depart-
ment.

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.

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.

Proof of service thereof.

Witnesses to be examined on oath or affirmation.

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.

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.

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.

Two justices of the peace empowered to act in certain cases.

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.

Allowance to witnesses.

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. 38.

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 I. *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.

STATUTE II.

CHAP. XVII.—*An Act providing the means of intercourse between the United States and foreign nations.*(a)

March 19, 1798.

[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 charge des affaires.

Manner of accounting for monies issued under the act.

Further appropriation for the year 1798.

Act of July 1, 1790, ch. 22.

1793, ch. 4.

Limitation of the act.

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.

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.

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.

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.

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.

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.

Ante, p. 527.

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 intituled "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.

Ante, p. 138.

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

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.

STATUTE II.

March 27, 1798.

Consent of Congress to an Act of the Commonwealth of Massachusetts.

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, intitled "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.

CHAP. XXI.—*An Act declaring the 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, intitled "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.

[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.

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.*

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, intitled "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.

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.

Out of what fund the monies are to be paid.

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.

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.

APPROVED, April 7, 1798.

Claims not assignable until grants are made.

Limitation of claims.

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."*

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.

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.

APPROVED, April 7, 1798.

STATUTE II.

April 7, 1798.

[Expired.]
Four first sections continued.

Ante, p. 520.

Part of the fifth section continued.

The remaining part of the fifth section continued.

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.*

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.

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.

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

STATUTE II.

April 7, 1798.

Act of May 10, 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.

Lands ascertained to be the property of the United States how to be disposed of.

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.

CHAP. XXXI.—*An Act to provide an additional Armament for the further protection of the trade of the United States ; and for other purposes.*

[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.

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.

Ante, p. 523.

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.

During the recess of the Senate the President may appoint officers.

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.

Appropriation.

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.

STATUTE II.

April 27, 1798.

CHAP. XXXIII.—*An Act to provide an additional regiment of Artillerists and Engineers.*

[Obsolete.]
Additional regiment shall be engaged for five years.

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.

Organization thereof.

To form a part of the military establishment.

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.

States erecting or completing fortifications to be credited on account of balances reported against them.

1797, ch. 3.

Proviso.

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.

Part of former act repealed.
1797, ch. 3.

APPROVED, May 3, 1798.

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 foundries 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 founderies 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.

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."

How these sums are to be paid.

APPROVED, May 14, 1798.

Ante, p. 138.

STATUTE II.

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."*

May 22, 1798.

[Obsolete.]

The brigadier general may choose his brigade major and inspector from the commissioned officers.

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.

Ante, p. 507.

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.

Aids and secretaries.

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.

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.

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.

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.

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.

Former laws respecting the military establishment of the U. States extended to the persons matters and things within the meaning of this act.

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

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, 1798.

[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 appropriations.

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 appropriations are to be paid.

CHAP. LIII.—*An Act to suspend the commercial intercourse between the United States and France, and the dependencies thereof.* (a)

STATUTE II.
June 13, 1798.

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.

[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.

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.

Bond to be given on clearing for a foreign voyage after 1st July, 1798.

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

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 a 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: anything 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;" anything 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 1. *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.*

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.

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.

[Expired.]

Merchant vessels may oppose searches, &c. attempted by the French, Ante, p. 561, 565.

Post, p. 578.

repel assaults, capture the aggressors, and make recaptures.

Captured vessels may be condemned, sold and distributed.

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.]

The President may accept vessels offered 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.

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.

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.

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.

[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.

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 I. *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.

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.

Captured ves-
sels to be
brought in and
adjudicated.

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.

Prisoners to
be reported to
the Collector
and delivered to
the Marshal,
&c.

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 1. *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, Cæcil 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.

Compensation to surveyors of the revenue.

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.

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 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in lieu of the 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 collec-
tors and auxi-
liary
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, intitled "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.

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.

STATUTE II.

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.

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.

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. 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.

Detachments of the corps to be in lieu of the quotas established for the frigates, &c.

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."

They shall take an oath; and how they shall be governed.

Allowance in case of wounds, &c.
Ante, p. 483.

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 I. *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 assessed on dwelling 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 apportionment shall be assessed upon lands.

Saving of lands and houses exempted 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 col-
lectors shall de-
mand and en-
force 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.

STATUTE II.
July 16, 1798.

CHAP. LXXIX.—*An Act to enable the President of the United States to borrow money for the public service.*

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 implements 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.]

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.

Appropriations for several purposes.

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.

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.

[Obsolete.]
Act of June 13, 1798, ch. 53.

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.

ACTS OF THE FIFTH CONGRESS

OF THE

UNITED STATES,

Passed at the third session, which was begun and held at the City of Philadelphia, in the state of Pennsylvania, on Monday, the third day of December, 1798, and ended on the third day of March, 1799.

JOHN ADAMS, President; THOMAS JEFFERSON, Vice President of the United States, and President of the Senate; JAMES ROSS, President of the Senate pro tempore, from March 2d, 1799; JONATHAN DAYTON, Speaker of the House of Representatives.

STATUTE III.

CHAPTER I.—*An Act for the punishment of certain Crimes therein specified.*

Jan. 30, 1799.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any person, being a citizen of the United States, whether he be actually resident, or abiding within the United States, or in any foreign country, shall, without the permission or authority of the government of the United States, directly or indirectly, commence, or carry on, any verbal or written correspondence or intercourse with any foreign government, or any officer or agent thereof, with an intent to influence the measures or conduct of any foreign government, or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or defeat the measures of the government of the United States; or if any person, being a citizen of, or resident within the United States, and not duly authorized, shall counsel, advise, aid or assist in any such correspondence, with intent, as aforesaid, 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 three years: *Provided always,* that nothing in this act contained shall be construed to abridge the right of individual citizens of the United States to apply, by themselves, or their lawful agents, to any foreign government, or the agents thereof, for the redress of any injuries in relation to person or property which such individuals may have sustained from such government, or any of its agents, citizens or subjects.

Penalty on a citizen of the United States for holding correspondence with a foreign government or its agents, with intent to influence the measures of such government in relation to disputes or controversies with the United States.
Aiders and abettors.

Proviso.

APPROVED, January 30, 1799.

STATUTE III.

CHAP. II.—*An Act further to suspend the Commercial Intercourse between the United States and France, and the dependencies thereof.*

Feb. 9. 1799.

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 third day of March next, 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, 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,

[Expired.]
After 3d of March, vessels not to go to French ports; nor to be employed in certain traffic.
Act of Feb. 27, 1800, ch. 10.

Vessels con-
travening to be
forfeited, to-
gether with their
cargoes.

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, and may be 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.

Bond to be
given on clear-
ing for a foreign
voyage.

SEC. 2. *And be it further enacted,* That from and after the passing of this act, 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 to one third of the value of her cargo, and shall find sufficient surety or sureties to the amount of one half of the principal sum, 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 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: *Provided,* that in no case, the surety or sureties shall be answerable for more than ten thousand dollars.

Sureties not
to be answerable
beyond
\$10,000.

French ves-
sels and certain
others, not to be
allowed to enter
or remain with-
in the U. States
except in the
case of distress.

SEC. 3. *And be it further enacted,* That from and after the said third day of March, 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 as is herein after excepted) shall be allowed an entry, or to remain within the territory of the United States, unless driven thither by distress of weather, or in want of provisions. And if, contrary to the intent 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 in the case of vessels hereby prohibited, which shall be driven by distress of weather, or 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, to defray the unavoidable expense of such repairs or supplies.

SEC. 4. *Provided, and be it further enacted*, That at any time after the passing of this act, it shall be lawful for the President of the United States, if he shall deem it expedient and consistent with the interest of the United States, by his order, to remit and discontinue, for the time being, the restraints and prohibitions aforesaid, either with respect to the French Republic, or to any island, port or place belonging to the said Republic, with which a commercial intercourse may safely be renewed; and also to revoke such order, whenever, in his opinion, the interest of the United States shall require; and he shall be, and hereby is authorized to make proclamation thereof accordingly.

SEC. 5. *And be it further enacted*, That it shall be lawful for the President of the United States, to give instructions to the commanders of the public armed ships of the United States, to stop and examine any ship or vessel of the United States on the high sea, which there may be reason to suspect to be engaged in any traffic or commerce contrary to the true tenor hereof; and if, upon examination, it shall appear that such ship or vessel is bound or sailing to any port or place within the territory of the French Republic, or her dependencies, contrary to the intent of this act, it shall be the duty of the commander of such public armed vessel, to seize every ship or vessel engaged in such illicit commerce, and send the same to the nearest port in the United States; and every such ship or vessel, thus bound or sailing to any such port or place, shall, upon due proof thereof, be liable to the like penalties and forfeitures, as are provided in and by the first section of this act.

SEC. 6. *And be it further enacted*, That whenever any ship or vessel, owned wholly or in part, or employed by any citizen or citizens of the United States, and coming from any port or place within the territory of the French Republic, or the dependencies thereof, which has arrived within any port or place of the United States since the first day of December last past, or which shall hereafter arrive, hath been or hereafter shall be seized and detained by virtue of this act, or of an act, intitled "An act to suspend the commercial intercourse between the United States and France, and the dependencies thereof," it shall be lawful for any person claiming such ship or vessel, to prefer his petition to the judge of the district in which such seizure shall be made, setting forth the circumstances of his case, and to pray that the same ship or vessel, and her cargo, may be restored; and the said judge shall thereupon inquire, in a summary manner, into the circumstances of the case, first causing reasonable notice to be given to the attorney of the United States for such district, and to the collector of the district by whom such seizure or detention hath been or shall be made, that each may have an opportunity of showing cause against the prayer of such petition; and shall cause the facts which shall appear upon such inquiry, to be stated and annexed to the petition, and direct their transmission to the Secretary of the Treasury; and if it shall appear to his satisfaction, that such ship or vessel was captured or driven into such port or place by distress of weather, or want of provisions, or was unavoidably detained and delayed by some embargo, arrest, capture, contrary winds, or other unavoidable casualty, without any fault, wilful negligence, or intention to evade the provisions of the act before mentioned, or of this act, in any such claimant, the Secretary of the Treasury shall order the restoration of said vessel and cargo to such claimant, upon such terms and conditions as he may deem reasonable and just; otherwise, and in all cases wherein such petition shall not be presented, every ship or vessel that has arrived since the said first day of December, from any port or place in the French Republic, or the dependencies thereof, or which shall hereafter arrive within any port or place of the United States, unless driven by stress of

President may order these restraints and prohibitions to be discontinued; and again revoke such order

He may instruct the public armed ships to stop and examine suspected vessels, and send them into port.

Mode of obtaining relief in certain cases of seizure under this and the former act.

weather or want of provisions, shall be liable to be prosecuted and condemned in the same manner and to the same uses as are provided in and by the first section of this act; and like proceedings shall also be had and like forfeitures incurred, as are herein provided with respect to vessels coming from France, and the dependencies thereof, in all cases when any ship or vessel shall arrive in any port or place of the United States, from any port or place, with which all commercial intercourse shall be prohibited by proclamation, according to the intent of this act.

President may grant permission to enter or clear in special cases.

SEC. 7. *Provided, and be it further enacted,* 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 to 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 requisite.

Limitation of this act.

SEC. 8. *And be it further enacted,* That this act shall continue and be in force until the third day of March, in the year one thousand eight hundred.

APPROVED, February 9, 1799.

STATUTE III.

Feb. 15, 1799.

CHAP. III.—*An Act respecting Balances reported against certain States, by the Commissioners appointed to settle the Accounts between the United States and the several States.*

[Expired.]

Debtor states assuming to pay or to expend in fortifications a sum in money or in stock, equal to their debts, may obtain a discharge, &c.

Ante, p. 49.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That if any state, against which a balance was reported by the commissioners appointed to settle the accounts between the United States and the several states, shall, on or before the first day of April, one thousand eight hundred, by a legislative act, engage to pay into the treasury of the United States within five years after passing such legislative act, or to expend, within the time last mentioned, in erecting, enlarging or completing any fortifications for the defence of the United States at such place or places the jurisdiction whereof, having been, previously to such expenditure, ceded by such state to the United States, with reservation that process civil and criminal issuing under authority of such state, may be served and executed therein, and according to such plan or plans as shall be approved by the President of the United States, a sum in money, or in stock of the United States, equal to the balance reported as aforesaid, against such state, or to the sum assumed by the United States in the debt of such state, such payment or expenditure, when so made, shall be accepted by the United States as a full discharge of all demands on account of said balance; and the President of the United States shall be, and hereby is authorized to cause credit to be given to such state on the books of the treasury of the United States accordingly: *Provided however,* that no more than one third part of the whole payment or expenditure that may be made by any such state shall be made in three per cent stock, nor more than one third part of the remaining two thirds shall be made in deferred stock: *And provided also,* that any such state may obtain a full discharge, as aforesaid, by the payment or expenditure of a sum of money, sufficient in the opinion of the Secretary of the Treasury, to purchase, at market price, the different species of stock, the payment or expenditure of which would be accepted as a full discharge, as aforesaid.

Ante, p. 554.

Limitation of the descriptions of stock to be paid or expended.

Such state may obtain a discharge by the payment or expenditure of a sum of money, &c.

Provision including expenditures on fortifications before their cession to the U. States.

SEC. 2. *Provided always, and be it further enacted,* That if any such state as is aforesaid shall have expended, since the establishment of the present government of the United States, any sum of money in fortifying any place since ceded by such state to the United States, or

which may be so ceded, within one year after the passing of this act, such expenditure having been ascertained and proved to the satisfaction of the Secretary of the Treasury, shall be taken and allowed as part of the expenditure intended by this act.

APPROVED, February 15, 1799.

STATUTE III.

CHAP. VI.—*An Act to authorize the reimbursement of monies expended in rendering aid to sick and destitute American Seamen, in foreign countries.*

Feb. 19, 1799.

[Obsolete.]

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, may be made, by the consuls of the United States, in affording relief to sick and destitute American seamen, in foreign countries, or in aiding them to return to their homes, beyond the sum allowed by law for that purpose.

APPROVED, February 19, 1799.

STATUTE III.

CHAP. VIII.—*An Act to amend an act entitled "An act giving effect to the Laws of the United States within the district of Tennessee."*

Feb. 19, 1799.

[Obsolete.]

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any person who shall commit an offence against the laws of the United States, on the east side of Cumberland mountain, within the district of Tennessee, shall not be held to answer at the court at Nashville, or any other place, on the west side of said mountain, and that any person who shall commit an offence against the laws of the United States on the west side of said mountain, within the said district, shall not be held to answer, at the court at Knoxville, or any other place, upon the east side of said mountain, but that all persons who shall commit offences against the laws of the United States (within the said district) shall be held to answer in the court on that side of the said mountain, where such offence shall have been committed.

Offenders to answer on that side of Cumberland mountain, where their offences were committed.

Ante, p. 496.
Act of April 29, 1802, ch. 31, sec. 16.

SEC. 2. *And be it further enacted,* That any suits which shall be brought by the United States, in the district court of Tennessee, against any person residing on the east side of said mountain, shall not be returned to the court at Nashville, on the west side of the said mountain, and that any suits which shall be brought by the United States, against any person residing upon the west side of said mountain, shall not be returned to the court at Knoxville, on the east side of the said mountain. But that all suits which shall be brought by the United States against any person or persons residing on the respective sides of the said mountain, shall be returned to the court, on that side of the said mountain, where the defendant or defendants shall reside, or be found at the time of bringing such suit or suits.

Suits by the United States to be returned to the court on that side of the mountain where the defendants are found.

SEC. 3. *And be it further enacted,* That the western foot of Cumberland mountain shall be the boundary, dividing the jurisdiction of the eastern from the western side of said mountain.

Western foot of Cumberland mountain to be the boundary.

SEC. 4. *And be it further enacted,* That all suits which may be brought as aforesaid, shall be proceeded upon to final judgment in the court wherein such suit or suits shall have been originally returned, and it shall be the duty of the clerk for the district of Tennessee, to keep two separate dockets, for the purposes aforesaid—one for the court at Nashville, and one for the court at Knoxville—*Provided,* that nothing in this act shall be so construed, as to prevent writs of execution issued from either of the said courts, being executed on the person or property

Suits to be proceeded upon to final judgment in the court to which they are returned, &c.

No restriction as to executions.

of the defendant or defendants, in any part of the district of Tennessee, in the same manner as if this act had never been made.

APPROVED, February 19, 1799.

STATUTE III.

Feb. 19, 1799.

CHAP. IX.—*An Act appropriating a certain sum of money to defray the expense of holding a Treaty or Treaties with the Indians.*

[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 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 compensation to be allowed to any of the commissioners appointed, or who may be 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 19, 1799.

STATUTE III.

Feb. 25, 1799.

CHAP. X.—*An Act fixing the pay of the Captains and Commanders of ships and vessels of war of the United States.*

[Obsolete.]

By what officers vessels of the U. States are to be commanded.

Ante, p. 556.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all the vessels in the service of the United States, mounting twenty guns and upwards, be commanded by captains—those not exceeding eighteen guns (except galleys, which are to be commanded as heretofore provided by law) by masters or lieutenants, according to the size of the vessel, to be regulated by the President of the United States.

SEC. 2. *And be it further enacted,* That the pay of captains commanding ships of thirty-two guns and upwards, be one hundred dollars per month, and eight rations per day; of captains commanding ships of twenty and under thirty-two guns, seventy-five dollars per month and six rations per day; of a master commandant, sixty dollars per month and five rations per day; and of lieutenants, who may command the smaller vessels, fifty dollars per month, and four rations per day.

SEC. 3. *And be it further enacted,* That whenever any officer, as aforesaid, shall be employed in the command of a squadron, on separate service, the allowance of rations to such commanding officer shall be doubled during the continuance of such command, and no longer, except in the case of the commanding officer of the navy, whose allowance, while in service, shall always be at the rate of sixteen rations per day.

APPROVED, February 25, 1799.

STATUTE III.

Feb. 25, 1799.

CHAP. XI.—*An Act making appropriations for defraying the expenses which may arise, in carrying into effect certain Treaties between the United States and several tribes or nations of Indians.*

[Obsolete.]

Treaties of New York and Colerain with the Creeks.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of defraying the expenses which may arise in carrying into effect the

following treaties, viz.: A treaty made and concluded with the Creeks at the city of New York, on the seventh day of April, one thousand seven hundred and ninety, and a further treaty with the said Creeks made and concluded at Colerain, in the state of Georgia, on the twenty-ninth of June, one thousand seven hundred and ninety-six: A treaty made and concluded with the chiefs and warriors of the Six Nations on the eleventh November, one thousand seven hundred and ninety-four: An agreement made and entered into with the chiefs of the Chickasaw nation, in Philadelphia, on the fifteenth July, one thousand seven hundred and ninety-four, to pay to the said nation goods to the amount of three thousand dollars annually: And the treaty made and concluded at Tellico with the Cherokee tribe or nation, on the second day of October, one thousand seven hundred and ninety-eight; and a treaty of Holston, mentioned in the same:—The money arising under the revenue laws of the United States, which have been heretofore passed and not already appropriated to any other purpose, that is to say, so much thereof as may be necessary, be, and is hereby pledged and appropriated for the payment of the annuities stipulated as aforesaid, to be paid to the said Indian tribes or nations, and to continue so pledged and appropriated so long as the said treaties and agreement shall be in force. And that a further sum of ten thousand dollars out of the money aforesaid, be, and hereby is appropriated to defray the cost of transportation, and other contingent charges which may arise from the payment of said annuities according to the stipulations made and entered into with the aforesaid nations, tribes or Indians.

APPROVED, February 25, 1799.

Treaty with the Six Nations.

Agreement with the Chickasaws.

Treaty with the Cherokee at Tellico.

Treaty of Holston.

Permanent appropriation for the annuities stipulated in those treaties.

\$10,000 appropriated for the expense of transportation. &c.

STATUTE III.

Feb. 25, 1799.

1796, ch. 31.

Quarantines and other restraints imposed by the health laws of the states to be observed by certain officers of the U. States;

who shall aid in their execution.

Secretary of the Treasury may vary the regulations relative to the entry and report of vessels and their cargoes.

Provisoes.

Vessels prohibited from coming to ports of entry or delivery, may, in

CHAP. XII.—*An Act respecting Quarantines and Health Laws.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the quarantines and other restraints, which shall be required and established by the health laws of any state, or pursuant thereto, respecting any vessels arriving in, or bound to, any port or district thereof, whether from a foreign port or place, or from another district of the United States, shall be duly observed by the collectors and all other officers of the revenue of the United States, appointed and employed for the several collection districts of such state respectively, and by the masters and crews of the several revenue cutters, and by the military officers who shall command in any fort or station upon the sea-coast; and all such officers of the United States shall be, and they hereby are, authorized and required, faithfully to aid in the execution of such quarantines and health laws, according to their respective powers and precincts, and as they shall be directed, from time to time, by the Secretary of the Treasury of the United States. And the said Secretary shall be, and he is hereby authorized, when a conformity to such quarantines and health laws shall require it, and in respect to vessels which shall be subject thereto, to prolong the terms limited for the entry of the same, and the report or entry of their cargoes, and to vary or dispense with any other regulations applicable to such reports or entries: *Provided*, that nothing herein shall enable any state to collect a duty of tonnage or impost without the consent of the Congress of the United States thereto: *And provided*, that no part of the cargo of any vessel shall, in any case, be taken out or unladen therefrom, otherwise than as by law is allowed, or according to the regulations hereinafter established.

SEC. 2. *And be it further enacted,* That when, by the health laws of any state, or by the regulations which shall be made pursuant thereto, any vessel arriving within a collection district of such state, shall be prohibited from coming to the port of entry or delivery by law established

certain cases, discharge their cargoes elsewhere.

for such district, and it shall be required or permitted by such health laws, that the cargo of such vessel shall or may be unladen at some other place within or near to such district, the collector authorized therein, after due report to him of the whole of such cargo, may grant his especial warrant or permit for the unloading and discharge thereof, under the care of the surveyor, or of one or more inspectors, at some other place where such health laws shall permit, and upon the conditions and restrictions which shall be directed by the Secretary of the Treasury, or which such collector may, for the time, reasonably judge expedient for the security of the public revenue: *Provided*, that in every such case, all the articles of the cargo so to be unladen, shall be deposited at the risk of the parties concerned therein, in such public or other warehouses or inclosures, as the collector shall designate, there to remain under the joint custody of such collector and of the owner or owners, or master, or other person having charge of such vessel, until the same shall be entirely unladen or discharged; and until the goods, wares or merchandise which shall be so deposited may be safely removed, without contravening such health laws; and when such removal may be allowed, the collector having charge of such goods, wares or merchandise, may grant permits to the respective owners or consignees, their factors or agents, to receive all goods, wares or merchandise, which shall be entered, and whereof the duties accruing shall be paid or secured, according to law, upon the payment by them of a reasonable rate of storage; which shall be fixed by the Secretary of the Treasury for all public warehouses and inclosures.

Warehouses, &c. may be procured for the reception of such cargoes.

SEC. 3. *And be it further enacted*, That there shall be purchased or erected, under the orders of the President of the United States, suitable warehouses, with wharves and inclosures, where goods and merchandise may be unladen and deposited, from any vessel which shall be subject to a quarantine, or other restraint, pursuant to the health laws of any state as aforesaid, at such convenient place or places therein, as the safety of the public revenue, and the observance of such health laws may require.

In case of contagious or epidemical disease at the ports of entry, the officers may be removed.

SEC. 4. *And be it further enacted*, That when, by the prevalence of any contagious or epidemical disease, in or near the place by law established, as the port of entry for any collection district, it shall become dangerous or inconvenient for the collector and the other officers of the revenue employed therein, to continue the discharge of their respective offices at such port, the Secretary, or in his absence, the comptroller of the treasury of the United States, may direct and authorize the removal of the collector, and the other officers employed in his department, from such port, to any other more convenient place, within, or as near as may be to such collection district, where such collector and officers may exercise the same authorities, and shall be liable to the same duties, according to existing circumstances, as in such lawful port or district; and of such removal, public notice shall be given as soon as may be.

In case of such disease prisoners may be removed.

SEC. 5. *And be it further enacted*, That it shall be lawful for the judge of any district court of the United States, within whose district any contagious or epidemical disease shall at any time prevail, so as in his opinion, to endanger the life or lives of any person or persons confined in the prison of such district, in pursuance of any law of the United States, to direct the marshal to cause the person or persons confined as aforesaid, to be removed to the next adjacent prison where such disease does not prevail, there to be confined, until he, she or they may safely be removed back to the place of their first confinement; which removals shall be at the expense of the United States.

The public offices may be removed in case

SEC. 6. *And be it further enacted*, That in case of the prevalence of a contagious or epidemical disease at the seat of government, it shall be lawful for the President of the United States to permit and direct the

removal of any or all the public offices to such other place or places as, in his discretion, shall be deemed most safe and convenient for conducting the public business.

SEC. 7. *And be it further enacted*, That whenever, in the opinion of the chief justice, or in case of his death, or inability, of the senior associate justice of the supreme court of the United States, a contagious sickness shall render it hazardous to hold the next stated session of the said court at the seat of government, it shall be lawful for the chief or such associate justice, to issue his order to the marshal of the district within which the supreme court is by law to be holden, directing him to adjourn the said session of the said court to such other place within the same, or an adjoining district, as he may deem convenient; and the said marshal shall thereupon adjourn the said court, by making publication thereof in one or more public papers printed at the place by law appointed for holding the same, from the time he shall receive such order, until the time by law prescribed for commencing the said session. And the district judges shall, respectively, under the same circumstances, have the same power, by the same means, to direct adjournments of the district and circuit courts within their several districts, to some convenient place within the same respectively.

SEC. 8. *And be it further enacted*, That the act, intituled "An act relative to quarantine," passed in the first session of the fourth Congress of the United States, shall be, and the same is hereby repealed.

APPROVED, February 25, 1799.

of disease at the seat of government.

Supreme court may in such case be adjourned to a different place.

Also the district and circuit courts.

Repeal of the Act of May 27, 1796, ch. 31.

STATUTE III.

Feb. 25, 1799.

[Obsolete.]

Six ships of not less than 74 guns, and six sloops of war of 18 guns to be procured &c.

One million of dollars appropriated.

The President may augment the force of the other vessels.

\$35,000 appropriated.

Revenue cutters whose force has been increased may be placed on the naval establishment.

Ante, p. 533.

CHAP. XIII.—*An Act for the augmentation of the Navy.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That under the orders of the President of the United States, and in addition to the naval armament already authorized by law, there shall be built within the United States, six ships of war, of a size to carry, and which shall be armed with not less than seventy-four guns each; and there shall be built or purchased within the United States, six sloops of war, of a size to carry, and which shall be armed with eighteen guns each, or not exceeding that force; all which ships and vessels shall be procured, manned and employed as soon as may be, for the service of the United States: And in part of the necessary expenditures to be incurred herein, a sum not exceeding one million of dollars, shall be, and is hereby appropriated, and shall be paid out of any monies which shall be in the treasury of the United States, not otherwise appropriated.

SEC. 2. *And be it further enacted*, That the President of the United States shall be, and he is hereby authorized to augment, at his discretion, the force of any ship or vessel, now in the service, or building for the service of the United States, by allowing an additional number of guns and men therein, beyond the established rate, and according to the respective size and capacity of such ship or vessel: And a sum not exceeding thirty-five thousand dollars, shall be, and is hereby appropriated to defray the expense of such augmentation, and shall be paid out of any monies which shall be in the treasury of the United States, not otherwise appropriated.

SEC. 3. *And be it further enacted*, That the President of the United States shall be, and is hereby authorized to place on the naval establishment, and employ accordingly, all or any of the vessels, which, as revenue cutters, have been increased in force, and employed in the defence of the sea-coast, pursuant to the act, intituled "An act providing a naval armament;" and thereupon, the officers and crews of such vessels, may be allowed, at the discretion of the President of the United States, the pay, subsistence, advantages and compensations, proportionably to the

rates of such vessels, and shall be governed by the rules and discipline, which are, or which shall be established for the navy of the United States.

APPROVED, February 25, 1799.

STATUTE III.

Feb. 25, 1799.

CHAP. XV.—*An Act authorizing the establishment of Docks.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That two docks, for the convenience of repairing the public ships and vessels, be erected in suitable places, under the direction of the President of the United States, and that the sum of fifty thousand dollars be appropriated towards effecting this object, to be paid out of any monies in the treasury of the United States, not otherwise appropriated.

APPROVED, February 25, 1799.

STATUTE III.

Feb. 25, 1799.

CHAP. XVI.—*An Act authorizing the purchase of Timber for naval purposes.*

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 direct a sum not exceeding two hundred thousand dollars, to be paid out of any monies in the treasury, not otherwise appropriated, to be laid out in the purchase of growing or other timber, or of lands on which timber is growing, suitable for the navy, and to cause the proper measures to be taken to have the same preserved for the future uses of the navy.

APPROVED, February 25, 1799.

STATUTE III.

Feb. 28, 1799.

CHAP. XVII.—*An Act to alter the Stamp Duties imposed upon Foreign Bills of Exchange and Bills of Lading, by an act intituled "An act laying duties on stamped vellum, parchment and paper;" and further to amend the same.*

[Repealed.]

Former duty on foreign bills of exchange and bills of lading repealed.

Act of July 6, 1797, ch. 11.

New duties imposed on foreign bills of exchange, bills of lading, and policies of assurance.

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 thirty-first day of March next, the duties imposed by an act, intituled "An act laying duties on stamped vellum, parchment and paper," upon foreign bills of exchange and bills of lading, shall cease and determine; and from and after the said thirty-first day of March next, there shall be levied and paid throughout the United States, the several stamp duties following, to wit:—On every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be written or printed any or either of the instruments following, to wit:—Any foreign bill of exchange, draft or order for the payment of money in any foreign country, twenty cents; any note or bill of lading, or writing or receipt in the nature thereof, for any goods or merchandise to be exported, if from one district to another district of the United States, not being in the same state, four cents; if to be exported to any foreign port or place, ten cents; any policy of assurance, or instrument in nature thereof, other than those specified in the above recited act, when the sum, for which insurance is made, shall not exceed five hundred dollars, twenty-five cents; and when the sum insured shall exceed five hundred dollars, one dollar. And the said duties shall be chargeable upon each and every bill of exchange and bill of lading, without respect to the number contained in a set.

Foreign bills of exchange not to be stamped

SEC. 2. *And be it further enacted,* That from and after the said thirty-first day of March, it shall not be lawful for any supervisor, or other person employed for the stamping of vellum, parchment or paper,

to stamp any foreign bill of exchange, draft or order, for the payment of money in any foreign country, after the same shall be written or drawn. And if any person or persons, from or after the said thirty-first day of March, shall presume to write or draw, or cause to be written or drawn any such foreign bill, draft or order, or any duplicate or triplicate thereof, before the vellum, parchment or paper on which the same shall be drawn, shall be duly stamped, or shall sell, loan, endorse or remit any such foreign bill, draft or order, unless every duplicate, triplicate, and other bill of the same tenor and date, which shall be drawn, or intended to be drawn, shall be first duly stamped; then, and in every such case, the person or persons so offending, shall, for each offence, forfeit and pay a sum not exceeding one hundred dollars, according to the nature and aggravation of the offence.

after they are drawn.

Penalty on writing such bills before they are stamped, or selling, loaning, &c.

SEC. 3. *And be it further enacted,* That if any person or persons, at any time after the said thirty-first day of March next, shall knowingly and fraudulently write or engross, or cause to be written or engrossed, the whole or any part of any bond, bill, instrument, or other writing whatsoever, in respect whereof any duty is payable by the acts of Congress, or any of them, on the whole or any part of any piece of vellum, parchment or paper whereon there shall have been before written any other bond, bill, instrument, or other writing, in respect whereof any duty was payable by the said acts, or either of them, before such vellum, parchment or paper shall have been again marked or stamped, according to the said acts; or shall fraudulently erase or scrape out, or cause to be erased or scraped out, the name or names of any person or persons, or any sum, date or other thing written in such bond, bill, instrument or writing, or fraudulently cut, tear or get off, any mark or stamp from any piece of vellum, parchment or paper, or part thereof, with intent to use such stamp or mark for any writing or thing, in respect whereof any duty shall be payable by virtue of the said acts, or either of them, that then, so often, and in every such case, every person, so offending, shall, for every such offence, forfeit the sum of two hundred dollars, and costs of suit.

Penalty on fraudulently writing on old stamped instruments;

or altering the stamps.

or transferring them.

SEC. 4. *And be it further enacted,* That if any writings, matters and things, in respect whereof any of the said duties shall be payable, and which shall be engrossed or written, after the said thirty-first day of March next, shall be written at a distance from the stamps or marks which shall, in pursuance of the said acts, or any of them, be placed on the vellum, parchment or paper, whereupon the same shall be written or engrossed, with intent fraudulently to evade the duties imposed by the said acts, or any of them, the person who shall write or engross, or cause to be written or engrossed any such writing, matter or thing, contrary to the tenor and true meaning hereof, shall, for every such offence, forfeit the sum of one hundred dollars, and full costs of suit.

Penalty on fraudulently writing at a distance from the stamp.

SEC. 5. *And be it further enacted,* That the duties imposed by this act, shall be levied and collected in the same manner, and by the same persons, and under the same regulations, fines, penalties and forfeitures which are provided in and by the acts of Congress now in force, respecting the duties on stamped vellum, parchment and paper. And the said fines, penalties and forfeitures shall be sued for, and recovered in the same manner, and to the same uses, as are provided in the said acts.

How the duties imposed by this act shall be collected.

Fines, &c.

SEC. 6. *And be it further enacted,* That no duties shall be levied or collected upon any bonds required in any case by the laws of the United States, or of any state, upon legal process, or in any judicial proceeding, or for the faithful performance of any trust or duty; any thing in the above recited act to the contrary notwithstanding.

Exemption of bonds required by the laws of the U. States or of the individual states in certain cases.

SEC. 7. *And be it further enacted,* That the supervisors shall severally be allowed upon all stamp duties, and upon all fines accruing thereupon, which shall be collected and accounted for by them respectively, the

Allowances to supervisors and inspectors.

commissions following, to wit: Upon all duties collected from persons other than officers of the revenue, and upon all fines, a commission of four per centum; upon all duties received from officers of the revenue, or which are collected and duly accounted for by said officers, a commission of one per centum; and that the inspectors of surveys, not being also supervisors, shall, severally, be allowed upon all stamp duties, and upon all fines accruing thereupon, which shall be collected and accounted for by them, respectively, a commission of one and a half per centum. And the allowances aforesaid shall extend to the duties and fines which have been heretofore, or may be hereafter collected and accounted for, in manner aforesaid, in pursuance of the act, intituled "An act laying duties upon stamped vellum, parchment and paper," as well as to all duties and fines authorized by this act.

APPROVED, February 28, 1799.

Repealed by
act of April 6,
1802.

STATUTE III.

Feb. 28, 1799.

CHAP. XVIII.—*An Act concerning French Citizens that have been, or may be captured and brought into the United States.*

President authorized to send to the dominions of France captured French citizens.

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 exchange or send away from the United States to the dominions of France, as he may deem proper and expedient, all French citizens that have been or may be captured and brought into the United States, in pursuance of the act, intituled "An act in addition to the act more effectually to protect the commerce and coasts of the United States."

Ante, p. 574.

APPROVED, February 28, 1799.

STATUTE III.

Feb. 28, 1799.

CHAP. XIX.—*An Act providing compensation for the Marshals, Clerks, Attornies, Jurors and Witnesses in the Courts of the United States, and to repeal certain parts of the acts therein mentioned; and for other purposes.*(a)

1813, ch. 14.
To the marshals.

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, the compensation to the several officers herein after mentioned, shall be as follows, to wit: to the marshals of the several districts of the United States, for the service of any writ, warrant, attachment or process issuing out of any courts of the United States, two dollars—and in case there be more than one person named in the said writ, warrant, attachment or process, then two dollars for each person so named; for his travel out in serving each writ, warrant, attachment or process aforesaid, five cents per mile, to be computed from the place of service to the court where the writ or process shall be returned; and if more persons than one are named therein, the travel shall be computed from the court to the place of service which shall be the most remote, adding thereto, the extra travel which shall be necessary to serve it on the other; for each bail bond, fifty cents; for actually summoning witnesses or appraisers, each fifty cents; for every commitment or discharge of a prisoner, fifty cents; for every proclamation in the admiralty, thirty cents; for sales of vessels, or other property, and for receiving and paying the money, for any sum under five hundred dollars, two and one half per cent; for any larger sum, one and one quarter per cent, upon the excess; for summoning each grand and other jury, four dollars: *Provided,* that in no case shall the fees for summoning jurors to any one court, exceed fifty dollars; and in those states where jurors, by the laws of the state, are drawn by constables, or other officers of

(a) An act concerning suits and costs in the courts of the United States, July 22, 1813, chap. 14.

corporate towns or places, by lot, the marshal shall receive for the use of the officers employed in summoning the jurors and returning the venire, the sum of two dollars, and for his own trouble in distributing the venire, the sum of two dollars; for attending the supreme or circuit court, five dollars per day; (a) and for attending the district court, where such court has the powers and cognizance of a circuit court, five dollars per day; and for attending the district courts in other cases, four dollars per day, and at the rate of ten cents per mile, for his travel from the place of his abode to either of the said courts—for all other services, not herein enumerated, except as shall be hereafter provided, such fees and compensations as are allowed in the supreme court of the state where such services are rendered: And the annual sum of two hundred dollars as a full compensation for all extra services, shall be allowed to each marshal for the districts of Tennessee, Kentucky, New Hampshire, Vermont, and Maine.

1803, ch. 7,
sec. 5.

SEC. 2. *And be it further enacted*, That when a deputy marshal, who shall be duly appointed by the marshal of any district, shall reside and be more than twenty miles from the place where the district judge of such district shall reside and be, the oath of office required of such deputy, before he enters on the discharge thereof, may be administered and taken by and before any judge or justice of any state court within the same district, or before any justice of the peace, having authority therein, and being certified by him, to the said district judge, shall be as effectual as if administered or taken before such district judge.

Manner of deputy marshal's taking the oath of office, when he resides at a distance from the district judge.

SEC. 3. *And be it further enacted*, That the compensation to the clerk of the supreme court of the United States, shall be as follows, to wit: for his attendance in court, ten dollars per day, and for his other services, double the fees of the clerk of the supreme court of the state in which the supreme court of the United States shall be holden. To the clerks of circuit and district courts in each state, respectively, the same fees as are allowed in the supreme court of the said state, with an addition thereto of one third of said fees, and five dollars per day for his attendance at any circuit or district court, and at the rate of ten cents per mile for his travel from the place of his abode to either of said courts; and in case a clerk of a court of the United States perform any duty which is not performed by the clerks of the state, and for which the laws of the state make no provision, the court in which such service shall be performed, shall make a reasonable compensation therefor. And in all cases of admiralty jurisdiction, the clerk of the district court shall be allowed the same fees as are prescribed by the second section of an act, passed the first day of March, one thousand seven hundred and ninety-three, intituled "An act to ascertain the fees in admiralty proceedings in the district courts of the United States; and for other purposes."

Compensation for the clerks of the courts of the United States.

1793, ch. 21.

SEC. 4. *And be it further enacted*, That the compensation to the attorneys of the respective districts of the United States, shall be as follows, to wit: for each day which any such attorney shall necessarily attend on business of the United States, during the session of any district or circuit court, five dollars; for travelling from the place of his abode to such court, ten cents per mile; and such fees in each state, respectively, as are allowed in the supreme court thereof; and in the district courts, his stated fees in the cases herein mentioned, shall be as follows, to wit: for drawing interrogatories, five dollars; for drawing and exhibiting libel, claim, or answer, six dollars; and for all other services in any one cause, six dollars. And the annual sum of two hundred dollars, as a full compensation for all extra services, shall be allowed and paid by the United

Compensation for the district attorneys.

(a) An act to lessen the compensation for marshals, clerks, and attorneys, in the cases therein mentioned, April 18, 1814, chap. 79; an act to repeal in part an act entitled, "An act to lessen the compensation of marshals, clerks and attorneys, in cases therein mentioned," March 8, 1824, chap. 26.

States, to each district attorney for the districts of Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New Jersey, Delaware, Virginia, North Carolina, Georgia, Kentucky and Tennessee.

Compensation to the attorney of the Virginia district in criminal cases.

SEC. 5. *And be it further enacted*, That for all services in criminal cases performed by the attorney for the district of Virginia, and for which no fees are allowed by law for similar services in the courts of that state, he shall be allowed such sum or sums as the court in which the same is rendered, shall consider a reasonable compensation therefor.

Compensation to jurors and witnesses.

SEC. 6. *And be it further enacted*, That the compensation to jurors and witnesses, in the courts of the United States, shall be as follows, to wit: to each grand and other juror, for each day he shall attend in court, one dollar and twenty-five cents; and for travelling, at the rate of five cents per mile, from their respective places of abode, to the place where the court is holden, and the like allowance for returning; to the witnesses summoned in any court of the United States, the same allowance as is above provided for jurors.

Criers and persons to attend the courts.

SEC. 7. *And be it further enacted*, That the respective courts of the United States shall appoint criers for their courts, to be allowed the sum of two dollars per day; and that the marshals be, and they are hereby authorized to appoint such a number of persons, not exceeding three, as the judges of their respective courts shall determine, to attend upon the grand and other jurors, and for other necessary purposes, who shall be allowed for their services, the sum of two dollars per day, to be paid by, and included in the accounts of the marshal, out of any money of the United States in his hands.

Informers to be alone liable for the fees to the clerks, &c.

SEC. 8. *And be it further enacted*, That if any informer on a penal statute, and to whom the penalty, or any part thereof, if recovered, is directed to accrue, shall discontinue his suit or prosecution, or shall be nonsuited in the same, or if, upon trial, judgment shall be rendered in favour of the defendant, unless such informer be an officer of the United States, he shall be alone liable to the clerks, marshals, and attorneys for the fees of such prosecution; but if such informer be an officer whose duty it is to commence such prosecution, and the court shall certify there was reasonable ground for the same, then the United States shall be responsible for such fees.

Exception.

Parts of former acts repealed.

SEC. 9. *And be it further enacted*, That the third section of an act, passed on the eighth day of May, one thousand seven hundred and ninety-two, intituled "An act for regulating process in the courts of the United States, and for providing compensations for the officers of said courts, and for jurors and witnesses," and the second section of an act passed on the first day of June, one thousand seven hundred and ninety-six, intituled "An act making an appropriation to satisfy certain demands attending the late insurrection, and to increase the compensations to jurors and witnesses in the courts of the United States," be, and they are hereby repealed.

1792, ch. 36.
1796, ch. 48.

APPROVED, February 28, 1799.

STATUTE III.

Feb. 28, 1799.

CHAP. XX.—*An Act to amend the act intituled "An act to provide for the valuation of lands and dwelling-houses, and the enumeration of slaves within the United States."*

1798, ch. 70.

Part of the former act repealed.

SECTION 1. *Be it enacted by the Senate, and House of Representatives of the United States of America in Congress assembled*, That so much of the act, intituled "An act to provide for the valuation of lands and dwelling-houses, and the enumeration of slaves within the United States," as requires that the lists to be delivered in pursuance of the ninth section thereof, shall specify, in respect to dwelling-houses, "the number and dimensions of their windows," shall be, and hereby is repealed.

SEC. 2. *And be it further enacted*, That the commissioners under the said act, for each state, respectively, shall be, and hereby are authorized to extend the time thereby allowed for receiving appeals by the principal assessors, and also the time so allowed for returning lists by the assistant assessors in all cases where the said commissioners shall deem such extension necessary, and for such time as they shall think expedient, and that so much of the twentieth section of the above mentioned act, as requires all appeals to be made in writing, be, and it is hereby repealed.

Amendments of the former act respecting the time of returning lists and respecting appeals.

SEC. 3. *And be it further enacted*, That the Secretary of the Treasury shall be, and hereby is authorized and empowered, under the direction of the President of the United States, to augment, in cases where he may find it necessary, the compensations fixed for principal and assistant assessors, by said act, so, however, as that no principal or assistant assessor shall, in any case, receive more than two dollars per day, which additional compensations shall be subject to the same rules of settlement as are established by the aforesaid act respecting the compensations therein fixed for principal and assistant assessors.

Compensations to assessors may be augmented.

APPROVED, February 28, 1799.

STATUTE III.

CHAP. XXI.—*An Act altering the time of holding the District Court in Vermont.*

Feb. 28, 1799.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the session of the district court for the district of Vermont, by law appointed to be holden at Rutland in said district on the first Monday of May annually, shall hereafter be holden at Rutland in said district on the second Monday of May annually.

1802, ch. 31.
1816, ch. 31.

SEC. 2. *And be it further enacted*, That all process which shall have been issued, and all recognizances returnable, and all suits and other proceedings which have been continued to the said district court on the first Monday of May next, shall be returned and held continued to the said court on the second Monday of May next.

APPROVED, February 28, 1799.

STATUTE III.

CHAP. XXII.—*An Act to regulate the collection of duties on imports and tonnage.*

March 2, 1799.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the state of New Hampshire shall be one district, to be called the district of Portsmouth, of which the town of Portsmouth shall be the sole port of entry, and the towns of Newcastle, Dover and Exeter, ports of delivery only; but all ships or vessels, bound to or from either of the said ports of delivery, shall first come to, enter and clear at Portsmouth; and a collector, naval officer and surveyor for the said district, shall be appointed, to reside at Portsmouth; and the authority of the officers of the said district shall, for the purposes of this act, extend to the northern boundary line of the said state of New Hampshire, adjoining to the British colony of Lower Canada.(a)

Districts and ports in New Hampshire.

1801, ch. 6.
1822, ch. 16.
1811, ch. 25.

SEC. 2. *And be it further enacted*, That in the state of Massachusetts there shall be twenty-two districts and ports of entry, to wit: Newburyport, Ipswich, Gloucester, Salem and Beverly, as one; Marblehead, Boston and Charlestown, as one; Plymouth, Barnstable, Nantucket, Edgartown, New Bedford, Dighton, York, Biddeford and Pepperelborough, as one; Portland and Falmouth, as one; Bath, Wiscasset, Penobscot, Frenchman's Bay, Machias, Passamaquody and Waldoborough.

Districts and ports in Massachusetts.

(a) By the act of April 17, 1822, additional districts were established in New Hampshire.

Districts and
ports in Mas-
sachusetts.

To the district of Newburyport, shall be annexed the several towns or landing places of Almsbury, Salisbury, Haverhill and Newbury, which shall be ports of delivery only; and a collector, naval officer, and surveyor for the district shall be appointed, to reside at Newburyport.

To the district of Gloucester shall be annexed the town of Manchester, as a port of delivery only; and a collector and surveyor shall be appointed for the district, to reside at Gloucester.

To the district of Salem and Beverly shall be annexed the town or landing place of Danvers, as a port of delivery only; and a collector, naval officer and surveyor, for the district, shall be appointed, to reside at Salem, and a surveyor, to reside at the town of Beverly.

To the district of Marblehead shall be annexed the town of Lynn, as a port of delivery only; and a collector for the district shall be appointed, to reside at Marblehead.

To the district of Boston and Charlestown shall be annexed the towns or landing places of Medford, Cohasset, Hingham and Weymouth, as ports of delivery only; and a collector, naval officer and surveyor for the district, shall be appointed, to reside at Boston.

To the district of Plymouth shall be annexed the several towns or landing places of Scituate, Duxbury and Kingston, as ports of delivery only; and a collector for the district shall be appointed, to reside at Plymouth.

To the district of Barnstable shall be annexed the several towns or landing places of Sandwich, Falmouth, Hardwich, Wellfleet, Provincetown and Chatham, as ports of delivery only; and a collector for the district shall be appointed, to reside at Barnstable.

In the district of Nantucket, the port of Nantucket shall be the sole port of entry and delivery; and a collector for the district shall be appointed, to reside at Nantucket.

In the district of Edgartown, a collector for the district shall be appointed, to reside at Edgartown.

To the district of New Bedford shall be annexed Westport, Rochester and Wareham, as ports of delivery only; and a collector for the district shall be appointed, to reside at New Bedford.

To the district of Dighton shall be annexed Swansea, Somerset, Free-town, Berkeley and Taunton, as ports of delivery only; and a collector for the district shall be appointed to reside at Dighton.

To the district of York shall be annexed Kittery and Berwick, as ports of delivery only; and a collector for the district shall be appointed, to reside at York.

To the district of Biddeford and Pepperelborough shall be annexed Scarborough, Wells, Kennebunk and Cape Porpoise, as ports of delivery only; and a collector for the district shall be appointed, to reside at Biddeford.

To the district of Portland and Falmouth shall be annexed North Yarmouth, Brunswick, Freeport and Harpswell, as ports of delivery only; and a collector and surveyor shall be appointed for the district, to reside at Portland.

To the district of Bath shall be annexed Hallowell, Pittstown, Topsham, Georgetown and Brunswick, as ports of delivery only; and a collector for the district shall be appointed, to reside at Bath.

To the district of Wiscasset shall be annexed the town of Boothbay, as a port of delivery only; and a collector for the district shall be appointed, to reside at Wiscasset.

To the district of Penobscot shall be annexed Frankfort, Bluehill, Hampden and Deer Island, as ports of delivery only; and a collector for the district shall be appointed, to reside at Castine; which shall be the port of entry for the said district.

To the district of Frenchman's Bay shall be annexed Union River, as

a port of delivery only; and a collector for the district shall be appointed, to reside at Frenchman's Bay.

Districts and
ports in Massa-
chusetts.

For each of the districts of Machias and Passamaquody, shall be appointed a collector, to reside at the said ports of Machias and Passamaquody respectively.

To the district of Waldoborough shall be annexed the towns of Bristol, Nobleborough, Warren, Thomaston, Cushing and Cambden; also that part of a place called Ducktrap, which lies between the towns of Cambden and Northport, as ports of delivery only; and a collector for the district shall be appointed, to reside at Waldoborough, and a surveyor, to reside at Thomaston.

The district of Ipswich shall include the town of Ipswich, as a port of entry only; and a collector for the district shall be appointed, to reside at Ipswich.

The district of Newburyport shall include all the waters and shores from the state of New Hampshire to the north line of Ipswich.

The district of Gloucester shall include all the waters and shores in the towns of Gloucester and Manchester.

The district of Salem and Beverly shall include all the shores and waters within the towns of Beverly, Salem and Danvers.

The district of Marblehead shall include all the waters and shores within the towns of Marblehead and Lynn.

The district of Boston and Charlestown shall include all the waters and shores within the counties of Middlesex, Suffolk and Norfolk.

The district of Plymouth shall include all the waters and shores within the county of Plymouth, excepting the towns of Wareham and Rochester.

The district of Barnstable shall include all the waters and shores within the county of Barnstable.

The district of Nantucket shall include the island of Nantucket.

The district of Edgartown shall include all the waters and shores within the county of Duke's county.

The district of New Bedford shall include all the waters and shores within the towns of New Bedford, Dartmouth, Westport, Rochester and Wareham, together with all the islands within the county of Bristol.

The district of Dighton shall include all the waters and shores on Taunton river, and in the town of Rehoboth.

The district of Waldoborough shall include all the waters and shores from the middle of Damarascotty river to the southwardly side of the town of Northport.

The collectors of the several districts within that part of the state of Massachusetts, eastward of New Hampshire, shall, from time to time, agree upon a divisional line between their respective districts, and transmit the same to the comptroller of the treasury; and such districts so agreed upon, shall include all the waters, shores, and islands within the same, and all the lands adjoining to the British colonies of New Brunswick and Lower Canada, within the eastern part of the state of Massachusetts aforesaid. And in case of disagreement between any of the said collectors, concerning such divisional line, the President of the United States shall determine the same.

SEC. 3. *And be it further enacted*, That in the state of Rhode Island and Providence Plantations, there shall be two districts, to wit: the district of Newport, and the district of Providence. The district of Newport shall comprehend all the waters, shores, bays, harbors, creeks, and inlets, from the west line of the said state, all along the sea-coast; and northward, up the Narraganset bay, as far as the most southerly part of Warwick Neck, and from thence nearly a northeast course, to the south end of Rumstick Point, at high water mark, and shall include the several towns, harbors, and landing places at Westerly, Charleston, South

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ports in Rhode
Island.

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ports in Rhode
Island.

Kingston, North Kingston, East Greenwich, and all that part of Warwick southward of Warwick Neck, and also the towns, harbors, and landing places of Barrington, Warren, Bristol, Tiverton, Little Compton, and all the towns, harbors, and landing places of the island of Rhode Island, Jamestown, Prudence, New Shoreham, and every other island and place within the said state, southward of Warwick Neck and Rumstick Point.

The district of Providence shall comprehend all the waters, shores, bays, harbors, creeks and inlets, within the state of Rhode Island, northward of a line running nearly a northeast course from the south end of Warwick Neck to the south end of Rumstick Point at high water mark, including only the waters bounded by the east and west shores of said Rumstick Point and Warwick Neck, leading up the bay of the port of Providence. The town of Newport shall be the sole port of entry in the said district of Newport; and a collector, naval officer and surveyor for the district shall be appointed, to reside at the said town of Newport: and North Kingston, East Greenwich, Barrington, Warren, Bristol and Pawcatuck river in Westerly, shall be ports of delivery only; and a surveyor shall be appointed, to reside at each of the ports of North Kingston, East Greenwich, Warren, Bristol and Pawcatuck river; and the surveyor to reside at Warren shall be surveyor for the port of Barrington. The town of Providence shall be the sole port of entry, in the said district of Providence; and Patuxet in the same district shall be a port of delivery only; and a collector, naval officer and surveyor shall be appointed, to reside at Providence; and a surveyor shall be appointed, to reside at Patuxet.

Districts and
ports in Con-
necticut.

SEC. 4. *And be it further enacted*, That in the state of Connecticut there shall be four districts, to wit: New London, New Haven, Fairfield and Middletown. The district of New London shall extend from the east line of the said state of Connecticut to the east line of the town of Lyme, and shall include the several towns or landing places of Norwich, Stonington and Groton, as ports of delivery only; and New London to be the sole port of entry; and a collector and surveyor for the district shall be appointed, to reside at New London; and a surveyor, to reside at Stonington.

The district of New Haven shall extend from the west line of the district of New London, westerly to Ousatumnick river, to which shall be annexed the several towns, or landing places of Guildford, Branford, Milford and Derby, as ports of delivery only; and New Haven shall be the sole port of entry; and a collector and surveyor for the district shall be appointed, to reside at New Haven.

The district of Fairfield shall include all the ports and places in the said state of Connecticut west of the district of New Haven, to which shall be annexed the several towns or landing places of Norwalk, Stratford, Stamford and Greenwich, as ports of delivery only; Fairfield shall be the sole port of entry; and a collector for the district shall be appointed, to reside at Fairfield.

The district of Middletown shall include the several towns and landing places of Lyme, Saybrook, Killingsworth, Haddam, East Haddam, Middletown, Chatham, Weathersfield, Glastenbury, Hartford, East Hartford, Windsor and East Windsor, of which Middletown shall be the sole port of entry; and the other towns and landing places before named, shall be ports of delivery only; and a collector and surveyor shall be appointed, to reside at Middletown; and a surveyor shall be appointed, to reside at Hartford, and another to reside at Saybrook.

Districts and
ports in New
York.

SEC. 5. *And be it further enacted*, That in the state of New York, there shall be six districts, to wit: Sagg Harbor on Nassau or Long Island, the city of New York, the city of Hudson, Champlain, Oswego and Niagara.

The district of Sagg Harbor shall include all the bays, harbors, rivers and shores, within the two points of land which are called Oyster Pond point, and Mantauck point; and a collector for the district shall be appointed, to reside at Sagg Harbor, which shall be the only port of entry and delivery in the said district.

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ports in New
York.

The district of the city of New York shall include all such part of the coasts, rivers, bays and harbors of the said state as are not included in other districts of the said state, especially the several towns or landing places of New Windsor, Newburgh, Poughkeepsie, Esopus, Kinderhook and Albany, as ports of delivery only; and a collector, naval officer and surveyor for the district shall be appointed, to reside at New York, which shall be the sole port of entry for the district; and a surveyor, at the city of Albany: and the President of the United States is authorized, if he judge it expedient, to appoint one other surveyor, to reside at such other place in the said district as he shall appoint.

The district of Hudson shall include all the waters and shores of the said city; and a collector shall be appointed for the said district, to reside at the said city of Hudson, which shall be the sole port of entry and delivery.

The district of Champlain shall include all such shores and waters of Lake Champlain, and the rivers connected therewith, as lie within the said state of New York; and the said district shall extend westwardly along the northern boundary line of the said state, unto the place where said line is bounded by the river St. Lawrence; and the President of the United States is hereby authorized to appoint such place within the said district to be a port of entry and delivery, as he shall judge expedient; and a collector shall be appointed, to reside at the port of entry which may be established within the said district; and the President is also authorized, if he shall judge proper, to appoint, not exceeding two surveyors, to reside at such places as he may judge expedient to constitute ports of delivery only.

The district of Oswego shall include all the shores and waters of the river St. Lawrence, from the place where said river is intersected by the forty-fifth degree of northern latitude, and all the shores and waters of Lake Ontario, and the rivers and waters connected therewith, lying within the jurisdiction of the United States, and within the state of New York, to the eastward of the west bank of Genesee river; and a collector shall be appointed, who shall reside at or near Oswego, at such place as the President of the United States shall appoint to be the port of entry for the district; and the President of the United States is authorized to appoint not exceeding three surveyors, to reside at such places within the said district, as he shall judge proper, and to constitute each or either of such places to be ports of delivery only.

The district of Niagara shall include all the shores and waters of Lake Ontario and Lake Erie, and the rivers connected therewith, lying within the jurisdiction of the United States, and within the state of New York, to the westward of the west bank of Genesee river; and a collector shall be appointed who shall reside at Niagara, which shall be the sole port of entry for the district; and the President of the United States is authorized to appoint, not exceeding two surveyors, to reside at such places within the said district, as he shall judge proper, and to constitute each or either of such places to be the ports of delivery only.

SEC. 6. *And be it further enacted,* That the state of Vermont shall constitute one district, which shall include all such shores and waters of Lake Champlain, and the rivers connected therewith, as lie within the said state, and shall also extend along the northern boundary line of the said state, adjoining to the British colony of Lower Canada; and the President of the United States is authorized to appoint such place within the said district, to be the sole port of entry, as he shall judge

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ports in Ver-
mont.

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mont.

proper; and a collector shall be appointed to reside thereat; and the President of the United States is also authorized, if he judge it expedient, to establish not exceeding two places as ports of delivery only, and to appoint surveyors for each, or either of said places, at his discretion: *Provided nevertheless*, that the President of the United States may, whenever he shall judge it expedient, and for the interest of the United States, erect the northern boundary line of the said state, adjoining the British colony of Lower Canada, or so much thereof, as he may think proper, into a separate district, and appoint a collector, to reside at such port of entry and delivery, as may be established by the President within the same.

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ports in New
Jersey.

SEC. 7. *And be it further enacted*, That in the state of New Jersey, there shall be five districts, to wit: Perth Amboy, Burlington, Bridgetown, Great Egg Harbor and Little Egg Harbor, which shall severally be ports of entry. The district of Perth Amboy shall comprehend all that part of the state of New Jersey, known by the name of East New Jersey (that part excepted which is hereafter included in the district of Little Egg Harbor), together with all the waters thereof, heretofore within the jurisdiction of the said state; in which district the towns, or landing places of New Brunswick, Middletown Point, Elizabethtown and Newark, shall be ports of delivery only; and a collector for the district shall be appointed, to reside at Perth Amboy, and a surveyor, to reside at New Brunswick.

The district of Burlington shall comprehend that part of the said state known by the name of West New Jersey, which lies to the eastward and northward of the county of Gloucester, with all the waters thereof heretofore within the jurisdiction of the said state, in which district the landing place of Lambertton shall be a port of delivery only; and a collector shall be appointed for the district, to reside at Burlington, which shall be the port of entry for the district.

The district of Bridgetown shall comprehend the counties of Gloucester, Salem, Cumberland and Cape May (such parts of the county of Gloucester and Cape May as shall be herein after included in the district of Great Egg Harbor, excepted), and all the waters thereof heretofore within the jurisdiction of the said state; and the town of Salem and Port Elizabeth on Maurice river shall be ports of delivery only; and a collector for the district shall be appointed, to reside at Bridgetown, which shall be the port of entry for the district.

The district of Great Egg Harbor shall comprehend the river of Great Egg Harbor, together with all the inlets, bays, sounds, rivers and creeks, along the sea-coast, from Brigantine Inlet to Cape May; and a collector for the district shall be appointed, to reside at Somers Point, on the said river of Great Egg Harbor.

The district of Little Egg Harbor shall comprehend all the shores, waters, bays, rivers and creeks from Barnegat Inlet to Brigantine Inlet, both inclusively; and the town of Tuckerton shall be the sole port of entry for the said district; and a collector for the same shall be appointed, to reside at Tuckerton.

Districts and
ports in Penn-
sylvania.

SEC. 8. *And be it further enacted*, That in the state of Pennsylvania, there shall be two districts, to wit: Philadelphia, and Presque Isle. The district of Philadelphia shall include all the shores and waters of the river Delaware, and the rivers and waters connected therewith, lying within the state of Pennsylvania; and the city of Philadelphia shall be the sole port of entry and delivery for the same; and a collector, naval officer and surveyor for the district shall be appointed, who shall reside at the city of Philadelphia.

The district of Presque Isle shall include all the shores and waters of Lake Erie, and the rivers and waters connected therewith, lying within the jurisdiction of the United States and the state of Pennsyl-

vania; and a collector for the said district shall be appointed, who shall reside at Presque Isle.

SEC. 9. *And be it further enacted*, That the state of Delaware shall be one district, and the borough of Wilmington shall be the only port of entry, to which shall be annexed, New Castle and Port Penn, as ports of delivery only; and a collector for the district shall be appointed, to reside at the said port of Wilmington.

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ports in Dela-
ware.

SEC. 10. *And be it further enacted*, That in the state of Maryland there shall be ten districts, to wit: Baltimore, Chester, Oxford, Vienna, Snowhill, Annapolis, Nottingham, Nanjemoy, Georgetown and Havre-de-Grace.

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ports in Mary-
land.

The district of Baltimore shall include Patapsco river, Turkey Point, Spes Utæ Island, and all the waters and shores on the west side of Chesapeake Bay, from the mouth of Magetty river, which shall not be included in the district of Havre-de-Grace; and a collector, naval officer and surveyor for the district shall be appointed, to reside at Baltimore, which shall be the sole port of entry.

The district of Chester shall include Chester river, and all the waters and shores on the eastern side of Chesapeake Bay, from the south side of Elk river, to the north side of the Eastern bay, and Wye river, inclusive; in which Georgetown on Sassafra river, shall be a port of delivery only; and a collector for the district shall be appointed, to reside at Chester, which shall be the sole port of entry.

The district of Oxford shall include all the waters and shores on the eastern side of Chesapeake Bay, from the north side of Wye river, and the Eastern bay, to the south side of Great Choptank river, inclusive; and Cambridge shall be a port of delivery only; and a collector for the district shall be appointed, to reside at Oxford, which shall be the sole port of entry.

The district of Vienna shall include all the waters and shores on the eastern side of Chesapeake Bay from the south side of Great Choptank river, to the south side of Hooper's Streights, Hayne's Point, and Wicomico river, inclusive; and Salisbury shall be a port of delivery only: and a collector for the district shall be appointed, to reside at Vienna, which shall be the sole port of entry.

The district of Snowhill shall include all the waters and shores on the sea-coast, from the north line of Virginia, to the south line of Delaware, together with all the waters and shores on the eastern side of Chesapeake Bay, from the south side of Wicomico river to the south side of Pocomoke river, inclusive, so far as the jurisdiction of the said state of Maryland extends; to which Sinnipuxent shall be a port of delivery for West India produce only; and a collector for the district shall be appointed, to reside at Snowhill, which shall be the sole port of entry.

The district of Annapolis shall include Magetty river, and all the waters and shores from thence to Drum Point on Patuxent river; and a collector for the district shall be appointed, to reside at Annapolis, which shall be the sole port of entry and delivery for the same.

The district of Nottingham shall include all the waters and shores on the west side of Chesapeake Bay, to Drum Point, on the river Patuxent, together with the said river, and all the navigable waters emptying into the same, to which Benedick, Lower Marlborough, Town Creek, and Sylvey's Landing, shall be annexed as ports of delivery only; and a collector for the district shall be appointed, to reside at Nottingham, and a surveyor at Town Creek; and Nottingham shall be the sole port of entry.

The district of Nanjemoy shall include all the waters of the Potomac within the jurisdiction of the state of Maryland, from Point-look-out to Pomony creek inclusive, to which Cedar Point, Saint Mary's and

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land.

Lewellensburgh shall be annexed as ports of delivery only; and a collector for the district shall be appointed, to reside at Nanjemoy; also a surveyor, to reside at each of the towns of St. Mary's and Lewellensburgh; and Nanjemoy shall be the sole port of entry.

The district of Georgetown shall include all the waters and shores from Pomonky creek on the north side of Potomac river, to the head of the navigable waters of the said river, within the jurisdiction of the state of Maryland, to which Digges's Landing and Carrolsburg shall be annexed as ports of delivery only; and a collector for the district shall be appointed, to reside at Georgetown, which shall be the sole port of entry.

The district of Havre-de-Grace shall include all the waters and shores of the Chesapeake Bay, above Turkey Point and Spes Utiae Island to the south side of Elk river, inclusive; and a collector for the district shall be appointed, to reside at Havre-de-Grace, which shall be the sole port of entry for the same.

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ports in Vir-
ginia.

SEC. 11. *And be it further enacted,* That in the state of Virginia there shall be eleven districts, to wit: Hampton, as one port, Norfolk and Portsmouth, as one port, Bermuda Hundred and City Point, as one port, Yorktown, Tappahannock, Yeocomico river, including Kinsale, Dumfries, including Newport, Alexandria, Folly Landing, Cherrystone and South Quay. The authority of the officers at Hampton shall extend over all the waters, shores, bays, harbors and inlets between the south side of the mouth of York river, along the west shore of Chesapeake Bay, to Hampton, and thence up the northern side of James river, to the east side of Chickahominy river; and a collector for the district shall be appointed, to reside at Hampton, which shall be the sole port of entry.

To the district of Norfolk and Portsmouth shall be annexed Suffolk and Smithfield, as ports of delivery only: and the authority of the officers of the district shall extend over all the waters, shores, bays, harbors and inlets, comprehended within a line drawn from Cape Henry to the mouth of James river, and thence up the south side of James river to Hood's, inclusively, and up Elizabeth river to the highest tide water thereof; and Norfolk and Portsmouth shall be the sole port of entry; and a collector, naval officer and surveyor for the district shall be appointed, to reside at Norfolk; also a surveyor, to reside at each of the ports of Suffolk and Smithfield.

To the district of Bermuda Hundred, or City Point, shall be annexed Richmond, Petersburg and Manchester, as ports of delivery only; and a collector and surveyor shall be appointed for the said district, to reside at Bermuda Hundred, or City Point, which shall be the sole port of entry; also a surveyor for Petersburg, to reside thereat; and a surveyor for Richmond and Manchester, to reside at Richmond; and the authority of the officers of the said district shall extend over all the waters, shores, bays, harbors and inlets, comprehended between Hood's, on the southern side of James river, and the highest tide water on James and Appamatox rivers, and on the northern side of James river from the highest tide water to the eastern bank of Chickahominy river.

To the district of Yorktown shall be annexed West Point and Cumberland as ports of delivery only; and a collector for the district shall be appointed, to reside at Yorktown, which shall be the sole port of entry; also a surveyor for the two ports of delivery, to reside at West Point; and the authority of the officers of the said district shall extend over all the waters, shores, bays, harbors and inlets comprehended between the point forming the south shore of the mouth of Rappahannock river, and the point forming the south shore of the mouth of York river, and thence up the said river to West Point, and thence up Pamunkey and Mattapony rivers to the highest navigable waters thereof.

To the district of Tappahannock shall be annexed Urbanna, Port Royal and Fredericksburg, (including Falmouth) as ports of delivery only; and a collector for the district shall be appointed, to reside at Tappahannock, which shall be the sole port of entry; also a surveyor for each of the ports of Urbanna, Port Royal and Fredericksburg; and the authority of the officers of the said district shall extend over all the waters, shores, harbors, bays and inlets comprehended between Smith's Point at the mouth of the Potomac river, and the point forming the south shore of the mouth of Rappahannock river, and thence up the last mentioned river to the highest tide water thereof.

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nia.

The district of Yeocomico river, including Kinsale, shall extend from Smith's Point, on the south side of Potomac river, to Boyd's Hole, on the same river, including all the waters, shores, bays, harbors, creeks and inlets, along the south shore of Potomac river to Boyd's Hole aforesaid; and Yeocomico, including Kinsale, shall be the sole port of entry; and a collector for the district shall be appointed, to reside on Yeocomico river.

The district of Dumfries, including Newport, shall extend from Boyd's Hole to Cockpit Point, on the south side of Potomac river; and a collector for the district shall be appointed, to reside at Dumfries, which shall be the sole port of entry; and the authority of the officers of this district shall extend over all the waters, shores, bays, harbors, creeks and inlets, comprehended between Boyd's Hole and Cockpit Point aforesaid.

For the district of Alexandria shall be appointed a collector and surveyor, to reside at Alexandria, which shall be the sole port of entry; and the authority of the officers of the said district shall extend over all the waters, shores, bays, harbors, creeks and inlets on the south side of the river Potomac, from the last mentioned Cockpit Point to the highest tide water of the said river.

For the district of Folly Landing shall be appointed a collector, who shall reside at Accomack Courthouse, and whose authority shall extend over all the waters, shores, bays, harbors and inlets of the county of Accomack.

For the district of Cherrystone shall be appointed a collector, to reside at Cherrystone, whose authority shall extend over all the waters, shores, bays, harbors and inlets comprehended within Northampton county.

For the district of South Quay a collector shall be appointed, to reside thereat, whose authority shall extend over all the waters, shores, bays, harbors and inlets in that part of the state of Virginia to the southward of the district of Norfolk, and not included in said district, comprehended within the limits of the said state.

SEC. 12. *And be it further enacted,* That in the state of North Carolina there shall be five districts, to wit: one, to be called the district of Wilmington, and to comprehend all the waters, shores, bays, harbors, creeks and inlets from Little River inlet inclusive, to New River inlet inclusive. The town of Wilmington shall be a port of entry and delivery, and there shall be a collector, naval officer and surveyor, to reside at the said town of Wilmington. Another district, to be called the district of Newbern, which shall comprehend all the waters, shores, bays, harbors, creeks and inlets from New River inlet inclusive, to Ocracoke inlet inclusive, together with that part of Pampticoe Sound, which lies southward and westward of the shoal projecting from the mouth of Pampticoe river, towards the Royal Shoal, and southward of the said Royal Shoal; that the town of Newbern shall be a port of entry and delivery, and the towns of Beaufort and Swansborough shall be ports of delivery only; and there shall be a collector appointed for the district, to reside at Newbern, and a surveyor, to reside at Beaufort, and one at Swansborough. And it shall be lawful for the President of the United States, if he shall

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judge it expedient, and for the interest of the United States, to establish a port of delivery at Shell Castle or Beacon Island, near Ocracoke Inlet, and to appoint a surveyor to reside thereat. Another district, to be called the district of Washington, which shall comprehend all that part of Pampticoe Sound, not included in the district of Newbern as far north as the Marshes; the town of Washington shall be the sole port of entry and delivery; and a collector for the district shall be appointed, to reside within the same. Another district, which shall be called the district of Edenton, and to comprehend all the waters, bays, harbors, creeks and inlets from the Marshes inclusive, northward and westward, except those included in the district of Cambden. The town of Edenton shall be a port of entry and delivery, and Hertford, Murfreesborough, Princeton, Winton, Bennet's Creek, Plymouth, Windsor and Skewarky, ports of delivery; and a collector for the district shall be appointed, to reside at the town of Edenton, and a surveyor at each of the ports of Hertford, Winton, Bennet's Creek, Plymouth, Windsor and Skewarky; and one at Murfreesborough, for said port and for Princeton. Another district, which shall be called the district of Cambden, and to comprehend North River, Pasquotank and Little rivers, and all the waters, shores, bays, harbors, creeks and inlets from the junction of Currituck and Albermarle Sounds, to the north extremity of Blackbay; and Plankbridge, on Sawyer's creek, shall be the ports of entry and delivery, and Nixonton, Indian Town, Newbiggin Creek, Currituck Inlet, Pasquotank River Bridge, ports of delivery; and a collector for the district shall be appointed, to reside at Plankbridge, on Sawyer's creek, and a surveyor at each of the ports of Nixonton, Indian Town, Currituck Inlet, Pasquotank River Bridge and Newbiggin Creek; and that the authority of the several officers of each district shall extend over all the waters, shores, bays, harbors, creeks and inlets, comprehended within each district. Provided that all ships or vessels, intending to proceed to Plymouth, Windsor, Skewarky, Winton, Bennet's Creek Bridge, Murfreesborough or Princeton, shall first come to and enter at the port of Edenton; and provided also, that any vessels coming in at Ocracoke Inlet, that may be under the necessity of employing lighters before they pass the Royal Shoal, may be at liberty to enter at any port of entry connected with the waters of said inlet, to which such vessels are bound; and that any vessel coming in at said inlet in ballast, for the purpose of loading without the Royal Shoals, shall be at liberty to enter at any port of entry connected with the waters of said inlet.

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ports in South
Carolina.

SEC. 13. *And be it further enacted,* That in the state of South Carolina there shall be three districts, to wit: Georgetown, Charleston and Beaufort, each of which shall be a port of entry. The district of Georgetown shall include the shores, inlets and rivers, from the boundary of North Carolina to the point of Cape Romain. The district of Charleston shall include all the shores, inlets and rivers, from Cape Romain to Combahee river, inclusive; and the district of Beaufort shall include the shores, inlets and rivers, from Combahee river to Back river in Georgia, comprehending all the shores, inlets and harbors, formed by the different bars and sea islands lying within each district respectively; and a collector, naval officer and surveyor shall be appointed, to reside at Charleston, and a collector at each of the other ports.

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ports in Geor-
gia.

SEC. 14. *And be it further enacted,* That in the state of Georgia there shall be five districts, to wit: Savannah, Sunbury, Brunswick, St. Mary's and Hardwicke; each of which shall be a port of entry. The district of Savannah shall include Savannah river, and all the waters, shores, harbors, rivers, creeks, bays and inlets, from the said river to the north point of Ossabaw island and Great Ogeeche rivers, inclusive; and a collector, naval officer and surveyor shall be appointed for the said district, to reside at Savannah.

The district of Sunbury shall comprehend all the waters, shores, harbors, rivers, creeks, bays and inlets, south of the north point of Ossabaw island and Great Ogeechee river exclusive, and north of the south point of Sapelo island inclusive, except such part as is hereafter described as appertaining to the district of Hardwicke; and a collector for the said district shall be appointed, to reside at Sunbury.

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gia.

The district of Brunswick shall comprehend all the waters, shores, harbors, rivers, creeks, bays and inlets, from the south point of Sapelo island exclusive, to the south point of Jekyl island inclusive; Fredericka shall be a port of delivery only; and a collector for the district shall be appointed, to reside at Brunswick.

The district of St. Mary's shall comprehend all the waters, shores, harbors, rivers, creeks, bays and inlets, from the south point of Jekyl island exclusive to St. Mary's river inclusive; and a collector for the said district shall be appointed, to reside at St. Mary's.

And in each of the said districts it shall be lawful for the collector to grant a permit to unlade at any port or place within the district, and to appoint, or put on board any ship or vessel for which a permit is granted, one or more inspectors, as may be necessary for the security of the revenue.

The district of Hardwicke shall include all the waters, shores, bays, harbors, creeks and rivers, between the south point of Ossabaw island and the south point of Warsaw island; and in the said district the town of Hardwicke shall be the only point of entry, and a collector for the said district shall be appointed, to reside at Hardwicke.

SEC. 15. *And be it further enacted*, That in the state of Kentucky there shall be one district, which shall include all the waters, shores and inlets of the rivers Ohio and Mississippi, and the rivers and waters connected therewith lying within the jurisdiction of the United States and the said state; and a collector shall be appointed, to reside at Louisville, which shall be the sole port of entry and delivery, for the said district, of any goods, wares and merchandise, not the growth or manufacture of the United States: *Provided nevertheless*, that it shall be lawful for the President of the United States, whenever he shall judge it expedient, and for the interest of the United States, to establish a separate district, which shall include all the waters, shores and inlets of the river Mississippi, within the jurisdiction of the United States and the said state of Kentucky, and also the shores and waters on the south side of the river Ohio, from the mouth thereof to the east bank of Cumberland river, with the rivers and waters connected with the Mississippi and Ohio, within the limits aforesaid, and within the state aforesaid; and to appoint a collector to reside at such port of entry and delivery as may be established within the same.

Districts and
ports in Ken-
tucky.

SEC. 16. *And be it further enacted*, That in the state of Tennessee there shall be one district, which shall include all the waters, shores and inlets of the river Mississippi, and other navigable rivers and waters lying within the jurisdiction of the United States, and within the said state; and a collector shall be appointed, who shall reside at Palmyra, which shall be the only port of entry or delivery, within the said district, of any goods, wares and merchandise not the growth or manufacture of the United States: *Provided nevertheless*, that the President of the United States may, whenever he shall judge it expedient, and for the interest of the United States, erect the shores, waters and inlets of the river Mississippi lying within the jurisdiction of the United States, and within the state of Tennessee, into a separate district, and appoint a collector, to reside at such port of entry and delivery as may be established within the same.

Districts and
ports in Ten-
nessee.

SEC. 17. *And be it further enacted*, That in the territory of the United

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tory.

States northwest of the river Ohio, there shall be six districts, to wit : Erie, Detroit, Michilimakinac, Massac, Illinois and Ohio.

The district of Erie shall include all the waters, shores and inlets of Lake Erie, within the jurisdiction of the United States, and the rivers and waters connected therewith, from the west line of the state of Pennsylvania unto the west bank of the Miami of Lake Erie, including said river ; and the President of the United States is authorized to establish such place at or near Sandusky, or on the said river Miami, to be the port of entry, as he shall judge expedient, and also to establish not exceeding two other places to be ports of delivery only ; and a collector shall be appointed, to reside at the port of entry, and surveyors to reside at such ports of delivery as may be established as aforesaid.

The district of Detroit shall include all the waters, shores and inlets of the lakes Erie, St. Clair and Huron, within the jurisdiction of the United States, and the rivers and waters connected therewith, to the westward of the river Miami aforesaid, unto the island of Michilimakinac ; and a collector shall be appointed, to reside at Detroit, which shall be the sole port of entry for the district ; and the President of the United States is authorized, if he shall judge it expedient, to establish not exceeding two ports of delivery within the said district, and to appoint surveyors to reside thereat.

The district of Michilimakinac shall include the island of that name, the adjoining lands ceded to the United States by the Indian nations at the treaty of Greenville, and all the waters, shores and inlets to the westward and northward of the lakes Michigan and Superior, and the rivers, waters, shores and lakes connected therewith, lying within the jurisdiction of the United States, unto the northern and northwestern boundaries thereof. And the President of the United States is authorized to establish such place at or near Michilimakinac to be the port of entry for the district as he shall deem expedient, and also to establish not exceeding three other places within the said district to be ports of delivery only ; and a collector shall be appointed to reside at the port of entry, and surveyors to reside at the ports of delivery, which may be established as aforesaid.

The district of Massac shall include the lands relinquished and ceded to the United States by the Indian nations, at the treaty of Greenville in August, one thousand seven hundred and ninety-five, lying near the confluence of the rivers Ohio and Mississippi, and shall extend from thence to the mouth of the river Ohio, on the northern side of the said river, and up the river Ohio to the eastern side of the river Wabash, including the said river, with all the waters, shores and inlets connected with the rivers Ohio and Wabash, within the boundaries aforesaid. And such place at or near Fort Massac as the President of the United States shall designate for that purpose, shall be the sole port of entry for the district, and a collector shall be appointed, to reside thereat ; and it shall be lawful for the President of the United States, if he shall judge expedient, to establish not exceeding two places at or near the river Wabash to be ports of delivery only, and to appoint surveyors to reside thereat.

The district of Illinois shall include all the waters, shores and inlets of the river Mississippi above the mouth of the river Ohio, within the jurisdiction of the United States, and also the river Illinois, with the rivers, shores and waters connected therewith ; and a collector shall be appointed to reside at such place as the President of the United States shall designate, to be the port of entry, and not exceeding two surveyors to reside at such places as the President shall see fit to establish as ports of delivery only.

The district of Ohio shall include all the waters, shores and inlets of the river Ohio, on the northern side, with the rivers, shores and waters

connected therewith, lying to the eastward of the district of Massac as before described; and a collector shall be appointed to reside at such place as the President of the United States shall designate, at or near the confluence of the Great Miami river and the river Ohio, which place shall be the sole port of entry or delivery for the district.

Districts and ports in the N. Western Territory.

And there shall be a district on the river Mississippi, south of the state of Tennessee, which shall include all the waters, shores and inlets of the river Mississippi, and other navigable rivers and waters connected therewith, lying within the jurisdiction of the United States and south of the said state; and it shall be lawful for the President of the United States, to designate a proper place, to be the port of entry and delivery within the same, and to appoint a collector to reside thereat.

District and port south of Tennessee.

And in case the appointment of the several collectors and surveyors for the new districts or ports established, or authorized to be established hereby, shall not be made during the present session of Congress, the President of the United States may, and he is hereby empowered to make such appointments during the recess of the Senate, by granting commissions, which shall expire at the end of their next session; but new appointments shall not be necessary to be made to any of the offices heretofore established.

Appointments may be made in the recess of Congress.

SEC. 18. *And be it further enacted*, That it shall and *may be* lawful to make entry of any ship or vessel, which shall arrive from any foreign port or place within the United States, or of the cargo on board such ship or vessel, elsewhere than at one of the ports of entry herein before established, nor to unlade the said cargo, or any part thereof, elsewhere than at one of the ports of delivery herein established. (a) *Provided always*, that every port of entry shall be also a port of delivery: *And provided further*, that none but ships or vessels of the United States shall be admitted to unlade at any other than the ports following, to wit: Portsmouth, in New Hampshire; Portland and Falmouth, New Bedford, Dighton, Salem and Beverly, Gloucester, Newburyport, Marblehead, Nantucket, Boston and Charlestown, Plymouth, Bath, Frenchman's bay, Wiscasset, Machias and Penobscot, in the state of Massachusetts; Newport and Providence, in the state of Rhode Island and Providence Plantations; New London and New Haven, in the state of Connecticut; New York, in the state of New York; Perth Amboy and Burlington, in the state of New Jersey; Philadelphia, in the state of Pennsylvania; Wilmington, New Castle and Port Penn, in the state of Delaware; Baltimore, Annapolis, Vienna, Oxford, Georgetown, on Potomac, Chestertown, Town Creek, Nottingham, Nanjemoy, Digges's Landing, Snowhill and Carrolsburgh, in the state of Maryland; Alexandria, Kingsale, Newport, Tappahannock, Port Royal, Fredericksburg, Urbanna, Yorktown, West Point, Hampton, Bermuda Hundred, City Point, Rockett's Landing, Norfolk and Portsmouth, in the state of Virginia; Wilmington, Newbern, Beaufort, Washington, Edenton and Plankbridge, in the state of North Carolina; Charleston, Georgetown and Beaufort, in the state of South Carolina; and in either of the ports of Savannah, Sunbury, Brunswick, Fredericka and St. Mary's, in the state of Georgia; or to make entry in any other district than in the one in which they shall be so admitted to unlade. *And provided lastly*, that no ship or vessel arriving from the Cape of Good Hope, or from any place beyond the same, shall be admitted to make entry at any other than the ports following, to wit: Portsmouth, in the state of New Hampshire; Boston and Charlestown, Newburyport, Salem and Beverly, Marblehead, Gloucester, Portland and Falmouth, in the state of Massachusetts; Newport and Providence, in the state of Rhode Island and Providence Plantations; New London and New Haven, in the state of Connecticut; New York, in the state of New York; Perth Amboy, in the state of New Jersey; Philadelphia, in the state of Pennsylvania;

Where vessels and cargoes are to be entered and delivered.

Ports of entry to be ports of delivery.

Ports to which the unlading of vessels of the U. States is restricted.

(a) This is an error in the original roll. *Not lawful* is intended.—Ed.

Wilmington, in the state of Delaware; Baltimore, Annapolis and Georgetown, in the state of Maryland; Alexandria, Norfolk and Portsmouth, in the state of Virginia; Wilmington, Newbern, Washington and Edenton, in the state of North Carolina; Charleston, Georgetown and Beaufort, in the state of South Carolina; and Sunbury and Savannah, in the state of Georgia. *Provided*, that nothing herein contained shall prevent the master or commander of any ship or vessel from making entry with the collector of any district in which such ship or vessel may be owned, or from which she may have sailed on the voyage from which she shall then have returned. *Provided also*, that if the President of the United States shall see fit to establish a port of delivery at Shell Castle, or Beacon Island, near Ocracoke Inlet, and to appoint a surveyor to reside thereat, it shall be the duty of the master or commander of every ship or vessel coming in at Ocracoke Inlet, and intending to unlade her cargo, or any part thereof, at any port connected with the waters of the said inlet, to come to at the port of delivery which may be established as aforesaid, and there exhibit like reports and manifests, and perform all other duties required by this act of masters of vessels when arriving at a port of entry in the United States; but no duties shall be paid or secured at the said port of delivery: and the surveyor who may be appointed to reside at the said port of delivery shall, in addition to other powers and duties granted and prescribed to surveyors by this act, superintend the unloading and discharge of all goods, wares and merchandise from the vessels in which the same may be imported, into the lighters or coasting vessels, which may be employed in the transportation of said goods, wares and merchandise to any port of entry or delivery connected with the said Ocracoke Inlet; and all goods, wares or merchandise which shall be so unladen into lighters or coasting vessels, shall and may be secured with the necessary locks, or fastenings, or under the seal of the said surveyor, and shall be accompanied with permits, describing the said goods, wares and merchandise, the vessel in which imported, the persons to whom belonging, and the port of entry or delivery to which destined. And the masters or commanders of all lighters or coasting vessels who shall receive goods, wares or merchandise to be transported as aforesaid, shall give triplicate receipts describing the casks or packages, containing the same; and in case any goods, wares or merchandise, transported under permits and for which receipts shall have been given as aforesaid, shall not be transported and delivered to the collector or surveyor of the port of entry or delivery, to which the same shall be consigned by the permits aforesaid, the dangers of the seas and unavoidable accidents only excepted, or if any lock, fastening or seal placed on the said goods, wares or merchandise, shall be broken or destroyed, the lighter or vessel employed in transporting the same shall be forfeited, and the master thereof shall forfeit and pay a sum not exceeding five hundred dollars, with costs of suit—And it shall be the duty of the surveyor, who may be appointed to reside at the port of Shell Castle, or Beacon Island, to endorse on the original manifests of vessels arriving at said port, all deliveries which may be made as aforesaid to the masters of lighters or coasting vessels as aforesaid; which manifests shall be exhibited to the collector of the interior port of entry, to which such vessels may be destined, where like entries shall be made and like proceedings had, as are required by the general regulations and provisions of this act.

SEC. 19. *And be it further enacted*, That the master or commander of every ship or vessel bound to a port of delivery only, in any of the following districts, to wit: Portland and Falmouth, except the ports of North Yarmouth, Freeport and Harpswell; Bath, except the ports of Georgetown and Brunswick; Newburyport, New London, except the port of Stonington; Middletown, except the ports of Lyme, Saybrook,

Proviso.

Port of Shell Castle or Beacon Island, and duties of the officer of the port.

Vessels bound to certain ports of delivery shall first come to at the port of entry, and exceptions.

Killinsworth, Haddam, and East Haddam; Norfolk and Portsmouth, Bermuda Hundred or City Point, Yorktown, Tappahannock, except the port of Urbanna, or Edenton; shall first come to, at the port of entry of such district, with his ship or vessel, and there make report and entry in writing, and pay, or secure to be paid, all legal duties, port fees and charges, in manner provided by this act, before such ship or vessel shall proceed to her port of delivery; and that any ship or vessel bound to a port of delivery in any district other than those above mentioned, or to either of the ports of delivery above mentioned, may first proceed to her port of delivery, and afterwards make report and entry within the time by this act limited; and the master of every vessel arriving from a foreign port, or having goods on board, of which the duties have not been paid or secured, and bound to any port on Connecticut river, shall take an inspector on board at Saybrook, before proceeding to such port; and if any master of a ship or vessel shall proceed to a port of delivery, contrary to the directions aforesaid, he shall forfeit and pay five hundred dollars, to be recovered with costs of suit; that the master or commander of any ship or vessel, bound to any district in Connecticut, through or by the way of Sandy Hook, shall, before he pass by the port of New York, and immediately after his arrival, deposit with the collector for the district of New York, a true manifest of the cargo on board such ship or vessel; if bound to the district of Hudson, shall, before he pass by the port of New York, and immediately after his arrival, deposit with the collector thereof a like manifest; if bound to the district of Burlington, shall, before he pass by the port of Philadelphia, and immediately after his arrival, deposit with the collector thereof a like manifest; if bound to the district of Nottingham, shall, before he pass by the port of Town Creek, and immediately after his arrival, deposit with the surveyor of the said port a like manifest; if bound to the district of Tappahannock, shall, before he pass by the port of Urbanna, and immediately after his arrival, deposit with the surveyor of that port a like manifest; if bound to the district of Bermuda Hundred and City Point, shall, on his arrival in Hampton Road, or at Sewell's Point, and immediately after such arrival, deposit with the collector of Norfolk and Portsmouth, or with the collector of the port of Hampton, a like manifest; and if bound to the district of South Quay, shall, before he pass by the port of Edenton, and immediately after his arrival, deposit with the collector of the port of Edenton a like manifest; and the said collectors and surveyors respectively shall, after registering the manifests, transmit the same, duly certified to have been so deposited, to the officer with whom the entries are to be made; and the said collectors and surveyors respectively, may, whenever they judge it to be necessary for the security of the revenue, put an inspector of the customs on board any ship or vessel as aforesaid, to accompany the same until her arrival at the first port of entry or delivery, in the district to which such ship or vessel may be destined; and if the master or commander of any ship or vessel shall neglect or omit to deposit a manifest in manner aforesaid, or shall refuse to receive an inspector of the customs on board, as the case shall require, he shall forfeit and pay five hundred dollars, to be recovered with costs of suit, one half for the use of the officer with whom such manifest ought to have been deposited, and the other half to the use of the collector of the district to which the said ship or vessel may be bound: *Provided*, that if the manifest shall, in either of the above cases, have been previously delivered to any officer of the customs, pursuant to the provisions hereinafter to be made in that behalf, the depositing of a manifest as aforesaid shall not be necessary.

SEC. 20. *And be it further enacted*, That all officers and persons to be appointed pursuant to this act, before they enter upon the duties of their respective offices, shall severally take and subscribe an oath or

Vessels bound to certain ports of delivery shall first come to at the port of entry, and exceptions.

Officers appointed under this act to take an oath, and

transmit it to
the Comptroller.

affirmation, diligently and faithfully to execute the duties of their said offices respectively, which oath or affirmation shall be of the form and tenor following, to wit :

I (A. B.) having been appointed (collector or other officer as the case may be) of the (district or port of) do solemnly, sincerely and truly (swear or affirm) that I will diligently and faithfully execute the duties of the said office of and will use the best of my endeavours to prevent and detect frauds in relation to the duties imposed by the laws of the United States; I further (swear or affirm) that I will support the constitution of the United States.

(Sworn or affirmed) and subscribed, this day of before me,

Penalty in de-
fault thereof.

And the oath or affirmation aforesaid, if taken by a collector, may be taken before any magistrate authorized to administer oaths within the district to which he belongs; but if taken by another officer, shall be taken before the collector of his district; and being certified under the hand and seal of the person by whom the same shall have been administered, shall within three months thereafter be transmitted to the comptroller of the treasury, in default of taking of which oath, or transmitting a certificate thereof, the party failing shall forfeit and pay two hundred dollars, to be recovered with cost of suit in any court of competent jurisdiction, to the use of the United States.

Duties of the
collector.

SEC. 21. *And be it further enacted*, That the several officers of the customs shall respectively perform the duties following, to wit : At such of the ports to which there shall be appointed a collector, naval officer and surveyor, the collector shall receive all reports, manifests and documents to be made or exhibited on the entry of any ship or vessel, according to the regulations of this act; shall record, in books to be kept for that purpose, all manifests; shall receive the entries of all ships or vessels and of the goods, wares and merchandise imported in them; shall, together with the naval officer where there is one, or alone where there is none, estimate the amount of the duties payable thereupon, endorsing the said amount upon the respective entries; shall receive all monies paid for duties, and take all bonds for securing the payment thereof; shall grant all permits for the unlading and delivery of goods; shall, with the approbation of the principal officer of the treasury department, employ proper persons as weighers, gaugers, measurers and inspectors, at the several ports within his district; and also, with the like approbation, provide, at the public expense, storehouses for the safe keeping of goods, and such scales, weights and measures, as may be necessary; the naval officer shall receive copies of all manifests and entries, and shall, together with the collector, estimate the duties on all goods, wares and merchandise subject to duty (and no duties shall be received without such estimate), and shall keep a separate record thereof, and shall countersign all permits, clearances, certificates, debentures, and other documents, to be granted by the collector; he shall also examine the collector's abstracts of duties, and other accounts of receipts, bonds and expenditures, and if found right, he shall certify the same.

Duties of the
naval officer.

Duties of the
surveyor.

The surveyor shall superintend and direct all inspectors, weighers, measurers and gaugers, within his port, and shall once every week report to the collector, the name or names of such inspectors, weighers, gaugers or measurers, as may be absent from or neglect to do their duty, shall visit or inspect the ships or vessels which arrive therein, and shall make a return in writing every morning to the collector, if any, at the port where he resides, of all vessels which shall have arrived from foreign ports or places the preceding day, specifying the names and denominations of the vessels, the masters' names, from whence arrived, whether laden or in ballast, whether belonging to the United States, or to what other nation belonging, and if American vessels, whether the masters

thereof have or have not complied with the law, in having the required number of manifests of the cargo on board, agreeing in substance with the provisions made necessary by this act, and shall have power, and is hereby required, to put on board each of such vessels, one or more inspectors, immediately after their arrival in his port; the surveyor shall also ascertain the proof, quantities and kinds of distilled spirits imported, rating such spirits according to their respective degrees of proof as defined by the laws imposing duties on spirits: he shall likewise examine and ascertain the quality, kind and quantity of all wines imported; also the quantity and kind of all teas and sugars imported; and shall grant certificates for the said spirits, wines and teas, and make returns thereof, in manner hereafter provided. He shall also examine whether the goods imported in any ship or vessel, and the deliveries thereof, agreeably to the inspector's returns thereof, correspond with the permits for landing the same; and if any error or disagreement appear, he shall report the same to the collector, and to the naval officer, if any there be. The surveyor shall also superintend the lading for exportation of all goods entered for the benefit of any drawback, bounty or allowance, and shall examine and report whether the kind, quantity and quality of the goods, so laden on board any vessel for exportation, correspond with the entries and permits granted therefor: he shall also from time to time, and particularly on the first Mondays in January and July in each year, examine and try the weights, measures and other instruments, used in ascertaining the duties on imports, with standards to be provided by each collector at the public expense for that purpose; and where disagreements or errors are discovered, he shall report the same to the collector, and obey and execute such directions as he may receive for correcting thereof, agreeably to the standards aforesaid; and the said surveyor shall in all cases be subject to the direction of the collector. And at ports to which a collector and surveyor only are assigned, the said collector shall solely execute all the duties in which the co-operation of the naval officer is requisite, at the ports where a naval officer is appointed; which he shall also do in case of the disability or death of the naval officer, until a successor is appointed, unless there is a deputy duly authorized under the hand and seal of the naval officer, who in that case shall continue to act, until an appointment shall take place. And at the ports to which a collector only is assigned, such collector shall solely execute all the duties in which the co-operation of the naval officer is requisite as aforesaid, and shall also, as far as may be, perform all the duties prescribed to the surveyors at the ports where such officers are established. And at the ports to which surveyors only are assigned, every such surveyor shall perform all the duties herein before enjoined upon surveyors; and shall also receive and record the copies of all manifests which shall be transmitted to him by the collector: shall record all permits granted by such collector, distinguishing the gauge, weight, measure, and quality of the goods specified therein, and shall take care that no goods be unladen or delivered from any ship or vessel, without a proper permit for that purpose. And at such ports of delivery only to which no surveyor is assigned, it shall be lawful for the collector of the district occasionally, and from time to time, to employ a proper person or persons to do the duties of a surveyor, who shall be entitled to the like compensation with inspectors during the time they shall be employed. And the said collectors, naval officers and surveyors, shall respectively attend in person at the ports to which they are respectively assigned; and shall keep fair and true accounts and records of all their transactions, as officers of the customs, in such manner and form as may from time to time be directed by the proper department, or officer having the superintendence of the collection of the revenue of the United States; and shall at all times submit their books, papers and accounts, to the inspection of such per-

Duties of the
surveyor.

1791, ch. 15.

Further duties of the collector, naval officer and surveyor.

sons as may be appointed for that purpose; and the said collector shall at all times pay to the order of the officer, who shall be authorized to direct the payment thereof, the whole of the monies which they may respectively receive by virtue of this act (such monies as they are otherwise by this act directed to pay only excepted,) and shall, once in every three months, or oftener if they shall be required, transmit their accounts for settlement to the officer or officers whose duty it shall be to make such settlement: and if any collector, naval officer or surveyor, shall omit to keep fair and true accounts as aforesaid, or shall refuse to submit forthwith their books, papers and accounts to inspection as aforesaid; or if any collector shall omit or refuse to render his accounts for settlement, for a term exceeding three months after the same shall have been required by the proper officer, in each and every such case the delinquent officer shall forfeit and pay, for the use of the United States, one thousand dollars, to be recovered with costs of suit.

Collectors, &c. may appoint deputies.

SEC. 22. *And be it further enacted,* That every collector, naval officer and surveyor, in cases of occasional and necessary absence, or of sickness, and not otherwise, may respectively exercise and perform their several functions, powers and duties by deputy, duly constituted under their hands and seals respectively, for whom, in the execution of their trust, they shall respectively be answerable: That in case of the disability or death of a collector, the duties and authorities vested in him shall devolve on his deputy, if any there be at the time of such disability or death, for whose conduct the estate of such disabled or deceased collector shall be liable; and in defect of a deputy, the said authorities and duties shall devolve upon the naval officer of the same district, if any there be; and if there be no naval officer, upon the surveyor of the port appointed for the residence of such disabled or deceased collector, if any there be, and if none, upon the surveyor of the port nearest thereto and within the said district. And in every case of the disability or death of a surveyor, it shall be lawful for the collector of the district to nominate some fit person to perform his duties and exercise his authorities; and the authorities of the persons who may be empowered to act in the stead of those who may be disabled or dead, shall continue until successors shall be duly appointed, and ready to enter upon the execution of their respective offices.

Masters of vessels from foreign ports to have manifests of the cargoes.

SEC. 23. *And be it further enacted,* That no goods, wares or merchandise, shall be brought into the United States, from any foreign port or place, in any ship or vessel, belonging in the whole or in part to a citizen or citizens, inhabitant or inhabitants of the United States, unless the master or person having the charge or command of such ship or vessel, shall have on board a manifest or manifests in writing, signed by such master or other person, containing the name or names of the port or ports, place or places, where the goods in such manifest or manifests mentioned shall have been respectively taken on board, and the port or ports, place or places within the United States for which the same are respectively consigned or destined, particularly noting the goods, wares and merchandise destined for each port or place respectively, and the name, description and built of such ship or vessel, and the true admeasurement or tonnage thereof, the port or place to which such vessel belongs, with the name or names of each owner, according to the register of the same, together with the name of the master or other person having the charge or command of such ship or vessel, and a just and particular account of all the goods, wares and merchandise, so laden or taken on board, whether in packages or stowed loose, of any kind or nature whatsoever, together with the marks and numbers as marked on each package, and the number or quantity and description of the packages in words at length, whether leaguer, pipe, butt, puncheon, hoghead, barrel, keg, case, bale, pack, truss, chest, box, band-box, bundle,

parcel, cask, or package, of any kind or sort, describing the same by its usual name or denomination; together with the name or names of the person or persons to whom the same are respectively consigned, agreeably to the bills of lading, signed for the same, unless when the said goods are consigned to order, when it shall be so expressed in the said manifest or manifests, together with the name or names of the several passengers on board the said ship or vessel, distinguishing whether cabin or steerage passengers, or both, with their baggage, specifying the number and description of packages belonging to each respectively, together with an account of the remaining sea stores, if any; and the form of a manifest for goods and merchandise imported in a vessel of the United States shall be as follows, to wit:

Report and manifest of the cargo laden on board of the (here insert the denomination and name of the vessel) whereof (insert the master's name) is master, which cargo was taken on board at (here insert the port or ports, place or places at which the cargo was laden) burthen tons, built at in the state of and owned by merchants at (inserting the tonnage, where built, by whom owned, and place or places of residence, as particularly detailed in the certificate of registry) as per register granted at (here insert the port or place) the (here insert the day of the month, and year when granted) and bound for (here insert the name of the port or place where bound to.)

Form of manifest.

Marks.	Number inclusive.	Packages and contents.	By whom shipped.	To whom consigned or if to order.	Place of consignee's residence	Ports of destination.

Returned cargo.

(If any articles of the outward cargo are brought back, they are to be detailed, specifying by whom shipped outward, and to whom consigned inward.)

Return of passengers and of packages belonging to them respectively.

(Here insert the names of the passengers, and whether cabin or steerage passengers, with the description and number of packages containing their baggage, or the tools or implements of a mechanical trade.)

Vessel and cabin stores.

(Here detail what are remaining.)

And if merchandise shall be imported, destined to be delivered in different districts or ports, the quantities and packages so destined to be delivered, shall be inserted in successive order in the manifest as aforesaid; and all spirits, wines and teas, constituting the whole or any part of the cargo of any vessel, shall also be inserted in successive order, distinguishing the ports to which the same may be destined, and the kinds, qualities and quantities thereof; and if merchandise shall be imported by citizens or inhabitants of the United States, in vessels other than the United States, the manifests shall be of the form, and shall contain the particulars aforesaid, except that said vessels shall be described in manner following, viz.:

Report and manifest of the cargo laden on board the (here insert the denomination and name of the vessel and the port to which she belongs) whereof (here insert the master's name, and whether or not master during the voyage) burthen (here insert the nation where built) bound to (here insert the port or ports of destination) which cargo was taken on board at (here insert the port or ports where laden.)

Forfeiture on having on board no manifest, or an imperfect one.

SEC. 24. *And be it further enacted,* That if any goods, wares and merchandise shall be imported or brought into the United States, in any ship or vessel whatever, belonging in the whole or in part to a citizen or citizens, inhabitant or inhabitants of the United States, from any foreign port or place, without having a manifest or manifests on board, agreeably to the directions in the foregoing section, or which shall not be included or described therein, or shall not agree therewith; in every such case the master, or other person having the charge or command of such ship or vessel, shall forfeit and pay a sum of money equal to the value of such goods, not included in such manifest or manifests, and all such merchandise not included in the manifest, belonging or consigned to the master, mate, officers or crew of such ship or vessel, shall be forfeited. *Provided always,* that if it shall be made appear to the satisfaction of the collector, naval officer and surveyor, or to the major part of them, where those officers are established at any port, or to the satisfaction of the collector alone, where either of the other of the said officers are not established, or to the satisfaction of the court in which a trial shall be had concerning such forfeiture, that no part of the cargo of such ship or vessel had been unshipped, after it was taken on board, except such as shall have been particularly specified and accounted for, in the report of the master or other person having the charge or command of such ship or vessel, and that the manifests had been lost or mislaid, without fraud or collusion, or that the same was or were defaced by accident or incorrect by mistake, in every such case the forfeiture aforesaid shall not be incurred.

Duties of masters of vessels in exhibiting manifests.

SEC. 25. *And be it further enacted,* That every master or other person, having the charge or command of any ship or vessel, belonging in the whole or in part to a citizen or citizens, inhabitant or inhabitants of the United States, laden with goods as aforesaid, and bound to any port or place in the United States, shall, on his arrival within four leagues of the coast thereof, or within any of the bays, harbors, ports, rivers, creeks or inlets thereof, upon demand, produce the manifest or manifests in writing, which such master or other person is required as aforesaid to have on board his said ship or vessel, to such officer or officers of the customs, as shall first come on board his said ship or vessel, for his or their inspection, and shall deliver to such officer or officers a true copy or copies thereof (which copy or copies shall be provided and subscribed by the said master or other person having the charge or command of such ship or vessel), and the officer or officers, to whom the original manifest or manifests shall have been so produced, shall respectively certify upon the back thereof, that the same was or were produced, and the day and year on which the same was or were so produced, and that such copy or copies as aforesaid was or were to him or them delivered and by them examined with the original manifest; and shall likewise certify upon the back of such copy or copies the day and year on which the same was or were delivered, and shall forthwith transmit such copy or copies to the respective collectors of the several districts, to which the goods by such manifest or manifests shall appear respectively to be consigned; and that the said master, or other person, so having the charge or command of any such ship or vessel, shall in like manner produce to the officer or officers of the customs who shall first come on board such ship or vessel, upon her arrival within the limits of any district of the United States, in which the cargo, or any part thereof, is intended to be discharged or landed for his or their inspection, such manifest or manifests as aforesaid; and shall also deliver to him or them a true copy or copies thereof (such copy or copies also to be provided and subscribed by the said master or other person having the charge or command of such ship or vessel) the production of which said manifest or manifests, and the delivery of which said copy or copies thereof, shall

Officers of the customs to certify manifests.

also be certified by the said officer or officers of the customs, who shall so first come on board the said ship or vessel, on her arrival within the limits of any such district, upon the back of the said original manifest or manifests, with the particular day and year when such manifest or manifests was or were produced to such officer or officers, and when he or they so received the said copy or copies thereof; and such officer or officers is and are hereby required forthwith to transmit, or cause to be transmitted, the said copy or copies of the said manifest or manifests to the collector of that district; and the said master, or person having the charge or command of the said ship or vessel, shall afterwards produce and deliver the said original manifest or manifests so certified to the said collector; and when any manifest shall be produced, upon which there shall be no certificate from any officer of the customs as before mentioned, the master or commander producing the same shall be required to make oath or affirmation, that no officer has applied for, and that no endorsement has taken place on any manifest of the cargo of such vessel. *Provided always*, that nothing herein contained shall be construed to require of such master, or other person having the charge or command of such ship or vessel, the delivery of more than one copy of each manifest to the officer or officers aforesaid, who shall first come on board of such ship or vessel, within four leagues of the coast of the United States aforesaid, and one other copy to such officer or officers as shall first come on board within the limits of any district, for which the cargo of such ship or vessel, or some part thereof, shall be consigned or destined, or shall be construed to require the delivery of any such copy to any other officer; but it shall be sufficient in respect to any such other officer, to produce and show to him the said original manifest or manifests, and the certificate or certificates thereupon; and the form of the certificate aforesaid, to be endorsed on an original manifest, shall be as follows, to wit:

I (A. B.) certify that the within manifest was this day produced to me as the original manifest of the cargo on board the (insert the denomination and name of the vessel) whereof (insert the name) is master, from (insert the port last from). In witness whereof I have hereunto signed my name, this day of

Form of certificate on an original manifest.

And the form of the certificate aforesaid, to be endorsed on the copy of a manifest, shall be as follows, to wit:

I (A. B.) certify that I have examined the within manifest, produced to me this day as a copy of the original manifest of the cargo on board the (insert the denomination and name of the vessel) whereof (insert the name) is master, from (insert the port last from) with the original, and find the same to agree. In witness whereof I have hereunto signed my name, this day of

On a copy of a manifest.

SEC. 26. *And be it further enacted*, That if the master or other person having the charge or command of any ship or vessel, laden as aforesaid, and bound to any port or place in the United States, shall not upon his arrival within four leagues of the coast thereof, or within the limits of any district thereof, where the cargo of such ship or vessel, or any part thereof, is intended to be discharged, produce such manifest or manifests as are heretofore required, in writing, to the proper officer or officers upon demand thereof, and also deliver such copy or copies thereof as aforesaid, according to the directions of this act, in each case, or shall not give an account of the true destination of such ship or vessel, which he is hereby required to do, upon request of such officer or officers, or shall give a false account of such destination, in order to evade the production of the said manifest or manifests, the said master or other person having the charge or command of such ship or vessel, shall forfeit, for every such neglect, refusal, or offence, a sum not exceeding five hundred dollars; and if such officer or officers first coming on board in each

Penalty on not exhibiting manifests, &c.

Penalty on the officer omitting to certify manifests, &c.

case, within the distance or limits aforesaid, shall neglect or refuse to certify on the back of such manifest or manifests, the production thereof, and the delivery of such copy or copies respectively, as are herein before directed to be delivered to such officer or officers; every such officer so neglecting or refusing shall forfeit and pay the sum of five hundred dollars. And the officer or officers who may apply to the master or person having the charge or command of any such ship or vessel, respecting any of the provisions in this and the foregoing sections, and who shall not receive full satisfaction therein, are hereby required to make a return in writing of the name of the vessel and master so offending, in any or all of the particulars required, immediately, or as soon after as possible, to the collector of the district to which such ship or vessel shall be considered to be bound.

Penalty on un-lading goods without authority.

SEC. 27. *And be it further enacted*, That if after the arrival of any ship or vessel, so laden with goods as aforesaid, and bound to the United States, within the limits of any of the districts of the United States, or within four leagues of the coast thereof, any part of the cargo of such ship or vessel shall be unladen for any purpose whatever from out of such ship or vessel as aforesaid, before such ship or vessel shall come to the proper place for the discharge of her cargo, or some part thereof, and shall be there duly authorized by the proper officer or officers of the customs to unlade the same, the master or other person having the charge or command of such ship or vessel, and the mate, or other person next in command, shall respectively forfeit and pay the sum of one thousand dollars, for each such offence, and the goods, wares and merchandise, so unladen and unshipped, shall be forfeited and lost, except in the case of some unavoidable accident, necessity or distress of weather; of which unavoidable accident, necessity or distress, the master, or other person having the charge or command of such ship or vessel, shall give notice to, and together with two or more of the officers or mariners (of which the mate or other person next in command shall be one) on board such ship or vessel, shall make proof upon oath before the collector, or other chief officer of the customs of the district within the limits of which such accident, necessity or distress shall happen, or before the collector or other chief officer of the first district of the United States, within the limits of which such ship or vessel shall afterwards arrive, if the said accident, necessity or distress shall have happened not within the limits of any district, but within four leagues of the coast of the United States, which oath the said collector, or other chief officer, is hereby authorized and required to administer.

Forfeiture of such goods.

Exception in case of necessity.

Penalty on aiding in such un-lading of goods.

SEC. 28. *And be it further enacted*, That if any goods, wares and merchandise, so unladen from on board any such ship or vessel, shall be put or received into any other ship, vessel, or boat, except in the case of such accident, necessity or distress as aforesaid, to be notified and proved as aforesaid, the said master or other person having the charge or command of any such ship, vessel or boat, into which the said goods, wares or merchandise, shall be so put and received, and every other person aiding and assisting therein, shall forfeit and pay treble the value of the said goods, wares or merchandise, and the ship, boat or vessel, in which they shall be so put, shall be forfeited and lost.

Penalty on sailing from a district before entry is made.

SEC. 29. *And be it further enacted*, That if any ship or vessel which shall have arrived within the limits of any district of the United States, from any foreign port or place, shall depart, or attempt to depart from the same, unless to proceed on her way to some more interior district to which she may be bound, before report or entry shall have been made by the master or other person having the charge or command of such ship or vessel, with the collector of some district of the United States, the said master or other person having such charge or command, shall forfeit and pay the sum of four hundred dollars; and it shall be lawful

for any collector, naval officer, surveyor, or commander of any of the cutters herein after mentioned, to arrest and bring back, or cause to be arrested and brought back, such ship or vessel, to such port of the United States to which it may be most conveniently done. *Provided*, that if it shall be made to appear by the oath of the said master, or other person having the charge or command of such ship or vessel, and of the person next in command, or other sufficient proof to the satisfaction of the collector of the district, within which such ship or vessel shall afterwards come, or to the satisfaction of the court in which the prosecution for such penalty may be had, that the said departure or attempt to depart, was occasioned by distress of weather, pursuit or duress of enemies, or other necessity, the said penalty shall not be incurred.

SEC. 30. *And be it further enacted*, That within twenty-four hours after the arrival of any ship or vessel, from any foreign port or place, at any port of the United States established by law, at which an officer of the customs resides, or within any harbor, inlet or creek thereof, if the hours of business at the office of the chief officer of the customs at such port will permit, or as soon thereafter as the said hours will permit, the master or other person having the charge or command of such ship or vessel shall repair to the said office, and shall make report to the said chief officer, of the arrival of the said ship or vessel; and within forty-eight hours after such arrival, shall make a further report in writing, to the collector of the district, which report shall be in the form, and shall contain all the particulars required to be inserted in a manifest, as the case may be; and the said master, or person having the charge or command of any such ship or vessel, shall declare to the truth of such report or manifest, as the same ought to be in conformity to this act; which declaration shall be on oath or solemn affirmation, before the said collector of the district, in the manner and form following, to wit:

Within what
time report is to
be made.

I (A. B.) do solemnly, sincerely and truly swear (or affirm) that the report and manifest subscribed with my name, and now delivered by me to the collector of the district of (insert the name of the district) contains, to the best of my knowledge and belief, a just and true account of all the goods, wares and merchandise, including packages of every kind and nature whatsoever, which were on board the (insert the denomination and name of the vessel) at the time of her sailing from the port of (here insert the name of the port or place the vessel last sailed from) or which have been laden or taken on board at any time since, and that the packages of the said goods are as particularly described as in the bills of lading, signed for the same by me, or with my knowledge; that I am at present, and have been during the voyage, master of the said vessel, (or insert, if otherwise, specifying how long he has been master) that no package whatsoever or any goods, wares or merchandise have been unladen, landed, taken out, or in any manner whatever removed from on board the said (insert denomination and name of the vessel) since her departure from the said port of (insert the name of the last port she sailed from) except such as are now particularly specified and declared in the abstract or account herewith, and that the clearance and other papers, now delivered by me to the collector, are all that I now have, or have had, that any way relate to the cargo of the said vessel. And I do further swear (or affirm) that the several articles specified in the said manifest, as the sea stores for the cabin and vessel, are truly such, and were bona fide put on board the said (insert the denomination and name of the vessel) for the use of the officers, crew and passengers thereof, and have none of them been brought, and are not intended, by way of merchandise, or for sale, or for any other purpose, than above mentioned, and are intended to remain on board for the consumption of the said officers and crew; I further swear (or affirm) that if I shall hereafter discover, or know of any other or greater quantity of

Oath on mak-
ing report.

goods, wares and merchandise of any nature or kind whatsoever, than are contained in the report and manifest, subscribed and now delivered by me, I will immediately and without delay, make due report thereof to the collector of the port or district of (here insert the port or district entering at) and I do likewise swear (or affirm) that all matters whatsoever in the said report and manifest expressed, are to the best of my knowledge and belief just and true. (The following addition to the oath or affirmation is to be inserted in cases where the manifests shall not have been certified by some officer of the customs in manner provided.) I further swear (or affirm) that no officer of the customs has applied for an inspection of the manifest of the cargo on board the said vessel, and that no certificate or endorsement has been delivered to me on any manifest of such cargo. So help me God.

(Signed) A. B.

Sworn (or affirmed) before me }
 this day of }

C. D. Collector.

Further report to be made of spirits, wines and teas.

And the master, or other person having the charge or command of any ship or vessel, having on board distilled spirits, wines or teas, shall within forty-eight hours after his arrival as aforesaid, whether the same be at the first port of arrival of such ship or vessel, or not, shall, in addition to the requirements before mentioned, report in writing to the surveyor or officer acting as inspector of the revenue of the port, at which he shall so arrive, the foreign port or place from which he last sailed, the name of his vessel, his own name, the burthen and denomination of such ship or vessel, and whether a ship or vessel of the United States, or to what other nation belonging, together with the quantity, and kinds of spirits, wines and teas on board of the said ship or vessel, particularizing the number of casks, vessels, cases or other packages containing the same, with their marks and numbers, as also the quantity and kinds of spirits, wines and teas on board such ship or vessel, as sea stores, on pain of forfeiting and paying the sum of five hundred dollars, and of the loss of the spirits so omitted; and the form of said report shall be as follows, to wit:

Penalty on failure therein.

Form of report of spirits, wines and teas.

Report of distilled spirits, wines, and teas, imported in the (here insert the name and denomination of the vessel) built in (here insert where built in the United States, or to what foreign nation belonging) burthen (here insert the tonnage of the vessel) whereof (here insert the name of the master) from (here insert the foreign port, from which the vessel last sailed) bound to (here insert the port or ports to which destined in the United States.)

Marks.
Numbers of casks, chests, and packages inclusive.
Description of casks, chests, and packages inclusive.
Kinds and qualities of spirits, wines and teas.
Estimated gallons of spirits of each kind.
Estimated gallons of wines of each kind.
Estimated pounds of teas of each kind.
To whom consigned.
Where consigned.

Sea stores consisting of spirits, wines and teas.

(Here insert the quantities particularly.)

(Signed) A. B. Master of

To

Inspector of the revenue
for the port of

And if the said master, or other person having the charge or command of any such ship or vessel, shall neglect, or omit to make the said reports, or either of them (other than that required to be made to the surveyor, inspector of the revenue as aforesaid) and the declaration or declarations, or to take the said oath as required, or shall not fully comply with the true intent and meaning of this section, as the case may be, he shall, for each and every offence, forfeit and pay the sum of one thousand dollars.

Penalty on failing to make report.

SEC. 31. *And be it further enacted*, That it shall not be necessary for the master, or person having the charge or command of any ship or vessel of war, or of any ship or vessel employed by any prince, or state, as a public packet for the conveyance of letters and dispatches, and not permitted by the laws of such prince or state, to be employed in the transportation of goods, wares, or merchandise, in the way of trade, to make such report and entry as aforesaid.

Ships of war and public packets need not make report.

SEC. 32. *And be it further enacted*, That it shall be lawful for any ship or vessel to proceed with any goods, wares, or merchandise, brought in her, and which shall, in the manifest first delivered to any officer receiving the same, be reported as destined, or intended for any foreign port or place, from the district within which such ship or vessel shall first arrive, to such foreign port or place, without paying or securing the payment of any duties upon such of the said goods, wares, or merchandise as shall be actually re-exported in the said ship or vessel accordingly, any thing herein contained to the contrary notwithstanding: *Provided always*, that the said master, or person having the charge or command of the said ship or vessel, shall first give bond, with one or more sureties, in a sum equal to the amount of the duties upon the said goods, wares, or merchandise, as the same shall be estimated by the collector and naval officer of the port, where the said report shall be made, to the satisfaction of the said collector, with condition that the said goods, wares, or merchandise, or any part thereof, shall not be landed within the United States, unless due entry thereof shall have been first made, and the duties thereupon paid, or secured to be paid, according to law; which bonds shall be taken for the same periods, and cancelled in like manner, as bonds herein after directed to be given for obtaining drawbacks of duties: and the form of the said bonds shall be as follows, to wit:

Vessels may proceed to foreign ports with goods brought in them, on giving bond.

Know all men, by these presents, that we (here insert the name of the master of the vessel, and the name or names of the sureties) are held and firmly bound unto the United States of America, in the sum of _____ to be paid to the said United States: for which payment well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents; sealed with our seals, dated this _____ day of _____ in the _____ year of the independence of the United States, and in the year of our Lord one thousand _____

Form of such bond.

Whereas the following described packages of goods, wares and merchandise, (here insert the marks, numbers, denomination, and number of packages, and contents, as far as may be, and if articles in bulk, the quantity and quality) imported into the district of _____ in the _____ (insert the denomination and name of vessel) whereof (insert name) is master, from (insert port or place where from) on the (insert date of vessel's entry) as per report and manifest then delivered by the said master, are now about to be exported and conveyed in the said (insert

denomination and name of vessel) to the port of (insert name of the port intended for) and whereas the duties that would have become due on the said goods, wares, and merchandise, had the same been unladen here and not so exported, would have amounted to the aforesaid sum of

Now therefore, the condition of this obligation is such, that if the above bounden shall and do within months from the date hereof, produce to the collector of this district, the certificates required by law, that the said enumerated (packages of merchandise, or articles in bulk as the case may be,) have been exported to and landed at the aforesaid port of or at any other port or place without the limits of the United States, or if neither the whole, nor any part of the said goods, wares and merchandise, shall be landed within the limits of the said United States, until due entry thereof shall have been first made, and the duties thereon paid or secured to be paid according to law, then the above obligation to be void, otherwise to be, and remain in full force and virtue.

Sealed and delivered }
in the presence of }

Provided nevertheless, that such bond shall not be required in respect to the goods on board of any ship or vessel which shall have put into the United States from necessity, to be made to appear in manner herein after prescribed; and the collector receiving such bonds, or any other bonds taken upon the exportation of merchandise entitled to drawback, is hereby required and enjoined, immediately after the time when by the conditions of the same, they ought to be cancelled, to put the same in suit; provided the necessary proof shall not have been produced, or further time granted therefor by the Comptroller of the Treasury.

Vessels coming in through necessity need not give bond. Collector to put certain bonds in suit, if not cancelled.

Vessels may proceed from district to district with certain goods.

Duties to be paid or secured in the district where the goods are landed.

The master of a vessel bound to another district to obtain a copy of his report and manifest, &c.

SEC. 33. *And be it further enacted*, That it shall be lawful for any ship or vessel in which any goods, wares or merchandise shall be brought into the United States, from any foreign port or place, and which shall be specified in the manifest, verified on oath, or affirmation, before the collector of the port in which such ship or vessel shall first arrive, to be destined for other districts, to proceed with the same from district to district within the United States, in order to the landing, or delivery thereof, and the duties on such of the said goods only as shall be landed in any district, shall be paid or secured to be paid within such district.

SEC. 34. *And be it further enacted*, That before any ship or vessel shall depart from the district in which she shall first arrive for another district (providing such departure be not within forty-eight hours after her arrival within such district) with goods, wares or merchandise, brought in such ship or vessel from a foreign port or place, the duties whereof shall not have been paid or secured, the master or person having the charge or command of such ship or vessel, shall obtain from the collector of the district from which she shall be about to depart (who is hereby required to grant the same) a copy of the report and manifest made by such master, or other person having the charge or command of such ship or vessel, certified by the said collector, to which copy shall be annexed a certificate of the quantity and particulars of the goods which shall appear to him to have been landed within his district, or of the quantity and particulars of the goods which remain on board and upon which the duties are to be paid, or secured to be paid, in some other district.

The form of which certificate shall be as follows:

District of
Port of

These are to certify, that the within is a true copy of the report and manifest of the cargo of the (insert the denomination and name of the vessel) whereof (insert the name) is master from (insert the port where

from) entered at this port the (insert the day and month of entry) as exhibited on (oath or affirmation) by the said master: That no part of the said cargo as expressed in such manifest, hath been unladen or landed at this port: (or as the case may require) That there hath been unladen and landed at this port, and the duties paid or secured to be paid on the following articles, (or) That all the said cargo as expressed in the said manifest hath been duly entered and landed in this district according to law, except the following articles (here enumerate the marks, numbers, packages and contents, or if articles in bulk, the quantities, whether landed or remaining on board, as the case may require) and that bond hath here been entered as the law directs for the delivery of the (insert the whole or remaining part, as the case may require) of the said cargo, at the (insert the port and district of destination.)

Witness our hands and seals, this day of

A. B. Collector.

C. D. N. Officer.

And within twenty-four hours after the arrival of such ship or vessel within any other district, the said master, or person having the charge or command of such ship or vessel, shall make report or entry, to or with the collector of such other district, producing and showing the said certified copy of his said first report, together with a certificate from each collector of any other district, within which any of the goods, wares, or merchandise, brought in such ship or vessel, shall have been before landed; of the quantity and particulars of such goods, wares, or merchandise, as shall have been so landed in each district respectively; except in the state of Georgia, where such report shall be made within forty-eight hours: *Provided always*, that the master or person having the charge or command of the said ship or vessel, shall first give bond, with one or more sureties, to the satisfaction of the collector of the district within which the said ship or vessel shall first arrive, in a sum equal to the amount of the duties on the residue of the said goods, according to such estimate as the said collector shall form thereof, with condition, that the said residue of such goods shall be duly entered and delivered in such other district, or districts of the United States, for which the same shall have been reported to be destined.

And at the other district make report and exhibit his first report.

Bond to be given on the transportation of goods from district to district.

And the form of the said bond shall be as follows:

Know all men by these presents, that we (here insert the name of the master of the vessel, and the name or names of the sureties) are held and firmly bound unto the United States of America, in the sum of to be paid to the said United States; for which payment well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents; sealed with our seals; dated this day of in the year of the independence of the said United States; and in the year of our Lord one thousand

Whereas the following goods, wares, and merchandise (here insert the marks, number, denomination and number of packages and contents, as far as may be, or if articles in bulk, the quantity and quality) imported into the district of in the (insert the denomination and name of vessel) whereof (insert name) is master, from (insert name of port, &c.) on the (insert date of vessel's entry) as per report and manifest then delivered by the said master; are now intended to be exported and conveyed in the said (insert the denomination and name of the vessel) to the district of (insert the district or districts where intended to be sent) and whereas the duties that would have become due on the said goods, wares, and merchandise, had the same been unladen, would have amounted to the aforesaid sum of

Now therefore the condition of this obligation is such, that if the above bounden shall and do within six months from the date hereof, produce to the collector of this district the certificates

required by law, that the said enumerated (packages of merchandise, or articles in bulk as the case may be,) have been duly entered and delivered at the aforesaid district of _____ or any other port or district of the United States, then the above obligation to be void, otherwise to be and remain in full force and virtue.

Sealed and delivered }
in the presence of }

How the said
bond shall be
cancelled.

And the said bond shall be cancelled or discharged within six calendar months from the date thereof, by the production of a certificate or certificates from the collector or collectors of the district or districts for which the said goods shall have been reported, testifying the due entry and delivery of the said goods, in such district or districts, or upon due proof to the satisfaction of the collector by whom the said bond shall have been taken, and to the naval officer of such port (if any) that such entry and delivery were prevented by some unavoidable accident or casualty, and that if the whole, or any part of the said goods, shall not have been lost, that the same have been duly entered and delivered within the United States.

And the form of the certificate aforesaid shall be as follows:—

District of _____

Port of _____

These are to certify, that there have been unladen and landed at this port, from on board the (insert the denomination and name of the vessel) whereof (insert the name) is master, from (insert district and port where from) the following packages of merchandise (here detail the several packages with their respective denominations, their marks and numbers, and if any articles in bulk, the quantities delivered) for which the duties have been (paid or secured) at the aforesaid port of (insert the port.)
Witness our hands and seals this _____ day of _____

A. B. Collector.

C. D. N. Officer.

Penalty on
failing to obtain
copy of the first
report, &c.

And if the master, or other person having the charge or command of any such ship or vessel, shall fail by his neglect or fault to obtain the said copy of his said report, from the collector of the district from which he shall be so about to depart, or if [of] any certificate which he ought to obtain as aforesaid, or shall neglect to produce and show the same to the collector of any other district, to which the said ship or vessel shall afterwards proceed within the time for that purpose herein before specified, he shall forfeit and pay, for every such neglect or omission, five hundred dollars.

Duty of mas-
ters of vessels
proceeding from
district to dis-
trict with spirits,
wines and teas.

SEC. 35. *And be it further enacted,* That in addition to the provisions and requirements aforesaid, it shall be the duty of each and every master, or other person having the charge or command of any ship or vessel, arriving from any foreign port or place, having on board distilled spirits, wines, or teas, other than sea stores, intended to be transported from one port in the United States, to another port in the said United States, whether in the same or in different districts, previous to the departure of such ship or vessel from the port at which she shall first arrive, to apply to the surveyor or officer acting as inspector of the revenue for the port, for a certificate of the quantity and particulars of such spirits, wines, or teas, as shall have been certified, or reported to him to have been imported in such ship or vessel, and of the quantity and particulars of such spirits, wines, or teas, as shall appear to have been landed out of such ship at such port; which certificate the surveyor or inspector of the revenue shall forthwith grant, and the master or person having the charge or command of such ship or vessel, shall, within twenty-four hours after her arrival at the port to which she shall be bound, deliver the said certificate to the surveyor, or person acting as inspector of the revenue of such last mentioned port; and if such

ship or vessel shall proceed from one port to another within the United States, with the whole or any part of the spirits, wines or teas brought in her as aforesaid, without having first obtained such certificate, or if within twenty-four hours after her arrival at such other port, the said certificate shall not be delivered to the surveyor or inspector as aforesaid, the master or person having the charge or command of the said ship or vessel shall, in either case, forfeit the sum of five hundred dollars, and the spirits, wines or teas on board her shall be forfeited and may be seized.

Penalty on failing to comply with those duties.

And the form of the said certificate shall be as follows:—

District of

Office of Inspection for the
Port of

I certify that the within is a true copy of the report made to me of distilled spirits, wines and teas imported in the (insert the name and denomination of the vessel) built in (here insert where built in the United States, or to what foreign nation belonging) burthen (here insert the tonnage of the vessel) whereof (here insert the name of the master) from (here insert the foreign port from which the vessel last sailed) bound to (here insert the port or ports to which destined in the United States,) that no part of the said spirits, wines or teas hath been unladen or landed at this port (or as the case may require.) That there have been landed at this port in pursuance of permits for that purpose, the following quantities, to wit: (here insert the marks, number, description of packages, casks, chests, kinds and quantities of all spirits, wines and teas landed at the port of inspection, agreeably to the form prescribed for the report) and no other or greater quantities than are above expressed, (or that all the said spirits, wines and teas have been duly landed in this district, except the following, the duties whereof are to be paid or secured to be paid in the district of (insert the district of destination and enumerate the marks, numbers, description of casks, chests or other packages, kinds and quantities of all spirits, wines and teas, which remain on board.)

Form of inspector's certificate for spirits, wines and teas, transported from district to district.

Witness my hand the day and year aforesaid,

A. B. Inspector of the revenue
for the port of

And each and every surveyor, or officer acting as inspector of the revenue, for any port at which a ship or vessel may arrive with a certificate as aforesaid, shall certify in manner aforesaid all deliveries of spirits, wines or teas, made at their respective ports, which certificate shall be annexed to the certificate granted at the port of original importation.

Certificate to be had of the inspector at the port of delivery.

SEC. 36. *And be it further enacted,* That the owner or owners, consignee or consignees of any goods, wares or merchandise, on board of any such ship or vessel, or in case of his, her or their absence or sickness, his, her or their known agent or factor, in his, her or their names, within fifteen days after the report of the master, or person having the charge or command of such ship or vessel, to the collector of the district for which such goods, wares or merchandise shall be destined, shall make entry thereof in writing with the said collector, and shall in such entry specify the vessel and master's names in which, and the port or place from whence such goods, wares or merchandise were imported, the particular marks, numbers, denomination and prime cost, including charges of each particular package or parcel whereof the entry shall consist, or if in bulk, the quantity, quality and prime cost, including charges thereof, particularly specifying the species of money in which the invoices thereof are made out; and shall also produce to the said collector and naval officer (if any) the original invoice or invoices of the said goods, wares or merchandise, or other documents received in lieu

Entry of goods to be made within fifteen days after the master's report.

thereof, or concerning the same, in the same state in which they were received, with the bill or bills of loading for the same; which invoices shall be signed by the persons in the offices of the collector and naval officer, who shall have compared and examined the same; and the said entry or entries shall, as the nature of the case will admit or require, be agreeable to the form following, to wit;

Form of entry. Entry of merchandise imported by (insert the name of the importer or consignee) in the (insert the name and denomination of the vessel, and master's name) from (insert the place from which arrived) (insert date of entry-)

Marks.
Numbers inclusive.
Packages and contents.
Quantity per invoice of articles not subject to specific duties.
Value of articles subject to specific duties.
Value subject to 10 per cent. ad valorem.
Value subject to 12½ per cent. ad valorem.
Value subject to 15 per cent. ad valorem.
Value subject to 20 per cent. ad valorem.
Value subject to 40 per cent. ad valorem.
Amount of free goods.
Charges not subject to duty.
Total amount per invoice.

Form of the entry may be varied.

Provided, That the form before mentioned shall and may be varied and adapted to any alterations which may be made in the rates of duties upon goods, wares and merchandise, hereafter to be imported into the United States. And the entry or entries to be made by any importer, consignee or agent as aforesaid, shall be verified by the oath or affirmation of the person making the same, the form of which oath or affirmation shall, as the case may require, be as follows, to wit:

Oath to be made on entry.

District of
Port of

Form of the oath.

I (here insert the name of the person making entry) do solemnly, sincerely and truly swear (or affirm) that the entry now subscribed with my name, and delivered by me to the collector of (insert the name of the district) contains a just and true account of all the goods, wares and merchandise imported for sale, or intended to be landed in this district, for me or on my account, or on account of any house of trade or partnership in which I am concerned, in this district, or which actually came consigned to me, or to any house of trade or partnership in which I am concerned, or (if the entry be made by an agent) imported by, or consigned to (insert the name of the person or firm for whom entry is made) and intended for sale or to be landed in this district, in the (insert the name and denomination of the vessel) whereof (insert the name of the master) is master, from (insert the name of the port from which the vessel arrived) that the said entry contains a just and true account in (insert the denomination of money in which the invoices and entry are made) of the cost thereof, including all charges; that the invoice or invoices and bill or bills of loading now produced by me, are the true, genuine and only invoices and bills of loading by me received, of the said goods wares and merchandise imported or consigned as aforesaid, and the only invoices by which I have been charged, or for which I am to account, and that the said invoices and bills of loading are in the actual state in which they were received by me, and that I do not know of any other invoices or account of the said goods, wares or merchandise, different from what is or are here produced: I do further swear (or affirm) that if I hereafter discover any other or greater quantity of

goods, wares or merchandise, than is contained in the entry aforesaid, or shall receive any invoice of the whole or any part thereof, other in quantity, quality and price than has been now exhibited, I will immediately and without delay report the same to the collector of this district: I also swear (or affirm) that nothing has been concealed or suppressed in the entry aforesaid, whereby to avoid the just payment of the duties imposed by the laws of the United States, and that all matters are justly and truly expressed therein, according to my best knowledge and belief. So help me God.

Sworn (or affirmed) this day of before A. B. Collector.

Provided, That whenever any entry shall be made with the collector of any district, of merchandise imported into the United States subject to duty, by any agent, factor, or person, other than the person to whom they belong, or to whom they are ultimately consigned, it shall be the duty of the collector to take a bond with surety from such agent, factor or person (other than the bond or [bonds] for securing the duties, in the penal sum of one thousand dollars) with condition that the bona fide owner or consignee of such goods, wares or merchandise, shall, on or before the first day of payment stipulated in the bond or bonds for securing the duties, deliver, or cause to be delivered to the said collector, a full and correct account of the said goods, wares and merchandise imported by him, or for him on his own account, or consigned to his care, in the same manner and form as required by this section in respect to an entry previous to the landing of any merchandise, which account shall be verified as in the case of an entry, by a like oath or affirmation, to be taken and subscribed before any judge of the United States, or the judge of any court of record of a state, or before a collector of the customs of the same or some other district; and in case of the payment of the duties, at the time of entry, by any factor or agent, on the goods, wares or merchandise entered by him, the condition of the bond aforesaid shall be to produce the account of the proper owner, or consignee, verified in manner as before directed, within ninety days from the date of such bond.

When entry is made by an agent, he shall give bond, conditioned for producing an account of the goods, verified by the owner.

And the form of the said bond shall be as follows, to wit:

Know all men by these presents, that we (here insert the names of the principal surety or sureties) are held and firmly bound unto the United States of America, in the sum of one thousand dollars, for the payment of which well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, by these presents.

Form of bond to be given by the agent.

Witness our hands and seals this day of one thousand seven hundred and ninety

Whereas the above bounden has this day duly entered at the custom-house of and (paid or secured to be paid, as the case may be) the duties on sundry goods, wares and merchandise imported in the (insert the denomination and name of the vessel) whereof (insert name) is master, from (insert the port or place where from) as particularly enumerated in the entry thereof made and subscribed by the said in behalf of (insert the name or names of the person or persons, actual owners, or consignees) bearing equal date herewith.

The condition of this obligation therefore is such, that if the said bounden shall, on or before the deliver or cause to be delivered to the collector of the customs for the district of (insert name of the district where the bond is taken) a full and correct account from the said (insert name of the actual owner or consignee) of the aforesaid merchandise imported by him on his own account, or consigned to his care, verified by the oath of the said being the proper owner or consignee, in manner and form as would be required if he were personally present, taken before any judge of the United States, or of a court of record of a state, or before the collector

of any other district, then this obligation shall be null and void, otherwise it shall be and remain in full force and virtue.

Sealed and delivered }
in the presence of }

Manner of making an entry, where the particulars of goods are not known.

Provided always, That where the particulars of any goods, wares or merchandise shall be unknown, in lieu of the entry herein before directed to be made, an entry thereof shall be made and received according to the circumstances of the case, the party making the same, declaring upon oath all that he or she knows or believes concerning the quality and particulars of the said goods, wares and merchandise, and that he or she hath no other knowledge or information concerning the same; which entry, as well the first as the last, shall be made in writing, and shall be subscribed by the party making the same, if by the proper owner or consignee, in their own name, or if by an agent, factor or person other than such owner or consignee, in his or their names, as agents or factors for such owner or consignee: *Provided*, that in every case in which the entry of any goods, wares or merchandise shall be imperfect, for want of invoices, bills of loading, or for any other cause, it shall be the duty of the collector to take the said goods, wares and merchandise into his custody, until the quantity, quality or value thereof, as the case may require, can be ascertained in manner hereafter directed and prescribed.

In case of an imperfect entry the collector is to take the goods into custody.

Separate entry to be made of spirits, wines and teas.

SEC. 37. *And be it further enacted*, That every importer of distilled spirits, wines or teas, or person to whom distilled spirits, wines or teas are consigned, shall make a separate and additional entry thereof, specifying the name of the vessel, and master, in which, and the place from whence, such spirits, wines or teas were imported, together with the quantity and quality thereof, and a particular detail of the chests, casks, or vessels containing the same, with their marks and numbers, which entry shall be subscribed by the person making the same, for himself, or in behalf of the person for whom such entry is made; and shall be certified by the collector, before whom the same is made, as being a true copy, and conformable to the general entry before directed, in respect to all distilled spirits, wines and teas therein contained; which entry thus certified shall be transmitted to the surveyor or officer acting as inspector of the revenue for the port, where it is intended to commence the delivery of such spirits, wines or teas so entered, or any part thereof: And every permit granted by such collector and naval officer, where any, for the unloading of said spirits, wines or teas, or any part thereof, shall, previous to such landing or unloading thereof, be produced to the said officer of inspection, who shall record or register in proper books the contents thereof, and shall endorse thereupon the word, "*Inspected*," the time when, and his own name; after which he shall return the said permit to the person by whom it shall have been produced, and then, and not otherwise, it shall be lawful to land the spirits, wines or teas therein specified; and if the said spirits, wines or teas shall be landed without such endorsement upon the permit granted for that purpose, the master, or other person having the charge or command of the ship or vessel from which the same shall have been so landed, shall for every such offence forfeit and pay the sum of five hundred dollars, and the spirits, wines or teas so landed shall be forfeited.

Spirits, wines and teas to be landed under inspection.

SEC. 38. *And be it further enacted*, That all distilled spirits, wines and teas shall be landed under the inspection of the surveyor, or other officer acting as inspector of the revenue for the port, and such of the inspectors of the customs as shall be deputed by him for that purpose, and not otherwise, on pain of forfeiture thereof, for which purpose the said officer or officers shall at all reasonable times attend: *Provided*, that this shall not be construed to exclude the inspection of any officer of the customs, as now or heretofore practised.

SEC. 39. *And be it further enacted,* That the officers of inspection of any port where distilled spirits, wines or teas shall be landed, shall, upon the landing thereof, and as soon as the casks, chests, vessels and cases, containing the same, shall be inspected, gauged or measured, brand or otherwise mark in durable characters, the several casks, chests, vessels and cases containing the same, and the said marks shall express the number of casks, chests, vessels or cases, whether of spirits, wines or teas, marked by each officer respectively, in each year, in progressive numbers for each of the said articles; also the port of importation, the name of the vessel, and the surname of the master; also each kind of spirits, wines or teas, for which different rates of duty are or shall be imposed, the number of gallons in each cask or case, if spirits or wines, the rate of proof if spirits, and the number of pounds weight if teas; also the name of the surveyor or chief officer of inspection for the port, and the date of importation; of all which particulars the chief officers of inspection shall keep fair and correct accounts, in books to be provided for that purpose.

Spirits, wines and teas to be marked.

SEC. 40. *And be it further enacted,* That the surveyor or chief officer of inspection as aforesaid, within the port or district in which the said spirits, wines or teas shall be landed, shall give to the proprietor, importer or consignee thereof, or his or her agent, a certificate, to remain with him or her, of the whole quantity of the said spirits, wines or teas, which shall have been so landed; which certificate, besides the quantity, shall specify the name of such proprietor, importer, consignee or agent, and of the vessel from on board which the said spirits, wines or teas shall have been landed, and of the marks of each cask, chest, vessel or case containing the same; which certificate shall be of the form following, to wit:

General certificate to be given to the importer of spirits, wines or teas.

District of
Inspector's Office, No.
Port of

I certify, that (here insert the name of the proprietor, importer or consignee) imported into this district on the (here insert date of importation) in the (here insert the name of the vessel, and whether of the United States or foreign, and the name of the master) from (here insert the place from which imported, the number of, and whether casks, chests, vessels or cases) of (here insert whether spirits, wines or teas, and the kind of each) marked as per margin (insert in the margin the marks and numbers, if any, at the time of importation) which (here insert whether casks, chests, vessels or cases) have been marked as follows (here insert the marks of the inspector of the port) containing (here insert the quantity of spirits, wines or teas) according to returns made to this office.

Form thereof.

A. B. Inspector.

SEC. 41. *And be it further enacted,* That the surveyor, or chief officer of inspection as aforesaid, shall in addition to the general certificate aforesaid, give to the proprietor, importer or consignee of any distilled spirits, wines or teas, or his or their agent, a particular certificate, which shall accompany each cask, chest, vessel or case of distilled spirits, wines or teas, wherever the same may be sent, within the limits of the United States, as evidence that the same have been lawfully imported; and which certificate shall be of the form following, to wit:

Particular certificate to be given to the importer to accompany each cask, &c.

No. District of
Port of

I certify, that there was imported into this district on the (here insert the date of importation) by (here insert the name of the proprietor, importer or consignee) in the (here insert the name of the vessel, the surname of the master, and whether a vessel of the United States or a foreign vessel) from (here insert the place from which imported) one

Form thereof.

(here insert whether cask, chest, vessel or case, by the proper name) of (here insert whether spirits, wines or teas, and the kind of each) numbered and marked as per margin, (the marks of the inspector to be inserted in the margin) containing (here insert the number of gallons and rate of proof, if spirits, or gallons, if wines, or the number of pounds' weight nett if teas.)

A. B. Supervisor.

Countersigned by

C. D. Inspector.

Supervisors to provide blank certificates.

SEC. 42. *And be it further enacted*, That the supervisors of the several districts shall provide blank certificates, under such checks and devices as shall be prescribed by the proper officers of the treasury, and shall number, sign and deliver the same to the officers who may perform the duties of inspectors of the revenue, for the several ports in their respective districts; which blank certificates shall be filled up and countersigned by the inspectors of the revenue aforesaid, who shall be accountable therefor to the supervisors; and the said inspectors shall make regular and exact entries of all certificates which shall be granted as aforesaid, as particularly as therein described.

On sale, certificate to be delivered to the purchaser.

SEC. 43. *And be it further enacted*, That the proprietor, importer, or consignee, or his or her agent, who may receive said certificates, shall upon the sale or delivery of any of the said spirits, wines or teas, deliver to the purchaser or purchasers thereof, the certificate or certificates which ought to accompany the same, on pain of forfeiting the sum of fifty dollars for each cask, chest, vessel or case, with which such certificate shall not be delivered; and if any casks, chests, vessels or cases, containing distilled spirits, wines or teas, which by the foregoing provisions ought to be marked and accompanied with certificates, shall be found in the possession of any person unaccompanied with such marks and certificates, it shall be presumptive evidence that the same are liable to forfeiture; and it shall be lawful for any officer of the customs or of inspection to seize them as forfeited; and if upon the trial in consequence of such seizure, the owner or claimant of the spirits, wines or teas seized, shall not prove that the same were imported into the United States, according to law, and the duties thereupon paid or secured, they shall be adjudged to be forfeited.

Absence of certificates to be presumptive evidence for forfeiture of spirits, wines and teas.

On the sale of casks, &c. which have been emptied, the marks to be defaced in presence of an officer.

SEC. 44. *And be it further enacted*, That on the sale of any cask, chest, vessel or case, which has been or shall be marked pursuant to the provisions aforesaid, as containing distilled spirits, wines or teas, and which has been emptied of its contents, and prior to the delivery thereof to the purchaser, or any removal thereof, the marks and numbers, which shall have been set thereon by or under the direction of any officer of inspection, shall be defaced and obliterated in the presence of some officer of inspection or of the customs, who shall on due notice being given attend, for that purpose, at which time the certificate which ought to accompany such cask, chest, vessel or case, shall also be returned and cancelled: And every person, who shall obliterate, counterfeit, alter or deface any mark or number placed by an officer of inspection upon any cask, chest, vessel or case, containing distilled spirits, wines or teas, or any certificate thereof; or who shall sell or in any way alienate or remove any cask, chest, vessel or case, which has been emptied of its contents, before the marks and numbers, set thereon pursuant to the provisions aforesaid, shall have been defaced or obliterated, in presence of an officer of inspection as aforesaid; or who shall neglect or refuse to deliver the certificate issued to accompany the cask, chest, vessel or case, of which the marks and numbers shall have been defaced or obliterated in manner aforesaid, on being thereto required by an officer of inspection or of the customs, shall for each and every such offence forfeit and pay one hundred dollars, with costs of suit.

Penalty on defacing, &c. marks, &c. on casks, &c. or certificates; or selling casks, &c. or refusing to deliver up certificates.

SEC. 45. *And be it further enacted*, That in order to ascertain what articles ought to be exempt from duty, as the sea stores of a ship or vessel, the master or other person having the charge or command of any ship or vessel shall particularly specify the said articles, in the report or manifest to be by him made, designating them as the sea stores of such ship or vessel; and in the oath to be taken by such master, or other person, on making such report in manner before prescribed, he shall declare that the articles so specified as sea stores are truly such, and are not intended by way of merchandise or for sale; whereupon the said articles shall be free from duty. *Provided always*, that if it shall appear to the collector to whom such report and manifest shall be made and delivered, together with the naval officer where there is one, or alone, where there is none, that the quantities of the said articles, or of any part thereof, so reported as sea stores, are excessive, it shall be lawful for the said collector, jointly with the naval officer, or alone, as the case may be, in his or their discretion, to estimate the amount of the duty on such excess, which shall be forthwith paid by the said master or other person having the charge or command of such ship or vessel, to the said collector, on pain of forfeiting the value of such excess; and if any other or greater quantity of articles are found on board such ship or vessel as sea stores than are specified in such entry, or if any of the said articles shall be landed without a permit first obtained from the collector and naval officer of the port (where any) for that purpose, all such articles as are not included as aforesaid, in the report or manifest delivered on oath or affirmation, as aforesaid, by the master or other person having the charge or command of such ship or vessel, or which shall be landed without such permit as aforesaid, shall be forfeited, and may be seized; and the master, or person having the command of such ship or vessel, shall moreover forfeit and pay treble the amount or value of the articles so omitted or landed.

Report of sea stores to be made.

Duties to be paid on excessive quantities thereof.

Penalty on a false entry, and on landing without a permit.

SEC. 46. *And be it further enacted*, That from and after the thirtieth day of June next, the wearing apparel, and other personal baggage, and the tools or implements of a mechanical trade only, of persons who arrive in the United States, shall be free and exempted from duty; and to ascertain what articles ought to be exempted, according to the true intent and meaning of the provision aforesaid, it is directed, that due entry thereof, as of other goods, wares and merchandise, but separate and distinct from that of any other goods, wares and merchandise, imported from a foreign port or place, shall be made with the collector of the district in which the said articles are intended to be landed, by the owner or owners thereof, or his, her or their agent, expressing the persons by whom or for whom such entry is made, and particularizing the several packages, and their contents, with their marks and numbers; and the person or persons who shall make the entry, shall take and subscribe an oath or affirmation before the said collector, as the case may require, in manner following, to wit:

Baggage, and mechanical implements exempt from duty.

Entry of them to be made.

District of _____ ss. Port of _____

I (here insert the name of the person making the entry) do solemnly, sincerely and truly swear (or affirm) that the entry subscribed by me and hereto annexed, contains, to the best of my knowledge and belief, a just and true account of the contents of the several (here insert whether chests, cases or packages) mentioned in the said entry, imported in the (here insert the name of the vessel, and master's name) from (here insert the port from which arrived) and that they contain no goods, wares or merchandise whatever, other than the wearing apparel and other personal baggage (or if the case require) and the tools of the trade of (here insert what mechanical trade) all of which are the property of (here insert to whom belonging, and family, as the case may require) who has

Form of oath.

or have arrived (or as the case may require) who is or are shortly expected to arrive in the United States; and are not directly or indirectly imported for any other person or persons, or intended for sale.

So help me God.

Bond to be given when entry thereof is made by an agent.

And in case the party shall be other than the owner of the said articles, he or she shall give bond, with one or more sureties to the satisfaction of the said collector, in a sum equal to what would be the amount of the duties on the said articles, if imported subject to duty; the form of which bond shall be as follows:

Know all men by these presents, that we (here insert the names of the principal and sureties) are held and firmly bound unto the United States of America, in the sum of _____ to be paid to the said United States; for payment whereof we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents, sealed with our seals. Dated the _____ day of _____ in the _____ year of the independence of the United States, and in the year of our Lord one thousand _____

Whereas the above named _____ has this day, for and in behalf of _____ exhibited an entry, subscribed with his name, of the following packages of wearing apparel and other articles, as being exempted from duty (here insert the number and description of packages, together with their marks and numbers) and has made oath before the collector of the district of _____ that the said articles are the property of the said _____ that they are truly and bona fide intended for the sole use of himself and (family, as the case may require) and are not directly or indirectly imported for any other person, or intended for sale.

Now, therefore, the condition of this obligation is such, that if the said _____ shall, within one year from the date hereof, take and subscribe the oath prescribed by law in such case, before the said collector, or if the said oath, duly authenticated, shall be produced to the said collector agreeably to the true intent and meaning of the said law, then this obligation to be void, or else to remain and be in full force and virtue.

Sealed and delivered }
in the presence of }

Baggage, &c. may be examined.

And on compliance with the conditions aforesaid, and not otherwise, a permit shall and may be granted for landing the said articles: *Provided nevertheless*, that whenever the collector and naval officer (if any) shall think proper so to do, they may and are hereby authorized, in lieu of the provisions and directions before mentioned, to direct the baggage of any person arriving within the United States, to be examined by the surveyor of the port, or an inspector of the customs, and to make a return of the same; and if any articles shall be contained therein, which in their opinion ought not to be exempted from duty, according to the true intent and meaning of this act, due entry shall be made therefor, and the duties thereon paid or secured to be paid: *And provided*, that whenever any article or articles subject to duty, according to the true intent and meaning of this act, shall be found in the baggage of any person arriving within the United States, which shall not, at the time of making entry for such baggage be mentioned to the collector before whom such entry is made by the person making the same, all such articles so found shall be forfeited, and the person in whose baggage they shall be found shall moreover forfeit and pay treble the value of such articles.

Forfeiture in case articles, subject to duty and not entered, are found therein.

Articles of the growth, &c. of the U. States, when brought back, to be free of duties.

SEC. 47. *And be it further enacted*, That on any goods, wares or merchandise, of the growth or manufacture of the United States, which may have been exported to some foreign port or place, and brought back to the said states, and upon which no drawback, bounty or allowance has been paid, no duty shall be demanded. *Provided*, that the regulations herein after prescribed, for ascertaining the identity of such goods, wares or merchandise, be observed and complied with.

SEC. 48. *And be it further enacted*, That report and entry of goods, wares or merchandise, returned as aforesaid, shall be made as in other cases of goods, wares and merchandise imported from a foreign port or place; and proof, by oath or affirmation of the person or persons having knowledge of the facts, shall be made to the satisfaction of the collector of the district with whom such entry shall be made, jointly with the naval officer, if there be a naval officer, or alone, if there be no naval officer, that the said articles had been exported from the United States, as of the growth, produce or manufacture of the same, and of the time when, by whom, in what ship or vessel, and for what port or place, they were so exported; the form of which oath or affirmation shall be as follows:

Report, entry and oath to be made, in such case.

District of _____ ss.
 Port of _____

I, A. B., do solemnly, sincerely and truly swear, (or affirm, as the case may be) that the several articles of merchandise, mentioned in the entry hereto annexed, are to the best of my knowledge and belief, truly and bona fide of the growth, product or manufacture of the United States, (as the case may be) and that they were truly exported and imported as therein expressed, and that no drawback, bounty or allowance has been paid or admitted thereon, or any part thereof. So help me God.

Report of the oath.

Sworn to, _____ A. B.

And if the collector, who may receive the entry aforesaid, shall be other than the collector of the district from which the said articles shall have been exported, a certificate of the latter shall be produced to the former, testifying the exportation thereof; the form of which shall be as follows:

Certificate of their exportation to be produced:

District of _____
 Port of _____

This is to certify that there were cleared out at this port on the (insert the day of clearance) in the (insert the denomination and name of the vessel) whereof (insert the name) was master, for (insert the port or place for which cleared) the following articles of merchandise (here enumerate the number of packages, their denominations, marks, and numbers, together with their contents) on which no drawback, allowance or bounty hath been paid or admitted.

Form thereof:

A. B. Collector.
 C. D. Naval Officer.

Whereupon a permit shall and may be granted for landing the same. *Provided*, that if the said certificate cannot be immediately produced, and if the proof otherwise required shall be made, a bond shall and may be given in the following form, with one or more sureties, to the satisfaction of the collector of the district, within which the said articles are intended to be landed, in a sum equal to what the duties would be on the said articles, if they were not of the growth, product or manufacture of the United States:

Permit to be granted.
 Bond may be taken to produce the certificate.

Know all men by these presents, that we (insert the name of the principal and sureties) are held and firmly bound unto the United States of America, in the sum of _____ to be paid to the said United States, for which payment well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this _____ day of _____ in the _____ year of the independence of the United States, and in the year of our Lord one thousand seven hundred and ninety _____

Form of such bond.

Whereas _____ has this day made entry at the custom-house of the port of _____ of the following articles, viz. (here particularize the packages, marks, numbers and contents) as per entry by him subscribed, and hath likewise sworn (or affirmed) before the collector of the said port, that the said articles are of the growth, product or manufacture of

the United States, and that they were exported from the district of _____ in the _____ whereof _____ was master, on or about the _____ and whereas the duties on the aforesaid articles, if of foreign growth or importation, would amount to the aforesaid sum of _____

The condition therefore of this obligation is such, that if the above bounden _____ do, within six months from the date hereof, produce, or cause to be produced, to the collector of the district of _____ a certificate under the hand and seal of the collector (and naval officer if any) of the aforesaid port of _____ of the said articles having been actually exported from thence as herein set forth, subject to no drawback, bounty or allowance, then this obligation to be void and of no effect, otherwise it shall be and remain in full force and virtue.

Sealed and delivered }
in the presence of }

And upon receiving a bond as aforesaid, it shall be lawful for the said collector, and naval officer, where any, to grant a permit for landing of the said articles in like manner as if the said certificate had been produced; and in default of such certificate being produced, within the time limited in such bond, the collector taking the same is required and enjoined to enforce the payment thereof, as in the case of other bonds taken for duties on goods, wares and merchandise imported into the United States.

Manner in which oaths and affirmations are to be taken.

SEC. 49. *And be it further enacted,* That all oaths or affirmations to be taken, upon making of any of the reports or entries, or respecting any of the acts herein mentioned, whether by the master or other person having the charge or command of any ship or vessel, or the owner or consignee of any goods, wares or merchandise, his or her factor or agent, or by any other person, shall be administered by the collector, or officer to or with whom report or entry shall be made, and shall be reduced to writing, and subscribed by the person swearing or affirming, and also by the person administering the said oaths or affirmations.

Duties to be estimated and endorsed on the entry;

And the collector jointly with the naval officer, or alone where there is none, shall, according to the best of his or their judgment or information, make a gross estimate of the amount of the duties on the goods, wares or merchandise, to which the entry of any owner or consignee, his or her factor or agent, shall relate, which estimate shall be endorsed upon such entry, and signed by the officer or officers making the same.

which being paid or secured, permit to land shall be granted.

And the amount of the said estimated duties having been first paid, or secured to be paid, pursuant to the provisions of this act, the said collector shall, together with the naval officer, where there is one, or alone where there is none, grant a permit to land the goods, wares and merchandise, whereof entry shall have been so made, and then, and not before, it shall be lawful to land the said goods; and all permits shall specify, as particularly as may be, the goods to be delivered, namely, the number and description of the packages, whether trunk, bale, chest, box, case, pipe, hogshead, barrel, keg, or any other packages whatever, with the mark and number of each package, and as far as circumstances will admit, the contents thereof, together with the names of the vessel and master, in which, and the place from whence they were imported; and no goods, wares or merchandise shall be delivered by any inspector or other officer of the customs, that shall not fully agree with the description thereof in such permit: And the form of all permits for the purposes aforesaid, and for deliveries from the public stores, shall be as follows:

Specification to be contained in such permits.

Port of

To the inspectors of the port (or) the keeper of the public store (as the case may require.)

Form of permits to land.

We certify, that (insert the name of the actual owner or consignee) has paid (or) secured to be paid (as the case may be) the duties on mer,

chandise contained in the following packages, in conformity to the entry thereof of this date, which merchandise was imported in the (insert the denomination and name of vessel, master's name, and the port from which arrived) permission is accordingly hereby given to land (or) deliver the same, viz. (here particularly insert the mark, number and denomination of each package, and as far as may be, their contents, noting those articles that are to be either weighed, gauged or measured.)

A. B. Collector.

C. D. Naval Officer.

SEC. 50. *And be it further enacted,* That no goods, wares or merchandise, brought in any ship or vessel from any foreign port or place, shall be unladen or delivered from such ship or vessel, within the United States, but in open day, that is to say, between the rising and setting of the sun, except by special license from the collector of the port, and naval officer of the same, where there is one, for that purpose, nor at any time without a permit from the collector, and naval officer, if any, for such unloading or delivery; and if any goods, wares or merchandise shall be unladen or delivered from any such ship or vessel, contrary to the direction aforesaid, or any of them, the master or person having the charge or command of such ship or vessel, and every other person who shall knowingly be concerned, or aiding therein, or in removing, storing, or otherwise securing the said goods, wares or merchandise, shall forfeit and pay, each and severally, the sum of four hundred dollars for each offence, and shall be disabled from holding any office of trust or profit under the United States, for a term not exceeding seven years; and it shall be the duty of the collector of the district, to advertise the names of all such persons in a newspaper, printed in the state in which he resides, within twenty days after each respective conviction; and all goods, wares or merchandise, so unladen or delivered, shall become forfeited, and may be seized by any of the officers of the customs; and where the value thereof, according to the highest market price of the same, at the port or district where landed, shall amount to four hundred dollars, the vessel, tackle, apparel and furniture shall be subject to like forfeiture and seizure.

Goods to be landed in the daytime, and not without a permit.

Penalty.

SEC. 51. *And be it further enacted,* That no goods, wares or merchandise, brought in any ship or vessel, from any foreign port or place, requiring to be weighed, gauged, or measured, in order to ascertain the duties thereupon, shall, without the consent of the proper officer, be removed from any wharf, or place, upon which the same may be landed or put, before the same shall have been so weighed, gauged or measured, and if spirits, wines, teas or sugars, before the proof or quality and quantity thereof is ascertained and marked thereon, by or under the direction of the proper officer for that purpose; and if any such goods, wares or merchandise shall be removed from such wharf or place, unless with the consent of the proper officer had and obtained, before the same shall have been so weighed, gauged or measured, and if spirits, wines, teas or sugars, before the proof or quality and quantity shall have been so ascertained and marked, the same shall be forfeited, and may be seized by any officer of the customs or inspection.

Goods not to be removed before being weighed, &c.

On pain of forfeiture.

SEC. 52. *And be it further enacted,* That all goods, wares and merchandise, of which entry shall have been made incomplete, or without the specification of particulars, either for want of the original invoice or invoices, or for any other cause, or which shall have received damage during the voyage, to be ascertained by the proper officers of the port or district in which the said goods, wares or merchandise shall arrive, shall be conveyed to some warehouse or storehouse, to be designated by the collector, in the parcels or packages containing the same, there to remain with due and reasonable care, at the expense and risk of the owner or consignee, under the care of some proper officer, until the

In case of incomplete entry, and of damage, goods to be stored.

particulars, cost or value, as the case may require, shall have been ascertained either by the exhibition of the original invoice or invoices thereof, or by appraisement, at the option of the owner, importer or consignee, in manner hereafter provided, and until the duties thereon shall have been paid, or secured to be paid, and a permit granted by the collector for the delivery thereof. And for the appraisement of goods, wares and merchandise, not accompanied with the original invoice of their cost, or to ascertain the damage thereon received during the voyage, it shall be lawful for the collector, and upon request of the party, he is required to appoint one merchant, and the owner, importer or consignee to appoint another, who shall appraise or value the said goods, wares or merchandise accordingly, which appraisement shall be subscribed by the parties making the same, and be verified on oath or affirmation before the said collector; which oath or affirmation shall be in the form following, to wit:—

Mode of appraising goods and ascertaining damage.

Appraisers' oath.

We (insert the names of the persons) appointed by the collector of (here insert the name of the port or district) and (here insert the name or names of the importer or importers) to ascertain the contents, and appraise the value of the merchandise contained in the several packages described in the within or annexed entry or account, do solemnly, sincerely and truly swear (or affirm) that the several articles detailed in the annexed appraisement, subscribed with our names, contains a full and true account of all the merchandise whatsoever contained in the several packages mentioned in such entry or account, and that the several prices by us affixed to each article are, to the best of our skill and judgment, the true and actual value or cost thereof, at the place of exportation. So help us God.

Duty of appraisers as to damaged goods.

And in respect to articles that have been damaged, during the voyage, as aforesaid, whether subject to a duty ad valorem, or which are chargeable with a specific duty, either by number, weight or measure, the appraisers as aforesaid shall in like manner ascertain and certify, to what rate or per centage, the said goods, wares or merchandise are damaged, and the rate or per centage of damage, so ascertained and certified, shall be deducted from the original amount, subject to a duty ad valorem, or from the actual or original number, weight or measure on which specific duties would have been computed: *Provided*, that no allowance for the damage on any goods, wares and merchandise, that have been entered, and on which the duties have been paid or secured to be paid, and for which a permit has been granted to the owner or consignee thereof, and which may on examining the same prove to be damaged, shall be made, unless proof to ascertain such damage shall be lodged in the custom-house of the port or place where such goods, wares or merchandise have been landed, within ten days after the landing of such merchandise. And every person who shall be appointed to ascertain the damage during the voyage, of any goods, wares or merchandise, shall take and subscribe an oath or affirmation in the following form, to wit:

Allowance for damage.

No allowance for damage, unless proof be lodged within ten days, after landing.

Oath of persons appointed to ascertain damages.

We (insert the names of the persons) appointed by the collector of the district of (insert the name of the district) and (insert the name or names of the owner or owners, consignee or consignees) to ascertain and appraise the damage sustained on merchandise imported by (insert the name or names of the importer or importers) in the (insert denomination and name of the vessel) whereof (insert the name) is master, from (insert the port or place from which imported) do solemnly, sincerely and truly swear (or affirm) that we have carefully examined the several packages hereafter enumerated and described, and find the several articles of merchandise, as particularly detailed, contained in the said packages, to have received damage, as we believe, during the voyage of importation, and that the allowance, by us made for such damage, is to the best of our skill and judgment, just.

So help us God.

SEC. 53. *And be it further enacted*, That it shall be lawful for the collector of any district at which any ship or vessel may arrive, and immediately on her first coming within such district, and for the surveyor of any port where such ship be, to put and keep on board such ship or vessel, whilst remaining within such district, or in going from one district to another, one or more inspectors to examine the cargo, or contents of such ship or vessel, and to superintend the delivery thereof, or of so much thereof as shall be delivered within the United States, and to perform such other duties, according to law, as they shall be directed by the said collector, or surveyor, to perform for the better securing the collection of the duties: *Provided*, that collectors only shall have power to put on board ships or vessels, inspectors to go from one district to another; and the said inspector or inspectors, shall make known to the person having the charge or command of such ship or vessel, the duties he or they, is or are, so to perform; and shall suffer no goods, wares or merchandise of any nature or kind whatsoever to be landed or unladen, or otherwise taken or removed from such ship or vessel, without a permit in writing from the collector of the port, and naval officer thereof, where any, first had and granted for that purpose, and the inspector aforesaid shall enter in a book, to be by him or each of them kept according to such a form as shall be prescribed or approved by the collector, the name or names of the person or persons in whose behalf such permits are granted, together with the particulars therein specified, and the marks, numbers, kinds and description of the respective packages, which shall be unladen pursuant thereto, and shall keep a like account in the said book of all goods, wares and merchandise, which not having been entered within the time limited by this act, or for some other cause, have been sent to the store or warehouse, provided for the reception of such goods, wares or merchandise; which book shall be delivered to the surveyor in the month of January in every year for his inspection, and immediately after such inspection, be transmitted by the surveyor, with such observations as he may think necessary thereon, to the collector, to be deposited in his office. And it shall be the duty of the said inspector or inspectors, to attend to the delivery of the cargo or cargoes under their care, at all times when the unloading or delivery of goods, wares and merchandise is lawful, particularly from the rising till the setting of the sun on each day, Sundays and the Fourth day of July in each year excepted; for which purpose they shall constantly attend and remain on board the vessel or vessels, the deliveries from which they are to superintend, or at any other stations where their inspection is necessary. And said inspector or inspectors shall not quit such stations or places, without the leave of the surveyor of the port first had and obtained for that purpose, who shall appoint another inspector (if he shall judge it necessary) to supply the place of such inspector or inspectors, during his or their absence; and any inspector, who shall neglect or in any manner act contrary to the duties hereby enjoined, shall for the first offence forfeit and pay the sum of fifty dollars, and for the second offence, shall be displaced, and be incapable of holding any station of trust or profit under the revenue laws of the United States, for a term not exceeding seven years. And no inspector or inspectors shall perform any other duties or service, on board any ship or vessel, the superintendence of which is committed to him or them, for any person or persons whatever, other than what is required by this act, under the penalty of being disabled from acting any longer as an inspector of the customs; and the wages or compensation of such inspector or inspectors, as may proceed from one district to another, shall be defrayed by the master or person having the charge or command of the ship or vessel committed to his or their care; and every inspector or other officer of the revenue, while performing any duty on board any ship or vessel, not in a port of the United

Inspectors may be put on board vessels.

Duty of inspectors.

Penalty on misbehaviour.

Wages of inspectors, by whom to be paid.

To be supplied with provisions and accommodations on board of vessels.

Officers of the customs may go on board of vessels, and their duties therein.

Further duty of inspectors.

Inspectors to make returns of their deliveries to the collector and naval officer.

States, discharging her cargo, shall be entitled to receive from the master of such ship or vessel, such provisions and accommodations as are usually supplied to passengers, or as the state and condition of such ship or vessel will admit, on receiving therefor fifty cents per diem; and any master of any ship or vessel, who shall refuse provisions and reasonable accommodations as aforesaid, shall forfeit and pay one hundred dollars.

SEC. 54. *And be it further enacted*, That it shall be lawful for all collectors, naval officers, surveyors, inspectors, and the officers of the revenue cutters, herein after mentioned, to go on board of ships or vessels in any port of the United States, or within four leagues of the coast thereof, if bound to the United States, whether in or out of their respective districts, for the purposes of demanding the manifests aforesaid, and of examining and searching the said ships or vessels; and the said officers respectively shall have free access to the cabin and every other part of a ship or vessel; and if any box, trunk, chest, cask, or other package shall be found in the cabin, steerage or fore-castle of such ship or vessel, or in any other place separate from the residue of the cargo, it shall be the duty of the said officer to take a particular account of every such box, trunk, chest, cask or other package, and of the marks and numbers thereof, if any there be, and a description thereof, and if he shall judge proper, to put a seal or seals on every such box, trunk, chest, cask or other package; and such an account and description shall be by him forwarded without delay to the collector of the district to which such ship or vessel is bound. And if upon her arrival at the port of her entry, the boxes, trunks, chests, casks, or other packages so described, or any of them, shall be missing, or if the seals put thereon be broken, the master or commander of such ship or vessel shall forfeit and pay for every such box, trunk, chest, cask or other package so missing, or of which the seals shall be broken, the sum of two hundred dollars. And it shall also be lawful for the inspectors who may be put on board of any ship or vessel, (and they are hereby required and enjoined so to do) to secure after sunset in each evening, or previous to their quitting the ship or vessel, the hatches and other communications with the hold of such ship or vessel, or any other part thereof he or they may judge necessary, with locks or other proper fastenings, which locks or other fastenings shall not be opened, broken, or removed until the morning following, or after the rising of the sun, and in the presence of the inspector or inspectors, by whom the same shall have been so affixed, except by special license from the collector of the port, and naval officer thereof, if any, for that purpose, first had and obtained. And if the said locks or other fastenings, or any of them shall be broken or removed, during the night or before the said rising of the sun, or without the presence of the said inspector or inspectors, or without such license first had and obtained, or if any goods or packages shall be clandestinely landed, notice thereof shall be immediately given by the inspector or inspectors, to the collector and naval officer of the district, port or place, where the vessel may be; and the master, or other person having the charge or command of any such ship or vessel, shall, for each or every of the offences aforesaid, forfeit and pay the sum of five hundred dollars.

SEC. 55. *And be it further enacted*, That when the delivery of goods, wares and merchandise from on board of any ship or vessel, shall have been completed, copies of the accounts or entries which shall have been kept or made thereof, by the officer or officers who shall have been charged with the said deliveries, shall be returned to the collector of the district and naval officer of the same, if any there be, within three days after such delivery hath been completed, if at the port where such officer or officers reside, and if at any other port, as soon as the nature of the

case will admit, not exceeding fifteen days; and the accounts or entries to be returned as aforesaid, shall comprise all deliveries made pursuant to permits as aforesaid, and all packages or merchandise sent to the public stores; also each and every package remaining on board of such ship or vessel, for the purpose of being exported therein, to a foreign port or place, or to some other district of the United States. And the returns of the inspectors, to be made as aforesaid, shall be according to the following form—namely:

Return of merchandise, unladen under my inspection, pursuant to permits for that purpose, from on board the (insert the names of the vessel and master) from (insert the port from which the vessel arrived.) Form of inspector's return.

When delivered or sent to store.	Dates of permits.	Marks.	Numbers.	Description of packages.	Contents.	To whom delivered, or whether sent to store, or remaining on board.	Remarks.

And the returns to be made as aforesaid, shall be signed by the inspectors respectively, under whose superintendence the deliveries shall have been made; and after examination, and on being found correct, said returns shall be countersigned or certified by the surveyor of the port, if any there be, at the port where the deliveries have been made; and the said returns shall be transmitted by him to the naval officer, if any there be, who shall compare the same with the manifests and entries in his possession; and if any difference shall appear, the particulars thereof shall be noted by endorsement on the said returns, and if no difference shall appear, it shall be so noted by like endorsements,—and transmit the same to the collector of the district; and on being returned to the collector, it shall be by him compared with the manifests and entries of such goods, wares or merchandise, which shall have been made by the owner or owners, consignee or consignees, or his or their factor or agent; and if any difference shall appear, the same shall be noted by endorsement on such manifests, specifying the particulars thereof; and if no difference shall appear, it shall be noted by like endorsement, that the delivery hath corresponded with the entry or entries thereof; which endorsement or memorandum shall, in each case, be subscribed by the officer by whom such comparison shall have been made.

Inspector's return to be examined by the surveyor, naval officer and collector.

SEC. 56. *And be it further enacted*, That if at the expiration of fifteen working days, after the time within which the report of the master, or person having the charge or command of any ship or vessel, so required to be made to the collector of a district as aforesaid, there shall be found on board, any goods, wares and merchandise, other than shall have been reported for some other district, or some foreign port or place, the said inspector or inspectors shall take possession thereof. *Provided*, that with the consent of the owner or consignee of any goods, wares or merchandise, or with the consent of the owner or master of the vessel, in which the same may be imported, the said goods, wares or merchandise may be taken possession of, at any time, after five days notice to the collector of the district. And all goods, wares or merchandise, taken as aforesaid, shall be delivered pursuant to the order of the

Goods remaining on board after fifteen days to be taken into inspector's possession.

collector of the district; for which a certificate or receipt shall be granted in the following form:

District of
Port of

Form of receipt therefor.

I certify, that there has been received into store, from on board the (insert the denomination and name of the vessel) whereof (insert the name) is master, from (insert the port or place where from) the following merchandise, to wit: (here enumerate the several packages, their denominations, marks and numbers, and if articles in bulk, the quantity) lodged by (insert the name) inspector, under whose care the said vessel was unladen.

A. B.

Such goods to be kept for nine months, and then sold.

And the said goods shall be kept with due and reasonable care, at the charge and risk of the owner or owners thereof, for the term of nine months, and if within that time, no claim be made for the same, the said collector shall procure an inventory of the said goods, and an appraisement thereof, to be made and to be verified on oath or affirmation by two or more reputable merchants before the said collector, and to remain with him; and said collector shall afterwards cause the said goods to be sold at public auction (previously causing the same to be advertised in one or more of the public newspapers, printed at or nearest to the port or place, where the sale is to be, for the space of one month) and retaining the duties thereon agreeably to such inventory and appraisement, and all charges thereon, shall pay the overplus, if any there be, into the treasury of the United States, there to remain for the use of the owner or owners, who shall, upon due proof of his, her, or their property, be entitled to receive the same; for which purpose the collector shall transmit with the said overplus a copy of the inventory, appraisement, and account of sales, specifying the marks, numbers, and descriptions of the packages sold, their contents, the name of the vessel and master, in which, and of the port or place from whence they were imported, and the time when, and the name of the person, or persons to whom the said goods were consigned in the manifest; and the receipt or certificate of the collector shall exonerate the master or person having the charge or command of any ship or vessel, in which such goods, wares and merchandise were imported, from all claim of the owner or owners thereof: *Provided*, that nothing herein contained shall be understood to prohibit the sale of such quantities of goods, stored as aforesaid, as may be necessary to discharge the duties thereon, at the time or times, when such duties shall become due and payable. *And provided*, that where any entry shall have been duly made of such goods, the same shall not be appraised; and that where such goods are of a perishable nature, they shall be sold forthwith: *Provided further*, that the said limitation of fifteen days shall not extend to ships or vessels laden with salt or coal; but if the said master or owner of any such ship or vessel, so laden with salt or coal, requires a longer time to discharge her cargo, the wages, or compensation of the inspector, for every day's attendance, exceeding the said fifteen days, shall be paid by the said master or owner—and thereupon, the collector is hereby authorized and required to allow such longer time as in his judgment he may think necessary to discharge such cargo, not exceeding fifteen days. And if by reason of the delivery of the cargo, in several districts, more than the said term of fifteen working days shall in the whole be spent therein, the wages or compensation of the inspector or inspectors who may be employed on board of any ship or vessel, in respect to which such term may be so exceeded, shall, for every day of such excess, be paid by the said master or owner; and it shall be the duty of such inspectors, previously to the clearance of such ship or vessel, to render an exact account to the collector, of all such compensations as shall have been paid, or shall be due and payable by such master or owner.

The overplus, after the duties and charges are retained, to be paid into the Treasury.

Provisoos.

Wages of inspectors, exceeding fifteen days, to be paid by the master or owner.

SEC. 57. *And be it further enacted*, That if any package whatever, which shall have been reported as aforesaid, shall be wanting, and not found on board such ship or vessel, or if the goods, wares and merchandise, on board such ship or vessel, shall otherwise not agree with the report or manifest delivered by the master or other person having the charge or command of any such ship or vessel, in every such case the master, or other person having such charge or command, shall forfeit and pay the sum of five hundred dollars: *Provided nevertheless*, that if it shall be made appear to the satisfaction of the collector, naval officer and surveyor, or to the major part of them, where those officers are established at any port, or to the satisfaction of the collector alone, where neither of the said others is established, or, in case of trial for the said penalty, to the satisfaction of the court, that no part whatever of the goods, wares or merchandise of such ship or vessel has been unshipped, landed or unladen since it was taken on board, except as shall have been specified in the said report, or manifest, and pursuant to permits as aforesaid, or that the said disagreement is by accident or mistake, in such case the penalty aforesaid shall not be inflicted; but in all cases as aforesaid the master, or person having the charge or command of any ship or vessel, shall be required and shall make a post entry or addition to the report or manifest by him delivered, of any and all goods, wares or merchandise omitted to be included and reported in such manifest; and it shall not be lawful to grant a permit to unlade any such goods, wares or merchandise so omitted, before such post entry, or addition to such report or manifest, has been made.

Penalty on the master, when the cargo does not agree with the report or manifest.

Post entry to be made in such cases.

SEC. 58. *And be it further enacted*, That the following allowances shall be made for the drafts and tare of the articles subject to duty, by weight, on the importation and exportation thereof, that is to say—for draft on any quantity of one hundred weight, or one hundred and twelve pounds, one pound; on any quantity above one and not exceeding two hundred weight, two pounds; on any quantity above two and not exceeding three hundred weight, three pounds; on any quantity above three and not exceeding ten hundred weight, four pounds; on any quantity above ten and not exceeding eighteen hundred weight, seven pounds; on any quantity above eighteen hundred weight, nine pounds.

Allowances for draft,

For tare on every whole chest of bohea tea, seventy pounds; on every half chest, thirty-six pounds; on every quarter chest, twenty pounds; on every chest of hyson or other green teas, the gross weight of which shall be seventy pounds, or upwards, twenty pounds; on every box of other tea, not less than fifty, or more than seventy pounds, gross, eighteen pounds; if eighty pounds gross, twenty pounds; and from eighty pounds gross and upwards, twenty-two pounds; which tares shall include rope, canvas and other coverings; on all other boxes of tea, according to the invoice or actual weight thereof; on coffee in bags, two per cent; in bales, three per cent; in casks, twelve per cent; on sugar other than loaf sugar in casks, twelve per cent; in boxes, fifteen per cent; in bags or mats, five per cent; on cocoa in casks, ten per cent; in bags, one per cent; on pimento in casks, sixteen per cent; in bags, three per cent; on cheese in hampers or baskets, ten per cent; in boxes, twenty per cent; on candles, in boxes, eight per cent; on chocolate, in boxes, ten per cent; on cotton, in bales, two per cent; in seroons, six per cent; on glauber salts in casks, eight per cent; on indigo in barrels, twelve per cent; in other casks, fifteen per cent; in seroons, ten per cent; in bags or mats, three per cent; on nails in casks, eight per cent; on pepper in casks, twelve per cent; in bales, five per cent; in bags, two per cent; sugar candy in boxes, ten per cent; segars in casks or boxes, eighteen per cent; soap in boxes, ten per cent: shot in casks, three per cent; twine in casks, twelve per cent; in bales, three per cent; on all other goods according to the invoice thereof, or actual weight—*Provided al-*

and for tare.

ways, that where the original invoices of any of the said articles are produced, at the time of making entry for such articles, and the tare or tares appear therein, it shall be lawful for the collector and naval officer, (where there is one,) if they see fit, with the consent of the importer or importers, consignee or consignees, to estimate the said tare or tares, according to such invoice, but if not determined at the time of entry, the tare or tares as above shall be granted and allowed.

Allowance for leakage and breakage.

SEC. 59. *And be it further enacted*, That there be an allowance of two per cent, for leakage, on the quantity which shall appear by the gauge to be contained in any cask of liquors, subject to duty by the gallon; and ten per cent. on all beer, ale and porter in bottles, and five per cent. on all other liquors in bottles, to be deducted from the invoice quantity, in lieu of breakage, or it shall be lawful to compute the duties on the actual quantity to be ascertained by tale at the option of the importer, to be made at the time of entry.

Vessels arriving in distress at ports, to which they are not bound, may be unloaded free from duty.

SEC. 60. *And be it further enacted*, That if any ship or vessel from any foreign port or place, compelled by distress of weather, or other necessity, shall put into any port or place of the United States, not being destined for the same, and if the master, or other person having the charge or command of any such ship or vessel, together with the mate or person next in command, shall, within twenty-four hours after her arrival, make protest in the usual form upon oath or affirmation, before a notary public or other person duly authorized, or before the collector of the district, where the said ship or vessel shall so arrive, who is hereby empowered to administer the same, setting forth the cause, or circumstance of such distress, or necessity, which protest, if not made before the collector, shall be produced to him, and to the naval officer (if any there be) and a copy thereof lodged with him or them. And the master, or other person aforesaid, shall also, within forty-eight hours after such arrival, make report in writing to the said collector, of the said ship or vessel and her cargo; as is directed hereby to be done in other cases. And if it shall be made appear to the said collector, by the certificate of the wardens of the port, or other officers usually charged with, and accustomed to ascertain the condition of ships or vessels arriving in distress, if any such there be, or by the certificate of any two reputable merchants, to be named for that purpose by the said collector, if no such wardens, or other officers duly qualified there be, that there is a necessity for unloading the said ship or vessel, the said collector and naval officer (where any) shall grant a permit for that purpose, and shall appoint an inspector or inspectors to oversee such unloading, who shall keep an account of the same, to be compared with the report made by the master, or other person having the charge or command of such ship or vessel: and all goods, wares and merchandise so unladen, shall be stored under the direction of the said collector, who, upon request of the master or person having the charge or command of such ship or vessel, or of the owner or owners thereof, shall, together with the naval officer, where there is one, and alone where there is none, grant permission to dispose of such part of the said cargo as may be of a perishable nature (if any there be) or as may be necessary to defray the expenses attending such ship or vessel, and her cargo: *Provided*, that entry shall be made therefor, and the duties thereon as in other cases shall be first paid, or secured to be paid: *And provided*, that in case the delivery of the cargo do not agree with the report thereof, made by the master or other person having the charge or command of such ship or vessel, and if the difference, or disagreement be not satisfactorily accounted for in manner prescribed by this act, the master, or other person having the charge or command of such ship or vessel, shall be liable to such penalties as in other like cases are by this act prescribed. And the said goods, wares and merchandise, or the remainder

Cargo to be stored.

Part of the cargo may be sold.

Penalty on a variance between the delivery and report.

thereof, which shall not be disposed of as aforesaid, may afterwards be reladen on board the said ship or vessel, under the inspection of the officer who superintended the landing thereof, or other proper person; and the said ship or vessel may proceed with the same to the place of her destination, free from any other charge than for the storing and safe-keeping of the said goods, and fees to the officers of the customs as in other cases.

The cargo may be reladen.

SEC. 61. *And be it further enacted*, That the ad valorem rates of duty upon goods, wares and merchandise at the place of importation, shall be estimated by adding twenty per cent. to the actual costs thereof, if imported from the Cape of Good Hope, or from any place beyond the same; and ten per cent. on the actual cost thereof, if imported from any other place, or country, including all charges, commissions, outside packages and insurance only excepted.

Mode of estimating ad valorem rates of duty.

That all foreign coins and currencies shall be estimated at the following rates: each pound sterling of Great Britain, at four dollars and forty-four cents; each livre tournois of France at eighteen and a half cents; each florin or guilder of the United Netherlands, at forty cents; each mark banco of Hamburg, at thirty-three and one third cents; each rix dollar of Denmark, at one hundred cents; each rial of plate and each rial of vellon of Spain, the former at ten cents, the latter at five cents each; each milree of Portugal, at one dollar and twenty-four cents; each pound sterling of Ireland, at four dollars and ten cents; each tale of China, at one dollar and forty-eight cents; each pagoda of India, at one dollar and ninety-four cents; each rupee of Bengal, at fifty-five cents and one half; and all other denominations of money, in value, as nearly as may be to the said rates, or the intrinsic value thereof, compared with money of the United States: *Provided*, that it shall be lawful for the President of the United States, to cause to be established fit and proper regulations for estimating the duties on goods, wares and merchandise imported into the United States, in respect to which the original cost shall be exhibited in a depreciated currency, issued and circulated under authority of any foreign government.

Estimation of foreign coins and currencies.

SEC. 62. *And be it further enacted*, That all duties on goods, wares or merchandise imported, shall be paid or secured to be paid, before a permit shall be granted for landing the same; and where the amount of such duty on goods imported in any ship or vessel, on account of one person only, or of several persons jointly interested, shall not exceed fifty dollars, the same shall be immediately paid, and if it exceed that sum, shall, at the option of the importer or importers, be paid or secured to be paid by bond, if on articles the produce of the West-Indies (salt excepted) the one half in three, and the other half in six calendar months; on salt in nine calendar months; on Madeira and all other wines, in twelve calendar months; on all goods, wares or merchandise (other than wines, salt and teas imported from Europe) one third in eight, one third in ten, and one third in twelve calendar months; and all goods, wares and merchandise, other than wines, salt and teas, imported from any other place than Europe and the West-Indies, one half in six months, one quarter in nine months, and the other quarter in twelve months from the date of each respective importation; which bond or bonds shall include one or more sureties, to the satisfaction of the collector of the district where the said duties shall accrue; and on teas imported from China or Europe, it shall be at the option of the importer or importers (to be determined at the time of making entry therefor) either to secure the duties thereon, on the same terms and stipulations as on other goods, wares and merchandise imported, or to give his or her, or their bond to the collector of the district, where any such teas shall be landed, in double the amount of the duties thereupon, with condition for the payment of the said duties in two years, from the date of such

Duties to be paid or secured before goods are landed.

Terms of credit for duties.

Particular provision respecting teas imported from China or Europe.

Teas imported
from China.

bond; which bond shall be accepted by such collector without surety upon the terms following, that is to say: the teas, for the duties whereof such bond shall be accepted, shall be deposited at the expense and risk of the said importer or importers, in one or more storehouse or storehouses, as the case may require, to be agreed upon between the said importer and the inspector, or other officer of inspection of the revenue, for the port where the said teas shall be landed; and upon every such storehouse, the said inspector, or officer of inspection, shall cause to be affixed two locks, the key of one of which locks shall be kept by such importer, his or her agent, and the key of the other of which locks shall be kept by such inspector, or by such other person as he shall depute or appoint in his behalf, whose duty it shall be to attend at all reasonable times, for the purpose of delivering the said teas out of the said storehouse or storehouses; but no delivery shall be made of any of the said teas without a permit in writing, under the hand of the collector of the port and naval officer of the same, where such tea is landed; and in order to the obtaining of such permit, it shall be necessary that the duties upon the teas, for which the same shall be required, be first paid or secured to be paid to the said collector in the manner following; that is to say: the said party or parties shall give bond with one or more surety or sureties to the satisfaction of the said collector, in double the amount of the duties upon the quantity of teas in each case to be delivered, with condition for the payment of the said duties, if the same shall not exceed one hundred dollars, in four months; if it shall exceed one hundred dollars, and not exceed five hundred dollars, in eight months; or if the same shall exceed five hundred dollars, in twelve months: *Provided always*, that the time to be allowed for the payment of the duties upon any parcel of teas to be delivered, shall not be such as to extend the credit for such duties beyond the term of two years, originally allowed upon the depositing of the said teas: *And provided*, that if the duties on any parcel of teas, which shall have been deposited as aforesaid, shall not have been paid, or secured to be paid, in manner last specified, within the term of two years, according to the condition of the obligation, to be first given to the collector of the district within which the same shall have been landed, it shall be the duty of the said collector to cause so much of the said teas as may be necessary, to be sold at public auction, and retaining the sum which shall not have been so paid or secured to be paid of the said duties, together with the expenses of safe-keeping and sale of the said teas, shall return the overplus, if any, to the owner, or owners thereof, his, her, or their agent or lawful representative; and the amount of each bond or bonds, taken for the duties on any teas delivered, after a deposit as aforesaid, shall be endorsed immediately on the original bond given by the importer or importers of the said teas, specifying the date, quantity and quality of the teas delivered, the amount of duty secured thereon, by whom, and the term of payment. *And provided*, that it shall be lawful for the collector, in lieu of sureties, as required on any bond given for securing the duties on any goods, wares and merchandise imported, to accept of a deposit of so much of the said goods, as shall in his judgment be sufficient security for the amount of the duties for which the bond shall have been given, and the charge of safe-keeping and sale of the goods so deposited, which shall be kept by the said collector, with due and reasonable care, at the expense and risk of the party or parties on whose account they have been so deposited, until the sum specified in such bond shall have become due; at which time, if such sum shall not be paid, so much of the said deposited goods as may be necessary, shall be sold at public sale, and the proceeds thereof, after deducting the charges of safe-keeping and sale thereof, shall be applied to the payment of such sum, rendering the overplus arising on such sale, and the residue of the goods so deposited,

The collector
may receive a
deposit of goods
in lieu of sure-
ties.

if any there be, to the person or persons by whom such deposit shall have been made, or to his, her, or their agent, or lawful representative: and all bonds directed to be given by virtue of this, or any other act, for monies or duties to be paid, or services to be performed for the United States, shall be taken in the name of the United States of America: *Provided nevertheless*, that no person whose bond has been received, either as principal or surety for the payment of duties, or for whom any bond has been given by an agent, factor or other person, in pursuance of the provisions herein contained, and which bond may be due and unsatisfied, shall be allowed a future credit for duties until such bond be fully paid or discharged. And to prevent frauds arising from collusive transfers, it is hereby declared, that all goods, wares or merchandise imported into the United States, shall, for the purposes of this act, be deemed and held to be the property of the persons to whom the said goods, wares or merchandise may be consigned, any sale, transfer or assignment, prior to the entry and payment or securing the payment of the duties on the said goods, wares and merchandise, and the payment of all bonds then due and unsatisfied by the said consignee, to the contrary notwithstanding. And the form of the bond to be taken for securing the payment of duties shall be as follows:

Bonds to be taken in the name of the U. States of America.

Debtors to the revenue not to receive a new credit.

Consignee to be considered as the owner.

Form of bond for securing duties.

Know all men by these presents, that we (here insert the name of the importer or consignee, or if by an agent the name of such agent, and of the importers or consignees and the sureties, their place of abode and occupation) are held and firmly bound unto the United States of America, in the sum of _____ to be paid to the said United States; for payment whereof, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents; sealed with our seals; dated this _____ day of _____ in the _____ year of the independence of the said United States, and in the year of our Lord, one thousand _____

The condition of this obligation is such, that if the above bounden (here insert the principal or agent for such principal and the sureties) or either of them, or either of their heirs, executors or administrators, shall, and do, on or before the _____ day of _____ next, well and truly pay or cause to be paid, unto the collector of the customs for the district of _____ for the time being, the sum of _____ or the amount of the duties to be ascertained as due, and arising on certain goods, wares and merchandise, entered by the above bounden (insert the name of the importer or consignee, or agent for such importer or consignee) as imported in the _____ master from _____ as per entry, dated _____ then the above obligation to be void, otherwise to remain in full force and virtue.

Sealed and delivered }
in the presence of }

SEC. 63. *And be it further enacted*, That the duties imposed by law on the tonnage of any ship or vessel shall be paid to the collector, at the time of making entry of such ship or vessel; and it shall not be lawful to grant any permit or to unlade any goods, wares or merchandise whatever from such ship or vessel, until the said tonnage duty is first paid:— And the register, or other document in lieu thereof, together with the clearance and other papers, granted by the officers of the customs to such ship or vessel at her departure from the port or place from whence she may have arrived (Mediterranean passports excepted) shall previous to such entry be produced to the collector, with whom such entry is to be made, and shall remain in his office; and on the clearance of such ship or vessel, the register and other documents shall be returned to the master or owner of such ship or vessel.

Tonnage duties to be paid on making entry, &c.

Certain ship's papers to be lodged with the collector on making entry.

SEC. 64. *And be it further enacted*, That to ascertain the tonnage of any ship or vessel, the surveyor or such other person as shall be appointed

Mode of ascertaining the tonnage of vessels.

by the collector of the district to measure the same, shall, if the said ship or vessel be double decked, take the length thereof from the fore part of the main stem, to the after part of the stern post, above the upper deck, the breadth thereof at the broadest part above the main wales, half of which breadth shall be accounted the depth of such vessel, and shall then deduct from the length, three fifths of the breadth, multiply the remainder by the breadth, and the product by the depth, and shall divide this last product by ninety-five, the quotient whereof shall be deemed the true contents or tonnage of such ship or vessel. And if such ship or vessel be single decked, the said surveyor or other person, shall take the length and breadth as above directed, in respect to a double decked ship or vessel, shall deduct from the said length three fifths of the breadth, and taking the depth from the under side of the deck plank to the ceiling in the hold, shall multiply and divide, as aforesaid, and the quotient shall be deemed the tonnage of such ship or vessel.

Bonds for duties to be put in suit immediately after they become due.

SEC. 65. *And be it further enacted*, That where any bond for the payment of duties shall not be satisfied on the day it may become due, the collector shall, forthwith and without delay, cause a prosecution to be commenced for the recovery of the money thereon by action or suit at law, in the proper court having cognizance thereof; and in all cases of insolvency, or where any estate in the hands of the executors, administrators or assignees, shall be insufficient to pay all the debts due from the deceased, the debt or debts due to the United States, on any such bond or bonds, shall be first satisfied; and any executor, administrator, or assignees, or other person, who shall pay any debt due by the person or estate from whom, or for which, they are acting, previous to the debt or debts due to the United States from such person or estate being first duly satisfied and paid, shall become answerable in their own person and estate, for the debt or debts so due to the United States, or so much thereof as may remain due and unpaid; and actions or suits at law may be commenced against them for the recovery of the said debt or debts, or so much thereof as may remain due and unpaid, in the proper court having cognizance thereof: *Provided*, that in all cases in which suits or prosecutions shall be commenced for the recovery of duties or pecuniary penalties prescribed by the laws of the United States, the person or persons against whom process may be issued, shall and may be held to special bail, subject to the rules and regulations which prevail in civil suits in which special bail is required: *And provided also*, that if the principal in any bond, which shall be given to the United States for duties on goods, wares or merchandise imported, or other penalty, either by himself, his factor, agent, or other person for him, shall be insolvent, or if such principal being deceased, his, or her estate and effects, which shall come to the hands of his or her executors, administrators or assignees, shall be insufficient for the payment of his or her debts, and if in either of the said cases, any surety on the said bond or bonds, or the executors, administrators or assignees of such surety shall pay to the United States the money due upon such bond or bonds, such surety, his or her executors, administrators or assignees, shall have and enjoy the like advantage, priority or preference for the recovery and receipt of the said monies out of the estate and effects of such insolvent, or deceased principal, as are reserved and secured to the United States; and shall and may bring and maintain a suit or suits upon the said bond or bonds in law or equity, in his, her, or their own name or names, for the recovery of all monies paid thereon. And the cases of insolvency mentioned in this section, shall be deemed to extend as well to cases in which a debtor, not having sufficient property to pay all his or her debts, shall have made a voluntary assignment thereof, for the benefit of his or her creditors, or in which the estate and effects of an absconding, concealed or absent debtor, shall have been attached by process

Such bonds entitled to a priority of satisfaction in case of insolvency, &c.

See ante, pages 263, 515.

In suits for duties or pecuniary penalties, defendant may be held to special bail.

Surety paying bond to have priority, in case of insolvency, &c. of the principal.

Meaning of insolvency.

of law, as to cases in which an act of legal bankruptcy shall have been committed. And where suit shall be instituted on any bond for the recovery of duties due to the United States, it shall be the duty of the court, where the same may be pending, to grant judgment at the return term, upon motion, unless the defendant shall, in open court, the United States attorney being present, make oath or affirmation that an error has been committed in the liquidation of the duties demanded upon such bond, specifying the errors alleged to have been committed, and that the same have been notified in writing to the collector of the district, prior to the commencement of the return term aforesaid: whereupon, if the court be satisfied, that a continuance until the next succeeding term, is necessary for the attainment of justice, and not otherwise, a continuance may be granted until next succeeding term and no longer. And on all bonds upon which suits shall be commenced, an interest shall be allowed at the rate of six per cent. per annum, from the time when said bonds become due, until the payment thereof.

SEC. 66. *And be it further enacted*, That if any goods, wares or merchandise, of which entry shall have been made in the office of a collector, shall not be invoiced according to the actual cost thereof, at the place of exportation, with design to evade the duties thereupon, or any part thereof, all such goods, wares or merchandise, or the value thereof, to be recovered of the person making entry, shall be forfeited; and in every case in which the said collector shall suspect that any such goods, wares or merchandise are not invoiced at a sum equal to that for which they have usually been sold in the place or country from whence they were imported, it shall be the duty of such collector to take the said goods, wares or merchandise into his possession, and retain the same with due and reasonable care, at the risk and expense of the owner or owners, consignee or consignees thereof, until their value at the time and place of importation shall be ascertained, by two reputable merchants, to be chosen and appointed as in the case of damaged goods, or goods not accompanied with an invoice, and until the duties arising, according to such valuation, shall be first paid, or secured to be paid, as required by this act in other cases of importation: *Provided*, that in case of a prosecution for the forfeiture aforesaid, such appraisement shall not be construed to exclude other proof upon the trial, of the actual and real cost of the said goods at the place of exportation.

SEC. 67. *And be it further enacted*, That it shall be lawful for the collector, naval officer, or other officer of the customs, after entry made of any goods, wares or merchandise, on suspicion of fraud, to open and examine, in the presence of two or more reputable merchants, any package, or packages thereof, and if upon examination they shall be found to agree with the entries, the officer making such seizure and examination, shall cause the same to be repacked and delivered to the owner or claimant forthwith; and the expense of such examination shall be paid by the said collector, or other officer, and allowed in the settlement of their accounts; but if any of the packages so examined shall be found to differ in their contents from the entry, then the goods, wares or merchandise contained in such package or packages shall be forfeited: *Provided*, that the said forfeiture shall not be incurred, if it shall be made appear to the satisfaction of the collector and naval officer of the district where the same shall happen, if there be a naval officer, and if there be no naval officer, to the satisfaction of the said collector, or of the court in which a prosecution for the forfeiture shall be had, that such difference proceeded from accident or mistake, and not from an intention to defraud the revenue.

SEC. 68. *And be it further enacted*, That every collector, naval officer and surveyor, or other person specially appointed by either of them for that purpose, shall have full power and authority to enter any ship or

Judgment for duties to be rendered at the first term.

Interest to be allowed upon bonds.

Goods entered with a fraudulent invoice to be forfeited.

In case of suspicion thereof the goods shall be taken into possession by the collector; and proceedings thereupon.

See Wood v. United States, 16 Peters, 342.

Officers of the customs may open packages, on suspecting fraud.

They may search suspected places for goods.

vessel, in which they shall have reason to suspect any goods, wares or merchandise, subject to duty, are concealed, and therein to search for, seize, and secure any such goods, wares or merchandise; and if they shall have cause to suspect a concealment thereof in any particular dwelling-house, store, building, or other place, they or either of them shall upon proper application on oath, to any justice of the peace, be entitled to a warrant to enter such house, store, or other place (in the daytime only) and there to search for such goods; and if any shall be found, to seize and secure the same for trial; and all such goods, wares and merchandise, on which the duties shall not have been paid, or secured to be paid, shall be forfeited.

Collector to have the custody of goods seized.

Penalty on buying or concealing goods liable to seizure.

Officers of the customs may make seizure out of their district.

They may plead the general issue.

Double costs.

Onus probandi to lie upon the claimant.

See Wood v. United States, 16 Peters, 342.

Penalty on resisting officers of the customs.

Special proviso as to the onus probandi.

2 h. 5.

Weighters, &c. to make returns in three days.

SEC. 69. *And be it further enacted*, That all goods, wares or merchandise which shall be seized by virtue of this act, shall be put into, and remain in the custody of the collector, or such other person as he shall appoint for that purpose, until such proceedings shall be had as by this act are required, to ascertain whether the same have been forfeited, or not; and if it shall be adjudged that they are not forfeited, they shall be forthwith restored to the owner or owners, claimant or claimants thereof; and if any person or persons shall conceal or buy any goods, wares or merchandise, knowing them to be liable to seizure by this act, such person or persons shall on conviction thereof, forfeit and pay a sum double the amount or value of the goods, wares or merchandise so concealed or purchased.

SEC. 70. *And be it further enacted*, That it shall be the duty of the several officers of the customs, to make seizure of, and secure any ship, or vessel, goods, wares or merchandise which shall be liable to seizure by virtue of this or any other act of the United States, respecting the revenue, which is now, or may hereafter be enacted, as well without as within their respective districts.

SEC. 71. *And be it further enacted*, That if any officer or other person, executing or aiding or assisting in the seizure of goods, shall be sued or molested for any thing done in virtue of the powers given by this act, or by virtue of a warrant granted by any judge, or justice, pursuant to law, such officer or other person may plead the general issue, and give this act and the special matter in evidence; and if in such suit the plaintiff is nonsuited, or judgment pass against him, the defendant shall recover double costs; and in actions, suits or informations to be brought, where any seizure shall be made pursuant to this act, if the property be claimed by any person, in every such case the *onus probandi* shall lie upon such claimant. And if any person shall forcibly resist, prevent, or impede any officer of the customs or their deputies, or any person assisting them, in the execution of their duty, such person so offending, shall for every such offence, be fined in a sum not exceeding four hundred dollars. And if any master, or other person having the charge or command of any ship or vessel coming into, or arriving at any port or place within the United States, shall obstruct or hinder, or shall be the cause or means of any obstruction or hindrance with such an intent, to any officer of the customs or revenue, in going on board such ship or vessel, for the purpose of carrying into effect any of the revenue laws of the United States, he shall forfeit for every such offence a sum not exceeding five hundred dollars, nor less than fifty dollars; but the *onus probandi* shall lie on the claimant only where probable cause is shown for such prosecution, to be judged of by the court before whom the prosecution is had.

SEC. 72. *And be it further enacted*, That the weighers, gaugers, and measurers, employed in the service of the revenue, shall, within three days after any vessel is discharged, make returns of the articles by them respectively weighed, gauged or measured, out of such vessel. And the

form of the return to be made by the weighers respectively, shall be as follows:

Return of (here insert the number of packages and contents) weighed from on board the (here insert the denomination and name of the vessel) whereof (insert the name) is master, from (insert the port or place from which arrived.)

Form of weigher's return.

Date of vessel's entry.	To whom consigned as per permit.	Marks.	Numbers.	Packages.	Contents and quality.	Weight.	Tare as allowed by law.	Tare as marked on the packages.	Amount of drafts.

District of
Port of

A. B., Weigher.

And the form of the return to be made by the gaugers respectively shall be as follows:

Return of (here insert the number of casks and packages) gauged from on board the (here insert the denomination and name of the vessel) whereof (insert the name) is master, from (insert the port or place from which arrived.)

Form of gauger's return.

Date of vessel's entry.	To whom consigned as per permit.	Marks.	Numbers.	Casks or packages.	Contents and quality as marked by the inspector of the revenue.	Gauge.	Wantage.	What casks empty or taken to fill up others.

District of
Port of

C. D., Gauger.

And the form of the return to be made by the measurers respectively, shall be as follows:

Return of the (here insert salt or coal as the case may be) measured from on board the (here insert the denomination and name of the vessel) whereof (insert the name) is master, from (insert the port or place from which arrived.)

Form of measurer's return.

Date of vessel's entry.	To whom consigned per permit.	Number of bushels in words at length.	Quality, whether salt or coal.	Average weight of salt per bushel.

District of
Port of

E. F., Measurer.

And the said returns shall be made by the weighers, gaugers and measurers, in books to be prepared by them for that purpose, and kept in the custom houses.

Tables of fees and duties to be fixed up.

Receipts to be given for fees.

Penalty on officer of the customs taking unlawful fees.

Penalty on public gaugers, &c. in certain districts gauging, &c. for private persons, or making returns without having actually gauged, &c.

1826, ch. 82.

Penalty on inspectors, &c. neglecting their duty with respect to drawbacks.

In what monies the duties are to be paid.

Rates of foreign coins.

1793, ch. 43.
1801, ch. 76.

Proviso.

Drawback of duties to be allowed on exportation.

SEC. 73. *And be it further enacted*, That every collector, naval officer and surveyor, shall cause to be affixed, and constantly kept in some public and conspicuous place of his office, a fair table of the rates of fees and duties demandable by law, and shall give a receipt for the fees he shall receive, specifying the particulars whenever required so to do; and in case of failure therein, shall forfeit and pay one hundred dollars, to be recovered with costs, in any proper court having cognizance thereof, to the use of the informer; and if any officer of the customs shall demand or receive any greater, or other fee, compensation or reward, for executing any duty or service required of him by law, he shall forfeit and pay two hundred dollars for each offence, recoverable in manner aforesaid, for the use of the party aggrieved. And if any inspector, gauger, weigher or measurer, shall receive any gratuity, fee or reward for any services performed by virtue of this act, other than is by law allowed, or if any gauger, weigher or measurer, employed as such by the public, in the districts of Portsmouth, Salem and Beverly, Boston and Charlestown, Providence, New York, Philadelphia, Baltimore, Norfolk and Portsmouth, or Charleston, shall gauge, weigh or measure, any article or articles other than shall be directed by the proper officer in order to ascertain the duties to be received, or the drawbacks to be allowed thereon, or shall make a return of the weight, gauge or measure of any merchandise laden, or to be laden, on board any ship or vessel for the benefit of drawback upon exportation, without having actually weighed, gauged or measured the same, as the case may require, after such merchandise shall have been notified to the collector and entered for exportation, they shall for the first offence forfeit and pay the sum of fifty dollars, and for the second offence shall forfeit two hundred dollars, and be discharged from the public service; and if any inspector or other officer of the customs shall certify the shipment of any merchandise entitled to drawback on exportation, without having duly inspected and examined the same, after he shall have received the permit for lading such merchandise, or, if the amount of such drawback shall be estimated according to weight, gauge or measure, until such merchandise shall be first weighed, gauged or measured, as the case may require, he shall be subject to the like forfeitures, and be discharged from the public service.

SEC. 74. *And be it further enacted*, That all duties and fees to be collected shall be payable in money of the United States, or in foreign gold and silver coins, at the following rates; that is to say: The gold coins of Great Britain and Portugal of the standard prior to the year one thousand seven hundred and ninety-two, at the rate of one hundred cents for every twenty-seven grains of the actual weight thereof; the gold coins of France, Spain and the dominions of Spain, of the standard prior to the year one thousand seven hundred and ninety-two, at the rate of one hundred cents for every twenty-seven grains and two fifths of a grain of the actual weight thereof; Spanish milled dollars at the rate of one hundred cents for each dollar, the actual weight whereof shall not be less than seventeen pennyweights and seven grains, and in proportion for the parts of a dollar; crowns of France at the rate of one hundred and ten cents for each crown, the actual weight whereof shall not be less than eighteen pennyweights and seventeen grains, and in proportion for the parts of a crown. *Provided*, that no foreign coins shall be receivable which are not by law a tender for the payment of all debts, except in consequence of a proclamation of the President of the United States, authorizing such foreign coins to be received in payment of the duties and fees aforesaid.

SEC. 75. *And be it further enacted*, That a drawback of duties, as prescribed by law shall be allowed and paid on all goods, wares or merchandise imported into the United States, in respect to all such goods,

wares and merchandise, whereupon the duties shall have been paid, or secured to be paid, as, within twelve calendar months after payment made, or security given, shall be exported to any foreign port or place, other than the dominions of any foreign state immediately adjoining to the United States, either from the district of original importation, or from certain other districts; and all duties, drawbacks and allowances which shall be payable, or allowable, on any specific quantity of goods, wares, or merchandise, shall be deemed to apply in proportion to any greater or lesser quantity: *Provided*, that no goods, wares and merchandise imported, shall be entitled to a drawback of the duties paid, or to be secured thereon, unless the duties so paid or secured thereon shall amount to fifty dollars at least; nor unless they shall be exported in the original casks, cases, chests, boxes, trunks or other packages, in which they were imported, without diminution or change of the articles which were therein contained, at the time of importation, in quantity, quality or value, necessary or unavoidable wastage or damage only excepted: *Provided always*, that it shall be lawful for the exporter, or exporters of any liquors in casks, coffee in casks or other packages, cocoa in casks or other packages, or any unrefined sugars, to fill up the casks or packages out of other casks or packages included in the same original importation, or into new casks, or packages corresponding therewith, to be marked and numbered as the original casks or packages, in case the original casks or packages shall, in the opinion of the officer appointed to examine the same, be so injured as to be rendered unfit for exportation, and in no other case: *Provided further*, that the filling up or change of package be done under the inspection of a proper officer, appointed for that purpose by the collector and naval officer, where any, of the port or place, from which such liquors, coffee, or unrefined sugars are intended to be exported; and the drawback on articles so filled up, or of which the packages have been changed, shall not be allowed without such inspection.

Drawback of duties to be allowed on exportation.

And where articles are imported in bulk, they shall be exported in the packages, if any, in which they were landed; for which purpose the officer delivering the same, shall return the packages they may be put into, if any, with their marks and numbers, and they shall not be entitled to drawback, unless exported in such packages, which shall be deemed the packages of original importation, nor unless they fully agree with the return made by the said officer; and in respect to distilled spirits, wines, or teas, the certificates issued by the inspector of the revenue for such spirits, wines, or teas, shall be given up, and the drawback shall not be allowed on any such spirits, wines or teas, as do not agree on examination with the certificates so given up.

SEC. 76. *And be it further enacted*, That in order to entitle the exporter or exporters of any goods, wares or merchandise to the benefit of the said drawback, or allowances, he or she shall, previous to putting or lading the same on board of any ship or vessel for exportation, give twenty-four hours notice at least to the collector of the district from which the same are about to be exported, of his, her, or their intention to export the same (unless in the case of distilled spirits, when six hours notice shall be deemed sufficient) and shall make entry in writing of the particulars thereof, and of the casks, cases, chests, boxes and other packages or parcels containing the same, or of which the same shall consist, and of their respective marks, numbers, and contents, and if imported articles, the name of the ship or vessel and master's name in which the person or persons, for or by whom and the place or places from which they were imported, also the district into which the said goods, wares or merchandise were imported, if other than the district from which they are intended to be exported. And the form of the said entry shall be as follows:

Duty of the person exporting for benefit of drawback.

1821, ch. 98.

Form of the entry for drawback.

Entry of merchandise intended to be exported by (here insert the name or names) on board of the (insert the denomination and name of the vessel) whereof (insert the name of the master) is master, for (insert the port or place to which destined) for the benefit of drawback, which were imported into the district of (insert the district of original importation) on the (insert the date of importation) by (insert the name of the importer) in the (insert the denomination and name of the vessel) from (insert the foreign port or place whence they were imported) and brought into the district on the (insert the date of the vessels entry) in the (insert the denomination and name of the vessel and master) from (insert the port from whence they arrived.)

Marks.	Numbers.	Packages and contents.	Net cost of ad valorem articles as having paid duties.	Weight or gauge.	Tare and draft, or allowance for leakage.

Oath to be made.

And in respect to the said imported articles, proof shall be made to the satisfaction of the collector and naval officer, where there is any naval officer, by the oath of the person or persons (including the exporter or exporters) through whose hands the said articles shall have passed, according to the best of their knowledge and belief, respecting the due importation of the said articles according to law, and in conformity to such notice of their identity, and of the payment, or securing the payment of the duties thereupon: *Provided*, that if through actual sickness or absence of the importer or other person, through whose hands the said goods, wares or merchandise intended to be so exported may have passed, and not otherwise, the proof required of them, or either of them, shall and may be accepted of from their known agent, factor, or the person who usually transacts their business: And the said collector shall direct the surveyor, where any, to inspect or cause to be inspected the goods, wares or merchandise so notified for exportation, and if they shall be found to correspond fully with the notice and proof concerning the same, the said collector, together with the naval officer, if any there be, shall grant a permit for lading the same on board of the ship or vessel named in such notice and entry, as aforesaid; which lading shall be performed under the superintendence of the officer by whom the same shall have been so inspected; and the said exporter or exporters shall likewise make oath that the said goods, so noticed for exportation, and laden on board such ship or vessel, previous to the clearance thereof, or within ten days after such clearance, are truly intended to be exported to the place whereof notice shall have been given, and are not intended to be relanded within the United States, otherwise the said goods, wares and merchandise shall not be entitled to the benefit of drawback.

Goods notified for exportation, to be inspected, &c.

Manner of lading.

Further oath.

And the form of the direction to the surveyor of the port, where any, or to the officer who may inspect the said goods: and the permit for lading the said goods for exportation, shall be as follows:

District of

Port of

Form of the direction to inspect the goods, and permit to be laden.

The surveyor will cause the articles specified in [insert the name of the person making entry] entry to be examined, and if found to agree exactly therewith, will have them [weighed, gauged, or measured, as the case may require] and then permit the same to be laden on board the [insert the denomination and name of the vessel, and the master's name] master, for [insert the port of destination] for benefit of drawback.

A. B. Collector.

C. D. Naval Officer.

To the surveyor of the port of

And in cases where the persons making entry, as aforesaid, are the persons by whom the goods, wares or merchandise, intended to be exported, were originally imported into the United States, the said entry shall, after the lading of the said goods, be verified in manner following, to wit:

Form of verifying the entry.

I (insert the name) do solemnly, sincerely and truly swear (or affirm) that the articles specified in the above, or annexed entry, were imported by me (or consigned to me, as the case may be) in the (insert the denomination and name of the vessel) whereof (insert the name) was master, from (insert the name of the port or place where from) that they were duly entered by me, at the custom-house of this port, and the duties paid (or secured to be paid thereon, as the case may be) that they are the same in quantity, quality, package (and value, if articles paying an ad valorem duty) as at the time of importation, necessary or unavoidable wastage or damage only excepted, and are now actually laden on board the (insert denomination and name of the vessel) whereof (insert the name) is master; and that they are truly intended to be exported by me in the said vessel, to the port of (insert the name of the port or place) and are not intended to be reloaded within the limits of the United States. So help me God.

Oath of importer when exporting.

And the oath or affirmation to be taken by the importer, when goods are sold, to be exported by another person, shall be as follows:

I (insert the name) do solemnly, sincerely and truly swear (or affirm) that the articles specified in the above or annexed entry, as imported by (or consigned to me, as the case may be) were truly imported by or consigned to me, in the (insert denomination or name of the vessel) whereof (insert the name) is master, from (insert the port or place) that they were duly entered by me at the custom-house of

Oath of importer when goods are to be exported by another person.

and the duties thereon paid (or secured to be paid, as the case may be) that they were the same in quantity, quality, package, necessary or unavoidable wastage or damage only excepted (and value, if articles paying an ad valorem duty) at the time of sale or delivery to (insert the name of the person or persons to whom sold or destined) as at the time of importation. So help me God.

And the oath or affirmation to be taken, where goods are exported by a person, other than the importer, shall be as follows:

I (insert the name) do solemnly, sincerely and truly swear (or affirm) that the articles specified in the above or annexed entry, were purchased by me, of (insert the name of the person or persons from whom purchased) that they are now actually laden on board of the (insert the denomination and name of the vessel) whereof (insert the name) is master, and were at the time of such lading, and are now the same in quantity, quality, package, necessary or unavoidable wastage or damage only excepted (and value, of articles paying an ad valorem duty) as at the time of purchase, that they are truly intended to be exported by me, in the said vessel, to the port of (insert the name of the port or place) and are not intended to be reloaded within the limits of the United States. So help me God.

And the oath or affirmation to be taken by any other person than the importer or exporter of merchandise, who may have bought and sold the same, or in whose possession the same may have been, shall be as follows:

I (insert the name) do solemnly, sincerely and truly swear (or affirm) that the articles of merchandise, specified in this entry, were purchased by me from (insert the name of the person from whom purchased) and were sold by me to (insert the name of the person to whom sold) and that they were not, to the best of my knowledge or belief, altered, or in any respect changed, in quantity, quality, value or package, necessary or unavoidable wastage or damage only excepted, while in my possession, or from the time of said purchase until the time of said sale. So help me God.

SEC. 77. *And be it further enacted,* That the districts from which goods, wares or merchandise may be exported, subject to drawback, be only the districts of original importation, and those ports at which vessels from the Cape of Good Hope, or from any place beyond the same, are permitted to make entry; *Provided nevertheless,* that such goods, wares or merchandise, as are imported into a district other than the one from whence they are to be exported, shall not be entitled to drawback, unless they shall be accompanied with a certificate from the collector of the district, and naval officer of the same, if any there be, into which they were originally imported, specifying the marks, numbers and descriptions of the casks or other packages, with the names of the master and vessel, in which, the time when, and the place from whence they were imported, and where the articles are subject to duty, by weight, measure or gauge, the quantity thereof; and where they are articles subject to duty ad valorem, the net amount of each package, on which duty has been paid or secured to be paid; and in all cases the amount of the duties paid, or secured to be paid thereon, and by whom, and the names of the vessel and master, in which they are shipped from such district, and by whom; and in order to entitle any person to such certificate, he, she or they, shall make out an entry of all such goods, wares and merchandise, specifying the marks, numbers and descriptions of the casks or packages and their contents, the names of the master and vessel in which, the time when, by whom, and the place from which they were imported, the names of the master and vessel in which they are intended to be laden, and district in the United States to which they are destined; and shall moreover prove the truth of such entry, in like manner as is before required, for goods, wares and merchandise, exported from a district of original importation: which requisites being complied with, and the collector and naval officer, if any there be, satisfied therewith, they shall grant such certificate; and such goods, wares or merchandise shall be entered with the collector of the district into which they shall be brought, from the port or place of their original importation, by the person or persons so importing them, or to whom they may be consigned, specifying the names of the master and vessel in which, and the district from whence they are imported, together with the particulars of the packages, their marks, numbers, and their contents, and shall obtain a permit for the same, previous to the landing or unloading thereof; and any goods, wares or merchandise, landed without such entry being made and permit obtained, shall not be entitled to be exported, subject to drawback.

And the form of an entry of goods to be transported coastwise, for the purpose of being exported from another district, for the benefit of drawback, shall be as follows:—

Districts from which goods may be exported subject to drawback.

Certificate to be obtained, where they are exported from a district different from that of importation.

- 1801, ch. 76.
- 1804, ch. 15.
- 1805, ch. 56.

Form of entry for transportation coastwise of goods entitled to drawback.

Entry of merchandise intended to be shipped by (insert the name or names) on board the (insert the denomination and name of vessel) whereof (insert the name) is master, for (insert the port and district where bound) to be exported from thence for the benefit of drawback, which were imported into this district on the (insert the date of the vessel's entry in which they were imported) by (insert the name of the importer) in the (insert the denomination and name of the vessel, and master's name) from (insert the name of the foreign port or place.)

Marks.	Numbers.	Packages and contents.	Cost of articles paying duty ad valorem.	Weight or gauge.	Tare and draft or allowance for leakage.

And the form of a certificate for the transportation coastwise, of goods intended to be exported to another district, to be granted in pursuance of the entry aforesaid, shall be as follows:

District of
Port of

We certify, that the merchandise herein after specified, which are now shipped by _____ on board the _____ of _____ master, bound for the port of _____ were duly imported into this district, on the _____ day of _____ by _____ in the _____ of _____ master, from _____ and the duties thereon paid, or secured to be paid, according to law.

Form of certificate for transportation coastwise of goods entitled to drawback.

Tare allowed.	Marks.	Numbers.	Packages, contents, value and rates of duty collected or secured.	Amount of duties.
			Here insert each package in detail, the contents, quality and value, if articles subject to duties ad valorem, with the rates of duty collected or secured, as the case may require.	

The amount of duties, paid or secured, being _____ dollars.

A. B. Collector.

C. D. Naval Officer.

And the form of an entry for goods arriving coastwise, accompanied with a certificate as aforesaid, for the purpose of obtaining a drawback, shall be as follows:

Entry of merchandise, transported coastwise, for (insert the name or names of the consignee) in the (insert denomination and name of the vessel) whereof (insert the name) is master, from (insert the name of the port or district) for the purpose of being exported from the district of (insert the district in which they are to be unladen) for the benefit of drawback; which were imported in the district of (insert the district of original importation) on the (insert the date of importation) by (insert the importer's name) in the (insert the denomination and name of the vessel, and master's name) from (insert the foreign port or place from whence imported.)

Form of entry at the port of arrival of goods transported coastwise.

Marks.	Numbers.	Packages.	Contents.

And on making the said entry, an oath or affirmation shall be taken, which shall be of the form following, to wit:

I (insert the name) do solemnly, sincerely and truly swear (or affirm) according to the best of my knowledge and belief, that the entry by me subscribed is just and true, that the merchandise therein mentioned have been duly imported and the duties thereupon paid, or secured to be paid, according to law.

Form of oath on making such entry.

And the form of a permit for unlading goods transported coastwise, with a certificate as aforesaid, for the purpose of obtaining a drawback, shall be as follows:

Port of

Permit (insert the name of the person making entry) to land, from on board the (insert denomination and name of vessel, and name of master) master from (insert the port and district from which arrived, and the number of packages and contents, with their marks and numbers, agree-

Permit for unlading goods transported coastwise, for the benefit of drawback.

able to entry) having been brought coastwise from thence, for the purpose of being exported from this district, for the benefit of drawback.

A. B. Collector.

C. D. Naval Officer.

To the surveyor of the port of

At the port of arrival the same formalities are to be observed as if they were exported from the port of original importation.

SEC. 78. *And be it further enacted*, That when any goods, wares or merchandise, subject to drawback, shall be entered for exportation from any other district than the one into which they were originally imported, the person intending to export the same, besides producing the certificate herein before directed, shall give the same notice, and make entry in like manner, and the goods, wares and merchandise, therein expressed, shall undergo the same examination, and shall be laden on board under regulations, in all respects conformable to what is required by law, relative to goods, wares and merchandise entitled to drawback, and intended to be exported from the place of original importation.

Provision for transporting of goods subject to drawback by land conveyance, &c.

SEC. 79. *And be it further enacted*, That all goods, wares and merchandise, duly imported into either of the districts of Philadelphia, New York, and Baltimore, or into the ports of Boston and Providence, which shall be transported in part by water, and in part by land conveyance, from the port of Philadelphia, by the way of Burlington, Bordentown, Lambertown, or New Brunswick and South Amboy, to New York; or from the port of New York, by the way of South Amboy, New Brunswick, or Lambertown, Bordentown, or Burlington, to Philadelphia; or from the port of Philadelphia, by way of Wilmington, Newport, Christiana Bridge, New Castle, Port Penn, or Appoquinimink and Elkton, Frenchtown or Bohemia, to Baltimore; or from the port of Baltimore by the way of Elkton, Bohemia, or Frenchtown, and Port Penn, Appoquinimink, New Castle, Christiana Bridge, Newport, or Wilmington, to Philadelphia, and which being imported into Philadelphia, shall be exported from Baltimore, or New York, or being imported into Baltimore, or New York, shall be exported from Philadelphia, or shall be transported by land conveyance, from Boston to Providence, by the post road, or from Providence to Boston by the same road, and which being imported into Boston, shall be exported from Providence, or being imported into Providence, shall be exported from Boston; shall be entitled to the benefit of a drawback of the duties, upon exportation to any foreign port or place under the same provisions, regulations, restrictions and limitations, as if the said goods, wares and merchandise were transported coastwise from one to another of the said districts, and also upon the conditions following, to wit:—That due entry shall be made with the collector of the district, from which it shall be intended to transport any goods, wares or merchandise, as aforesaid, in like manner as is required in respect to the transportation thereof coastwise, in pursuance of this act; and the said collector shall cause the goods, wares and merchandise, so entered, to be inspected and marked in durable characters, by an officer of the customs, with the name of the said officer, and the date on which such inspection shall be made; and shall grant a permit for the transportation thereof, as aforesaid, therein designating the route, and expressing the marks, numbers and contents of each chest, bale, box or other package, and all other particulars required by this act, to be inserted in a certificate for the transportation coastwise, of goods, entitled to drawback, and shall and may, whenever he may deem the same necessary for the security of the revenue, cause each chest, bale, box or other package, so permitted to be transported, to be secured with proper fastenings or under the seal of his office—and upon the arrival of any goods, wares or merchandise, transported under a permit as aforesaid, and within twenty-four hours thereafter, report and entry shall be made to the collector of the district as in the case of goods transported coastwise, pursuant to this act, at

which time the permit aforesaid shall be surrendered, and the goods, wares or merchandise shall be inspected and compared therewith; and on being found to agree, shall be entitled to drawback, on the exportation thereof to a foreign port or place, and not otherwise. And if any goods, wares or merchandise, so permitted to be transported as aforesaid, shall be transported by any other route, than that expressed in the permit, to be granted as aforesaid, or shall not be accompanied with the said permit, or if due entry shall not be made, at the port of arrival, as above required, and if the permit granted as aforesaid shall not be surrendered, or if the said goods, wares and merchandise shall be unpacked, or the contents, or any part thereof, changed before entry and inspection at the port of arrival, as above required, or if any mark, fastening or seal, placed thereon by direction of any officer of the customs, shall be defaced or broken, in each and every such case, the goods, wares or merchandise in respect to which such omission or wrong doing shall happen, or the value thereof, shall be forfeited and recovered of the person or persons, making default in either of the cases aforesaid.

SEC. 80. *And be it further enacted*, That for all goods, wares, or merchandise, entitled to drawback, which shall be exported from the district into which they were originally imported, the exporter or exporters shall be entitled to receive from the collector of such district, a debenture or debentures, for the amount of the drawback, to which such goods, wares, or merchandise are entitled, payable at the same time or times, respectively, on which the duties on the said goods, wares or merchandise shall become due. And it shall be the duty of the said collector, to discharge such debentures, out of the product of the duties arising on the importation of the goods exported as aforesaid.

Provided, That in respect to any goods, wares or merchandise, on which the whole or any instalment of the duties shall have been paid prior to an entry for exportation, the debenture for the amount of the drawback of such duties as shall have been paid, shall be made payable in fifteen days, to be computed from the time of signing the bond, to be given as herein after directed. *And provided*, that all debentures shall be issued and made payable to the original importer or importers of the goods, wares and merchandise, entered for exportation, whenever the same shall be requested, in writing, by the exporter or exporters, and not otherwise.

And where any goods, wares or merchandise, are exported from any other district than the one into which they were originally imported, it shall be the duty of the collector of such district, together with the naval officer thereof, where there is one, to grant to the exporter or exporters, a certificate, expressing that such goods, wares and merchandise were exported from such district, with the marks, numbers, and descriptions of the packages and their contents, the names of the master and vessel in which, and the port to which they were exported, and by whom, and the names of the vessel and master in which they were brought, and by whom shipped at the district from whence they came, and the amount of the drawback to which they are entitled; and such certificate shall entitle the possessor thereof, to receive from the collector of the district with whom the duties on the said goods were paid, or secured to be paid, a debenture or debentures, for the amount of the drawback expressed in the said certificate, or certificates, payable at the same time, and in like manner as is herein directed for debentures on goods, wares or merchandise, exported from the port or place of original importation: *Provided nevertheless*, that the collector aforesaid may refuse to grant such debenture or debentures, in case it shall appear to him that any error has arisen, or any fraud has been committed; and in case of such refusal, if the debenture or debentures claimed shall exceed one hundred dollars, it shall be the duty of the said collector to represent the case to

Debenture to be issued for the amount of drawback.

Certificate to be given of the exportation of goods from a district other than that of original importation; and debenture to be issued in the district where the duties were paid or secured.

In case of error or fraud, debenture may be refused.

Drawback not to be paid before the duties.

the comptroller of the treasury, who shall determine whether such debenture or debentures shall be granted or not. *And provided always,* that in no case of an exportation of goods shall a drawback be paid, until the duties on the importation thereof shall have been first received.

And the form of a certificate to be granted on the exportation to a foreign port, of goods, wares or merchandise, from a district, other than the district into which such goods were originally imported, shall be as follows:

Form of the certificate.

District of
Port of

We hereby certify, that the merchandise herein after specified, which were imported into the district of _____ on the _____ of _____ by _____ in the _____ of _____ master, from _____ and landed in this district, in the month of _____ out of the _____ of _____ master, from _____ (having been previously entered at this office by _____) have been exported hence by _____ in the _____ belonging to _____ master, bound for _____ having been previously inspected and (weighed, gauged, or measured, as the case may require) and that the said _____ with _____ both of _____ have entered into bond in pursuance of the laws in that case made and provided.

Marks.	Numbers.	Packages, contents, and rates of duties.	Amount of duties.
		Here insert, in detail, the packages exported, their quality, and contents, the value, if articles subject to duties ad valorem, the tare, if articles on which tare is allowed, and the rates of duties.	

Nett amount of drawbacks payable, _____ dollars and _____ cents.

A. B. Collector.
C. D. Naval Officer.

And the form of the debentures, to be issued as aforesaid, shall be as follows:

Form of debenture.

No. _____ District of _____
Debenture for _____ Port of _____

In pursuance of law, I hereby certify, that the sum of (here insert the amount) will be due from the United States of America, payable at this office, to (here insert the name of the exporter, or his known agent or attorney) or order, on the (here insert the time when payable) for drawback of duties on merchandise imported by (here insert the name of the importer and the denomination and name of the vessel in which they were imported) and exported by the said (here insert the name of the exporter.) Provided the duties arising on the importation of the said merchandise shall have been discharged prior to the said time.

A. B. Collector.

Countersigned,
C. D. Naval Officer.

Debentures assignable.

And for the purpose of maintaining the credit of the said debentures, it is hereby declared, that the debentures to be issued as aforesaid, shall be assignable by delivery and endorsement of the parties, who may receive the same; and in all cases where payment shall be refused by the collectors of the districts where the said debentures were granted, in consequence of the non-payment of the duties which accrued on the

importation of the goods for which such debentures were issued, for a longer time than three days after the same shall have been due and payable, said refusal to be proved in the same manner as in the case of non-payment of bills of exchange, it shall be lawful for the possessor or assignee of any debenture, upon which payment has been refused as aforesaid, to institute and maintain, in the proper circuit or district court of the United States, a suit against the person to whom such debenture was originally granted, or against any endorser thereof, whereby to recover the amount of such debenture, with interest at the rate of six per centum per annum, from the time when the same became due and payable. And in all suits for the recovery of money upon debentures issued by the collectors of the customs as aforesaid, it shall be the duty of the court in which such suits shall be pending, to grant judgment at the return term, unless the defendant or defendants shall, in open court, exhibit some plea, on oath or affirmation, by which the court shall be satisfied that a continuance, until the next succeeding term, is necessary to the attainment of justice; in which case, and not otherwise, a continuance until the next term may be granted.

In case of the collector's refusing to pay debentures, suit may be maintained by the holder against the grantee and indorsers thereof.

Judgment at the return term.

SEC. 81. *And be it further enacted,* That before the receipt of any debenture, in case of exportation from the district of original importation, and in case of exportation from any other district before the receipt of any such certificate, as is herein before required to be granted, the person, applying for such debenture or certificate, shall, previous to such receipt, and before the clearance of the vessel in which the merchandise were laden for exportation, or within ten days after such clearance, give bond, with one or more sureties, to the satisfaction of the collector, who is to grant such debenture or certificate, as the case may be, in a sum equal to double the amount of the sum for which such debenture or certificate is granted, conditioned, that the said goods, or any part thereof, shall not be relanded in any port or place within the limits of the United States, and that the said exporter or exporters, shall produce, within the time herein limited, the proofs and certificates required of the said goods, wares and merchandise, having been delivered without the limits aforesaid.

Bond to be given to deliver the goods at a foreign port.

And the form of the bond aforesaid, shall be as follows:

Know all men by these presents, that we of the of are held and firmly bound to the United States of America, in the sum of for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, by these presents. Witness our hands and seals, this day of one thousand

Form of the said bond.

Whereas the following merchandise has been duly imported into the United States, to wit: (here particularize the person or persons by whom the several articles were imported, the denomination and name of the vessel, master's name, from whence, into what district, and when imported, together with the marks, numbers, description of, and number of packages, with their contents) which said merchandise hath been re-shipped by the above bounden in order to export the same in the of master, now in the port of and bound for

The condition of this obligation therefore is such, that if the aforesaid recited merchandise, or any part thereof, be not relanded in any port or place within the limits of the United States, and if the certificates and other proofs required by law of the delivery of the same at the aforesaid port of or at any other port or place without the limits of the United States, as aforesaid, shall be produced at this office, within from the date hereof, then this obligation shall be null and void, but otherwise to remain in full force and virtue.

Sealed and delivered }
in the presence of }

Such bond to be discharged on producing a certificate from the consignee—

That all bonds which may be given for any goods, wares or merchandise, exported from the United States, and on which any drawback of duties or allowance shall be payable, in virtue of such exportation, shall and may be discharged, and not otherwise, by producing within one year from the date thereof, if the exportation be made to any port of Europe or America, or within two years, if made to any part of Asia or Africa, a certificate under the hand of the consignee at the foreign port or place to whom the said goods, wares and merchandise shall have been addressed, therein particularly setting forth and describing the articles so exported, their marks, numbers, description of packages, the number thereof, and their actual contents, and declaring that the same have been received by them, from on board the vessel, specifying the names of the master and vessel, from which they were so received, and where such goods, wares or merchandise, are not consigned or addressed to any particular person at the foreign port or place to which the ship or vessel is destined, or may arrive, but where the master, or other person on board such ship or vessel may be the consignee of such goods, wares or merchandise, a certificate from the person or persons to whom such goods, wares and merchandise may be sold or delivered, by such master, or other person, shall be produced to the same effect, as that required if the person or persons receiving the same were originally intended to be the consignee or consignees thereof. And in addition to the certificate aforesaid, it shall be necessary to produce a certificate under the hand and seal of the consul or agent of the United States, residing at the said place, declaring either that the facts stated in the certificate of such consignee, or other person aforesaid, are to his knowledge true, or that such certificate is deserving of full faith and credit; which certificates of the consignee, or other person, and consul, or agent, shall, in all cases, as respects the landing or delivery of the said goods, wares or merchandise, be confirmed by the oath or affirmation of the master and mate, if living, or in case of their death, by the oath or affirmation of the two principal surviving officers of the ship or vessel in which the exportation shall be made; and in all cases where there shall be no consul or agent of the United States residing at the said place of delivery, the certificate of the consignee, or other person herein before required, shall be confirmed by the certificate of two reputable American merchants residing at the said place, or if there are no such American merchants, then by the certificate of two reputable foreign merchants, testifying that the several facts stated in such consignee, or other person's certificate, are, to their knowledge, just and true, or that such certificate is, in their opinion, worthy of full faith and credit; which certificate shall also be supported by the oath or affirmation of the master and mate, or other principal officers of the vessel in manner as before prescribed, which oath or affirmation of the said master and mate, or other principal officers, shall, in all cases, when taken at a foreign port or place, be taken and subscribed before the consul or agent of the United States, residing at such foreign port or place, if any such consul or agent reside thereat.

And another from the Consul of the United States.

Where there is no Consul a different certificate shall be produced.

Course of proceeding where the foregoing forms cannot be complied with.

And in cases of loss by sea, or by capture or other unavoidable accident; or when, from the nature of the trade, the proofs and certificates before required are not, and cannot be procured, the exporter or exporters shall be allowed to adduce to the collector of the port of exportation such other proofs as they may have, and as the nature of the case will admit: which proofs shall, with a statement of all the circumstances attending the transaction, within the knowledge of such collector, be transmitted to the comptroller of the treasury, who shall have power to allow a further reasonable time for obtaining the proofs aforesaid; or if he be satisfied with the truth and validity of the proofs adduced, to direct the bond or bonds of such exporter or exporters, to be cancelled: *Pro*

vided, that if the amount of such bond shall not exceed the penal sum of two hundred dollars, the collector, with the naval officer, where there is one, and alone, where there is none, may, pursuant to such rules as shall be prescribed by the comptroller of the treasury, admit such proof as may be adduced; and if they deem the same satisfactory, cancel such bond accordingly.

And the form of the certificate of a consignee, declaring the delivery of merchandise at a foreign port, shall be as follows:

I (A. A. or we B. B. and C. C.) of the (city or town) of (merchant, or merchants, and copartners in trade) do hereby certify, that the goods or merchandise herein after described, have been landed in this (city, town or port) between the and days of from on board the of whereof G. G. is at present master, viz. (here insert the particular articles delivered in manner following, as the case may require; namely,

Form of consignee's certificate.

- | | |
|--|---|
| A. B. No. 1. a 10. ten hogsheads | } Containing fourteen thousand |
| C. D. No. 3. G. 9. 15. four tierces | |
| E. F. No. 14. 18. 22. 25. }
27. 30. 33. 36. } | } Eight hogsheads, containing ten thousand
pounds weight of brown sugar. |
| G. H. No. 21. a 30. Ten chests, | |

I. K. 7. 16. 19. Three bales, containing one hundred and fifty pieces of nankeen—) which, according to the bills of lading for the same, were shipped on board the at the port of in the United States of America, on or about the day of and consigned to (me or to us) by of aforesaid, merchant (or by the master of the said)

Given under (my or our) hands, at the (city of) this day of

And the form of the oath or affirmation of the principal officers of a vessel, confirming the landing of merchandise at a foreign port, shall be as follows:

Port of We G. E. master, and H. H. mate of the of lately arrived from the port of in the United States of America, do solemnly (swear or affirm) that the goods or merchandise enumerated and described in the preceding certificate, dated the day of and signed by A. A. of the city of merchant, were actually delivered at the said port, from on board the said within the time specified in the said certificate.

Form of the confirmatory oath to be taken by the officers of the vessel.

Sworn or affirmed at the city of before me, this day of And the form of a verification of the delivery of merchandise at a foreign port, to be executed by a consul or agent of the United States, shall be as follows:

I, M. M. (consul or agent) of the United States of America, at the city of do declare, that the facts set forth in the preceding certificate, subscribed by A. A. of the said city, merchant, and dated the day of are, to (my knowledge, just and true, or are in my opinion just and true, and deserving full faith and credit.)

Form of the consular verification thereof.

In testimony whereof, I have hereunto subscribed my name, and affixed the seal of my office, at this day of

M. M. Consul.

And the form of a verification of the delivery of merchandise, to be executed by American or foreign merchants, as the case may require, shall be as follows:

We residing in the city of do declare, that the facts stated in the preceding certificate, signed by of the said (city) merchant, on the day of are (to our knowledge, just and true, or are in our opinion, just and

Form of the verification by merchants.

true, and worthy of full faith and credit.) We also declare that there is (no consul or other public agent for the United States of America, or American merchants, as the case may require) now residing at this place.

Dated at the city of
this day of

R. S.
T. L.

Consular fees
therefor.

And it shall be lawful for the consuls or agents of the United States, residing at the foreign ports, to demand twenty-five cents for administering each oath or affirmation aforesaid, and one dollar for granting each certificate as aforesaid; and if any consul or agent shall demand other or greater fees than are allowed as aforesaid, his bond shall be forfeited.

Penalty on re-
landing goods
entered for
drawback, &c.

SEC. 82. *And be it further enacted,* That if any goods, wares or merchandise, entered for exportation, with intent to drawback the duties, or to obtain any allowance given by law on the exportation thereof, shall be landed within any port or place within the limits of the United States as aforesaid, all such goods, wares or merchandise shall be subject to seizure and forfeiture, together with the ship or vessel from which such goods, wares or merchandise shall be landed, and the vessels or boats used in landing the same; and all persons concerned therein shall, on indictment and conviction thereof, suffer imprisonment for a term not exceeding six months; and for discovery of frauds and seizure of goods, wares or merchandise, reloaded contrary to law, the several officers established by this act, shall have the same powers, and in case of seizure the same proceedings shall be had, as in the case of goods, wares and merchandise imported contrary to law.

Powers of the
officers of the
customs, in re-
lation to draw-
backs.

Bounty on the
exportation of
pickled fish and
salted provis-
ions.

SEC. 83. *And be it further enacted,* That on all pickled fish of the fisheries of the United States, exported therefrom, there be allowed and paid a bounty of thirty cents per barrel; and on all provisions salted within the United States (dried fish excepted) there be allowed and paid a bounty of twenty-five cents per barrel, to be paid by the collector of the district from which the same shall be so exported, without any deduction or abatement: *Provided always,* that in order to entitle the exporter or exporters of such pickled fish or salted provisions to the benefit of such bounty or allowance, the said exporter or exporters shall make entry with the collector and naval officer of the district from whence the said pickled fish or salted provisions are intended to be exported, and shall specify in such entry the names of the master and vessel in which, and the place where such provisions or fish are intended to be exported, together with the particular quantity of each, whether pickled fish or salted provisions, and the species thereof; and proof shall be made to the satisfaction of the collector of the district from which such articles are intended to be exported, and of the naval officer thereof, where any, that the same, if fish, are of the fisheries of the United States; if salted provisions, that they were salted within the United States; and no entry shall be received as aforesaid, of any pickled fish or salted provisions, which have not been inspected and marked, pursuant to the inspection laws of the respective states, where inspection laws are in force, in regard to any pickled fish or salted provisions; and the casks containing such fish or provisions, shall be branded with the words "for bounty," with the name of the inspector or packer, the species and quality of the fish contained therein, and the name of the port of exportation; and the collector of such district shall, together with the naval officer, where there is one, grant an order or permit for an inspector to examine the pickled fish or salted provisions, or both, as expressed in such entry, and if they correspond therewith, and the said officer is fully satisfied that they are, if fish, of the fisheries of the United States, or if provisions, salted therein, to lade the same agreeably to such entry on board the ship or

Exporter to
make entry.

Proof to be
made.

The fish and
provisions to be
inspected and
branded.

Inspector to
examine them.

Permit to lade.

vessel therein expressed; which lading shall be performed under the superintendence of the officer examining the same, who shall make returns of the quantity and quality of pickled fish or salted provisions, so laden on board, in virtue of such order or permit, to the officer or officers granting the same. And the said exporter or exporters, when the lading is completed, and after returns thereof have been made as above directed, shall make oath or affirmation, that the pickled fish or salted provisions expressed in such entry, and then actually laden on board the ship or vessel as therein expressed, are truly and bona fide, if pickled fish, of the fisheries of the United States, if salted provisions, salted therein; that they are truly intended to be exported as therein specified, and are not intended to be relanded within the limits of the United States; and shall also give bond in double the amount of the duty, bounty or allowance to be received, with one or more sureties to the satisfaction of the collector of the port or place from which the said pickled fish, or salted provisions, are intended to be exported, conditioned that the same shall be landed and left at some foreign port or place without the limits aforesaid; which bonds shall be cancelled at the same periods, and in like manner as is provided in respect to the bonds given on the exportation of goods, wares or merchandise, entitled to drawback of duties: *Provided always*, that the said bounty or allowance shall not be paid until at least six months after the exportation of such pickled fish, or salted provisions, to be computed from the date of the bond, and until the exporter or exporters thereof shall produce to the collectors with whom such outward entry is made, such certificates, or other satisfactory proof, of the landing of the same as aforesaid, as is heretofore made necessary for cancelling the bonds given on the exportation of goods entitled to drawback as aforesaid: *And provided also*, that the bounty or allowance as aforesaid, shall not be paid unless the same shall amount to ten dollars at least upon each entry.

Exporter to make oath,

and give bond.

Mode of cancelling the bonds.

When the bounty shall be paid.

And the form of entry, required to be made as aforesaid, shall be as follows:

Entry of (salted provision or pickled fish, or both, as the case may be) intended to be exported for the benefit of bounty, by (insert the name of the exporter) in the (insert the name and denomination of the vessel) whereof (insert the name of the master) is master, bound for (insert the port of destination.)

Form of entry of fish and provisions for bounty.

Marks as branded on the casks.	Number of barrels.	Description or species of fish or provisions.	Quality.

And the oath or affirmation to be taken by the exporter or exporters of pickled fish, or salted provisions, shall be in manner following:

District of

I (insert the name) do solemnly, sincerely, and truly swear (or affirm) to the best of my knowledge and belief, that the (salted provisions or pickled fish, or both, as the case may be) designated in the annexed entry, dated and subscribed with my name, have not been imported from any foreign port or place, but are truly and bona fide (if provisions) salted provisions, cured within the limits of the United States, (or if fish) pickled fish of the fisheries of the United States; that they are now actually laden on board the (insert the denomination and

Form of the oath.

name of the vessel) whereof (insert the name) is master, and are to be exported to (insert the place of destination) and are not intended to be landed in the limits of the United States. So help me God.

And the form of the bond, to be executed as aforesaid, shall be as follows: to wit,

Form of the bond.

Know all men by these presents, that we _____ are held and firmly bound unto the United States of America, in the sum of _____ to be paid to the said United States; for the payment whereof, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents; sealed with our seals, dated the _____ day of _____ in the _____ year of the independence of the United States, and in the year of our Lord _____

The condition of this obligation is such, that whereas the above bounden _____ hath entered at the custom-house of the port of _____

the following merchandise (here insert the number of packages with their contents, together with their marks and numbers) for the purpose of being exported for the benefit of bounty, in the (insert denomination and name of vessel) whereof (insert name) is master, for (insert name of the place) as per entry thereof made and subscribed by the aforesaid _____ on the _____ day of _____ which merchandise has been laden under the superintendance of A. B. an inspector of the customs for the port of _____ as per return thereof annexed to said entry; which merchandise is now actually on board the said _____ now laying in the port of _____ for the purpose of being exported as aforesaid.

Now therefore, if the said merchandise shall not be relanded within the limits of the United States, but shall be duly exported to the _____ or any other port or place, without the limits aforesaid, then this obligation to be void and of no effect, otherwise it shall remain and be in full force and virtue.

Sealed and delivered }
in the presence of }

Forfeiture on making a false entry for exportation, for benefit of drawback or bounty.

SEC. 84. *And be it further enacted*, That if any goods, wares or merchandise, of which entry shall have been made in the office of a collector, for the benefit of drawback or bounty upon exportation, shall be entered by a false denomination, or erroneously as to the time when and the vessel in which they were imported, or shall be found to disagree with the packages, quantities or qualities, as they were at the time of original importation, except such disagreement as may have been occasioned by necessary or unavoidable wastage or damage only, and except also in cases where permission shall have been obtained according to law, to alter or change the quantities or packages thereof, all such goods, wares or merchandise, or the value thereof to be recovered of the owner or person making such entry, shall be forfeited. *Provided*, that the said forfeiture shall not be incurred, if it shall be made appear to the satisfaction of the collector and naval officer of the district, if there be a naval officer, and if there be no naval officer, to the satisfaction of the said collector, or of the court in which a prosecution for the forfeiture shall be had, that such false denomination, error, or disagreement happened by mistake or accident, and not from any intention to defraud the revenue.

Vessels detained by ice may unload at other places than ports of delivery.

SEC. 85. *And be it further enacted*, That in all cases where a ship or vessel shall be prevented by ice from getting to the port or place, at which her cargo is intended to be delivered, it shall be lawful for the collector of the district, in which such ship or vessel may be obstructed, to receive the report and entry of such ship or vessel, and with the consent of the naval officer (where there is one) to grant a permit or permits for unloading or landing the goods, wares, and merchandise imported in such ship or vessel, at any place within his district, which shall appear to him most convenient and proper: *Provided always*, that the report

and entry of such ship or vessel, and her cargo, or any part thereof, and all persons concerned therein, shall be under and subject to the same rules, regulations, restrictions, penalties and provisions, as if the said ship or vessel had arrived at the port of her destination, and had there proceeded to the delivery of her cargo.

SEC. 86. *And be it further enacted*, That no officer of the customs, or other person employed under the authority of the United States, in the collection of the duties imposed by law on goods, wares or merchandise imported into the United States, and on the tonnage of ships or vessels, shall own, either in whole or in part, any ship or vessel, or act as agent, attorney, or consignee for the owner or owners of any ship or vessel, or of any cargo or lading on board the same; nor shall any officers of the customs, or other person employed in the collection of the duties as aforesaid, import, or be concerned directly or indirectly in the importation of any goods, wares or merchandise, for sale, into the United States, on penalty that every person so offending, and being thereof convicted, shall forfeit and pay the sum of five hundred dollars.

Officers of the customs not to be concerned in shipping or commerce.

SEC. 87. *And be it further enacted*, That so much of the twelfth section of an act, entitled "An act making alterations in the treasury and war departments," as restricts all officers of the United States, employed in the collection of the duties imposed by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels, from buying or disposing of the funds or debts of the United States, or of any state, be repealed.

They may buy or dispose of public funds.
Act of May 8, 1792, ch. 37.

SEC. 88. *And be it further enacted*, That if any officer of the customs shall directly or indirectly take or receive any bribe, reward or recompense, for conniving, or shall connive at any false entry of any ship or vessel, or of any goods, wares or merchandise, and shall be convicted thereof, every such officer or other person shall forfeit and pay a sum not less than two hundred, nor more than two thousand dollars for each offence; and any person giving or offering any bribe, recompense or reward for any such deception, collusion, or fraud, shall forfeit and pay a sum not less than two hundred dollars, nor more than two thousand dollars, for each offence; and in all cases where an oath or affirmation is by this act required from a master or other person having the command of a ship or vessel, or from an owner or consignee of any goods, wares and merchandise, his, her, or their factor, or agent, and generally whenever an oath or affirmation is required from any person or persons, whatsoever, by virtue of this act, if the person so swearing or affirming shall swear, or affirm falsely, such person shall, on indictment and conviction thereof, be liable to the same pains and penalties prescribed for persons convicted of wilful and corrupt perjury.

Penalty on their receiving a bribe to connive at a false entry, or conniving at such entry.

Penalty on giving or offering such a bribe.

False swearing to be punished as perjury.

SEC. 89. *And be it further enacted*, That all penalties, accruing by any breach of this act, shall be sued for, and recovered with costs of suit, in the name of the United States of America, in any court competent to try the same; and the trial of any fact, which may be put in issue, shall be within the judicial district in which any such penalty shall have accrued, and the collector, within whose district the seizure shall be made, or forfeiture incurred, is hereby enjoined to cause suits for the same to be commenced without delay, and prosecuted to effect; and is moreover authorized to receive from the court within which such trial is had, or from the proper officer thereof, the sum or sums so recovered, after deducting all proper charges to be allowed by the said court, and on receipt thereof the said collector shall pay and distribute the same without delay, according to law, and transmit quarter yearly to the treasury an account of all monies by him received for fines, penalties and forfeitures, during such quarter. And all ships or vessels, goods, wares or merchandise, which shall become forfeited in virtue of this act, shall be seized, libelled and prosecuted as aforesaid, in the pro-

Penalties how to be sued for.

Collectors authorized to receive penalties when recovered.

Manner of proceeding to the condemnation.

of vessels and
goods seized.

per court having cognizance thereof; which court shall cause fourteen days notice to be given of such seizure and libel, by causing the substance of such libel, with the order of the court thereon, setting forth the time and place appointed for trial, to be inserted in some newspaper published near the place of seizure, and also by posting up the same in the most public manner, for the space of fourteen days, at or near the place of trial; for which advertisement a sum not exceeding ten dollars shall be paid: And proclamation shall be made in such manner as the court shall direct; and if no person shall appear and claim any such ship or vessel, goods, wares or merchandise, and give bond to defend the prosecution thereof, and to respond the cost in case he shall not support his claim, the court shall proceed to hear and determine the cause according to law; and upon the prayer of any claimant to the court, that any ship or vessel, goods, wares or merchandise, so seized and prosecuted, or any part thereof, should be delivered to such claimant, it shall be lawful for the court to appoint three proper persons to appraise such ship or vessel, goods, wares or merchandise, who shall be sworn in open court for the faithful discharge of their duty; and such appraisal shall be made at the expense of the party on whose prayer it is granted; and on the return of such appraisal, if the claimant shall, with one or more sureties, to be approved of by the court, execute a bond in the usual form to the United States, for the payment of a sum equal to the sum at which the ship or vessel, goods, wares or merchandise, so prayed to be delivered, are appraised, and moreover produce a certificate from the collector of the district wherein such trial is had, and of the naval officer thereof, if any there be, that the duties on the goods, wares and merchandise, or tonnage duty on the ship or vessel, so claimed, have been paid or secured in like manner, as if the goods, wares or merchandise, ship or vessel had been legally entered, the court shall, by rule, order such ship or vessel, goods, wares or merchandise, to be delivered to the said claimant, and the said bond shall be lodged with the proper officer of the court, and if judgment shall pass in favour of the claimant, the court shall cause the said bond to be cancelled; but if judgment shall pass against the claimant, as to the whole, or any part of such ship or vessel, goods, wares or merchandise, and the claimant shall not within twenty days thereafter pay into the court, or to the proper officer thereof, the amount of the appraised value of such ship or vessel, goods, wares or merchandise so condemned, with the costs, judgment shall and may be granted upon the bond on motion in open court, without further delay. And when any prosecution shall be commenced, on account of the seizure of any ship or vessel, goods, wares or merchandise, and judgment shall be given for the claimant or claimants; if it shall appear to the court before whom such prosecution shall be tried, that there was a reasonable cause of seizure, the said court shall cause a proper certificate or entry to be made thereof, and in such case the claimant or claimants shall not be entitled to costs, nor shall the person who made the seizure, or the prosecutor, be liable to action, suit or judgment on account of such seizure and prosecution: *Provided*, that the ship or vessel, goods, wares or merchandise, be after judgment forthwith returned to such claimant or claimants, his, her, or their agent or agents: *And provided*, that no action or prosecution shall be maintained in any case under this act, unless the same shall have been commenced within three years next after the penalty or forfeiture was incurred.

SEC. 90. *And be it further enacted*, That all ships or vessels, goods, wares or merchandise, which shall be condemned by virtue of this act, and for which bond shall not have been given by the claimant or claimants, agreeably to the provisions for that purpose in the foregoing section, shall be sold by the marshal or other proper officer of the court in which condemnation shall be had, to the highest bidder, at public auc-

Limitation of
suits under this
act to three
years.

Condemned
ships and goods
to be sold at
public auction.

tion, by order of such court, and at such place as the court may appoint, giving at least fifteen days notice (except in cases of perishable goods) in one or more of the public newspapers of the place where such sale shall be; or if no paper is published in such place, in one or more of the papers published in the nearest place thereto; for which advertising, a sum not exceeding five dollars shall be paid. And the amount of such sales, deducting all proper charges, shall be paid within ten days after such sale by the person selling the same, to the clerk or other proper officer of the court directing such sale, to be by him, after deducting the charges allowed by the court, paid to the collector of the district in which such seizure or forfeiture has taken place, as herein before directed.

SEC. 91. *And be it further enacted*, That all fines, penalties and forfeitures, recovered by virtue of this act (and not otherwise appropriated) shall, after deducting all proper costs and charges, be disposed of as follows: one moiety shall be for the use of the United States, and be paid into the treasury thereof, by the collector receiving the same; the other moiety shall be divided between, and paid in equal proportions to, the collector, and naval officer of the district, and surveyor of the port, wherein the same shall have been incurred, or to such of the said officers as there may be in the said district; and in districts where only one of the aforesaid officers shall have been established, the said moiety shall be given to such officer: *Provided nevertheless*, that in all cases where such penalties, fines and forfeitures shall be recovered in pursuance of information given to such collector, by any person other than the naval officer or surveyor of the district, the one half of such moiety shall be given to such informer, and the remainder thereof shall be disposed of between the collector, naval officer, and surveyor, or surveyors, in manner aforesaid: *Provided also*, that where any fines, forfeitures and penalties, incurred by virtue of this act, are recovered in consequence of any information given by any officer of a revenue cutter, they shall, after deducting all proper costs and charges, be disposed of as follows: one fourth part shall be for the use of the United States, and paid into the treasury thereof in manner as before directed; one fourth part for the officers of the customs, to be distributed as herein before set forth; and the remainder thereof to the officers of such cutter, to be divided among them agreeably to their pay: *And provided likewise*, that whenever a seizure, condemnation and sale of goods, wares or merchandise, shall take place within the United States, and the value thereof shall be less than two hundred and fifty dollars, that part of the forfeiture which accrues to the United States, or so much thereof as may be necessary, shall be applied to the payment of the cost of prosecution. *And be it further provided*, that if any officer, or other person entitled to a part or share of any of the fines, penalties, or forfeitures, incurred in virtue of this act, shall be necessary as a witness on the trial for such fine, penalty, or forfeiture, such officer or other person may be a witness upon the said trial; but in such case he shall not receive nor be entitled to any part or share of the said fine, penalty or forfeiture, and the part or share to which he otherwise would have been entitled, shall revert to the United States.

Distribution of fines, penalties and forfeitures.

Persons entitled to a share of the fines, &c. may be witnesses, &c.

SEC. 92. *And be it further enacted*, That except into the districts herein before described on the northern, north-western and western boundaries of the United States, adjoining to the dominions of Great Britain, in Upper and Lower Canada, and the districts on the rivers Ohio and Mississippi, no goods, wares or merchandise of foreign growth or manufacture, subject to the payment of duties, shall be brought into the United States from any foreign port or place in any other manner than by sea, nor in any ship or vessel of less than thirty tons burthen, agreeably to the admeasurement hereby directed for ascertaining the

Except in certain districts no goods to be brought into the United States, but by sea and in vessels of at least thirty tons burthen, &c.

tonnage of ships or vessels; nor shall be landed or unladen at any other port than is directed by this act, under the penalty of seizure and forfeiture of all such ships or vessels, and of the goods, wares or merchandise imported therein, landed or unladen in any other manner. And no drawback of any duties on goods, wares or merchandise of foreign growth or manufacture, shall be allowed on the exportation thereof from any district of the United States, otherwise than by the sea, and in vessels not less than thirty tons burthen.

Drawback to be allowed only on exportations by sea and in vessels of thirty tons and upwards.

Masters of vessels bound to foreign ports to exhibit manifests, and obtain clearances.

SEC. 93. *And be it further enacted,* That the master, or person having the charge or command of any ship or vessel, bound to a foreign port or place, shall deliver to the collector of the district from which such ship or vessel shall be about to depart, a manifest of all the cargo on board the same, and the value thereof, by him subscribed, and shall swear, or affirm to the truth thereof; whereupon the said collector shall grant a clearance for such ship or vessel and her cargo, but without specifying the particulars thereof in such clearance, unless required by the said master, or other person having the charge or command of such ship, or vessel, so to do. And if any ship or vessel, bound to a foreign port or place, shall depart on her voyage to such foreign port or place, without delivering such manifest, and obtaining a clearance as hereby required, the said master, or other person having the charge or command of such ship or vessel, shall forfeit and pay the sum of five hundred dollars, for every such offence:

Penalty in default thereof.

And the form of the report and manifest, to be delivered as aforesaid, shall be as follows:

Form of the Report and manifest of the cargo, laden at the port of _____ on board the
manifest. master, bound for port _____

Marks.	Numbers.	Packages or articles in bulk.	Contents or quantities.	Value at the port of exportation.

And the oath or affirmation, to be taken by the master or commander of the ship or vessel as aforesaid, shall be as follows:

District of _____

Oath to be taken on clearing.

I (insert the name) master or commander of the (insert the denomination and name of the vessel) bound from the port of (insert the name of the port or place sailing from) to (insert the name of the port or place, bound to) do solemnly, sincerely and truly swear (or affirm as the case may be) that the manifest of the cargo on board the said (insert denomination and name of the vessel) now delivered by me to the collector of this district, and subscribed with my name, contains, according to the best of my knowledge and belief, a full, just and true account of all the goods, wares and merchandise now actually laden on board the said vessel, and of the value thereof; and if any other goods, wares, or merchandise shall be laden or put on board the said (insert denomination and name of vessel) previous to her sailing from this port, I will immediately report the same to the said collector. I do also swear (or affirm) that I verily believe the duties on all the foreign merchandise therein specified have been paid or secured, according to law, and that no part thereof is intended to be relanded within the United States, and that if by distress or other unavoidable accident it shall become necessary to reland the same, I will forthwith make a just and true report

thereof to the collector of the customs of the district wherein such distress or accident may happen. So help me God.

And the form of a clearance, to be granted to a ship or vessel on her departure to a foreign port or place, shall be as follows:

Form of clearance.

District of ss.

Port of

These are to certify all whom it doth concern, that
 or commander of the burthen tons, or thereabouts, master
 mounted with guns, navigated with men
 built, and bound for having on board

hath here entered and cleared his said vessel according to law.

Given under our hands and seals, at the custom-house of
 this day of one thousand and in the
 year of the independence of the United States of America.

Provided, any thing to the contrary notwithstanding, that the collectors and other officers of the customs shall, and they are hereby directed to pay due regard to the inspection laws of the states in which they may respectively act, in such manner, that no vessel having on board goods liable to inspection, shall be cleared out until the master, or other proper person, shall have produced such certificate that all such goods have been duly inspected, as the laws of the respective states do or may require to be produced to collectors or other officers of the customs. *And provided*, that receipts for the payment of all legal fees which shall have accrued on any ship or vessel shall, before any clearance is granted, be produced to the collector or other officer aforesaid.

Vessels not to be cleared until the inspection laws of the states are complied with, and all legal fees paid.

SEC. 94. *And be it further enacted*, That the importer or importers of any horses, cattle, sheep, swine, or other useful beasts, imported into the United States for the purpose of breed, shall make entry for such horses, cattle, sheep, swine, or other useful beasts, as in the case of other goods, wares or merchandise, and obtain a permit for landing the same, and shall likewise make oath or affirmation, that they are actually imported for the purpose above mentioned; and any horses, cattle, sheep, swine, or other beasts, landed without the provisions above mentioned being fully complied with, shall be subject to seizure and forfeiture.

Beasts imported for breed to be entered, &c.

SEC. 95. *And be it further enacted*, That all matters directed by this act to be done to, or by the collector of a district, or by the naval officer thereof, shall and may be done to, and by the person, who in the cases specified in this act, is or may be authorized to act in the place or stead of the said collector, or of the said naval officer.

Substitutes may act in certain cases.

SEC. 96. *And be it further enacted*, That whenever an oath is required by this act, persons conscientiously scrupulous shall be permitted to affirm.

Affirmation may be made instead of oath.

SEC. 97. *And be it further enacted*, That the President of the United States be empowered, for the better securing the collection of the duties imposed on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels, to cause to be built and equipped so many revenue cutters not exceeding ten, as may be necessary to be employed for the protection of the revenue, the expense whereof shall be paid out of the product of the duties on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels.

Revenue cutters to be provided.

SEC. 98. *And be it further enacted*, That there shall be to each of the said revenue cutters, one captain or master, and not more than three lieutenants or mates, first, second, and third, and not more than seventy men, including non-commissioned officers, gunners and mariners. And the Secretary of the Treasury is hereby authorized to cause contracts to be made for the supply of rations for the officers and men of the said revenue cutters: *Provided*, that the said revenue cutters shall, whenever

Officers and men for the revenue cutters, &c.

Cutters shall co-operate with the navy.

How their officers are to be appointed.

To whose direction they shall be subject, and their duties.

New cutters to be provided in lieu of those unfit for service and the old ones to be sold.

Revenue boats may be provided.

Cutters and boats to be distinguished by an ensign and pendant.

the President of the United States shall so direct, co-operate with the navy of the United States, during which time, they shall be under the direction of the Secretary of the Navy, and the expenses thereof shall be defrayed by the agents of the Navy Department.

SEC. 99. *And be it further enacted,* That the officers of the said revenue cutters shall be appointed by the President of the United States, and shall respectively be deemed officers of the customs, and shall be subject to the direction of such collectors of the revenue, or other officers thereof, as from time to time shall be designated for that purpose; they shall have power and authority, and are hereby required and directed to go on board all ships or vessels, which shall arrive within the United States, or within four leagues of the coast thereof, if bound for the United States, and to search and examine the same, and every part thereof, and to demand, receive, and certify the manifests herein before required to be on board certain ships or vessels, and to affix and put proper fastenings on the hatches and other communications with the hold of any ship or vessel, and to remain on board the said ships and vessels, until they arrive at the port or place of their destination. It shall likewise be the duty of the master or other person having at any time the command of any of the said revenue cutters, to make a weekly return to the collector, or other officer of the district under whose direction they are placed, of the transactions of the cutter under their command, specifying therein, the vessels that have been boarded, their names and descriptions, the names of the masters, and from what port or place they last sailed, whether laden or in ballast, whether ships or vessels of the United States, or to what other nation belonging, and whether they have the necessary manifest or manifests of their cargoes on board, and generally all such matters as it may be necessary for the collectors or other officers of the customs to be made acquainted with; and the officers of the said cutters shall likewise execute and perform such other duties for the collection and security of the revenue, as from time to time shall be enjoined and directed by the Secretary of the Treasury, not contrary to law, and the provisions herein before contained.

SEC. 100. *And be it further enacted,* That the President be, and he is hereby authorized to cause other revenue cutters to be built or purchased, in lieu of such as are or shall from time to time become unfit for further service; and to cause such as are so become unfit for further service, to be sold at public auction, and the proceeds of such sales to be paid into the treasury of the United States. And the expense of purchasing other cutters as aforesaid, as well as all future expenses of building, purchasing or repairing revenue cutters, shall be paid out of the product of the duties on goods, wares or merchandise imported into the United States, and on the tonnage of ships or vessels.

SEC. 101. *And be it further enacted,* That the collectors of the respective districts may, with the approbation of the Secretary of the Treasury, provide and employ such small open row and snail boats, in each district, together with the number of persons to serve in them, as shall be necessary for the use of the surveyors and inspectors in going on board of ships or vessels and otherwise, for the better detection of frauds; the expense of which shall be defrayed out of the product of the duties.

SEC. 102. *And be it further enacted,* That the cutters and boats employed in the service of the revenue, shall be distinguished from other vessels, by an ensign and pendant, with such marks thereon as shall be prescribed and directed by the President of the United States; and in case any ship or vessel liable to seizure or examination shall not bring to, on being required, or being chased by any cutter or boat having displayed the pendant and ensign prescribed for vessels in the revenue service, it shall be lawful for the captain, master or other

person having command of such cutter or boat, to fire at or into such vessel which shall not bring to, after such pendant and ensign shall be hoisted, and a gun shall have been fired by such cutter or boat as a signal; and such captain, master or other person as aforesaid, and all persons acting by or under his direction, shall be indemnified from any penalties, or actions for damages for so doing; and if any person shall be killed or wounded by such firing, and the captain, master, or other person aforesaid, shall be prosecuted or arrested therefor, such captain, master or other person shall be forthwith admitted to bail. And if any ship, vessel or boat, not employed in the service of the revenue, shall, within the jurisdiction of the United States, carry or hoist any pendant or ensign prescribed for vessels in the service aforesaid, the master, or commander of the ship or vessel so offending shall forfeit and pay one hundred dollars.

They may fire at vessels refusing to bring to.

Penalty on other vessels or boats carrying the revenue ensign and pendant.

Vessels and packages in which alone certain articles are to be imported.

SEC. 103. *And be it further enacted,* That no beer, ale, or porter shall be brought into the United States by sea from any foreign port, or place, except in casks, or vessels, the capacity whereof shall not be less than forty gallons beer measure, or in packages containing not less than six dozen bottles, on pain of forfeiture of the said beer, ale, or porter, and the ship or vessel in which the same shall be brought; nor shall any refined lump or loaf sugar be imported into the United States, from any foreign port or place by sea, except in ships or vessels of one hundred and twenty tons burthen and upwards, and in casks or packages containing each not less than six hundred pounds weight; nor shall any distilled spirits (arrack and sweet cordials excepted) be imported, or brought into the United States, except in casks or vessels of the capacity of ninety gallons wine measure and upwards, nor in casks or vessels which have been marked pursuant to any law of the United States, on pain of forfeiture of the said refined lump and loaf sugar, and distilled spirits, imported contrary to the provisions herein described, together with the ship, or vessel, in which they shall be so imported: *Provided,* that nothing contained in this act shall be construed to forfeit any spirits for being imported, or brought into the United States, in other casks or vessels as aforesaid, or the ship or vessel in which they shall be brought, if such spirits shall be for the use of the seamen, on board such ship or vessel, and shall not exceed the quantity of four gallons for each seaman.

Saving of spirits for the use of the seamen.

SEC. 104. *And be it further enacted,* That for the purpose of conforming this act to certain stipulations contained in treaties made and ratified under the authority of the United States, it is hereby declared, that it shall at all times be free to British subjects, and also to the Indians dwelling on either side of the boundary line of the United States, as settled by the treaty of peace, freely to pass and repass, by land or inland navigation, into and from the territories of the United States, and to navigate all the lakes, rivers and waters thereof, and freely to carry on trade and commerce with the citizens of the United States: *Provided,* that nothing herein contained shall be construed to justify the admission of British vessels from the sea into the rivers of the United States, beyond the highest ports of entry for foreign vessels from the sea; and all goods and merchandise, the importation of which into the United States shall not be wholly prohibited, shall and may freely, for the purposes of commerce, be brought into the same, in manner aforesaid, by British subjects, from the territories of the king of Great Britain, in America; and such goods and merchandise shall be subject to no higher or other duties, than are or shall be payable by the citizens of the United States, on the importation of the same in American vessels into the Atlantic ports of the United States: And all goods not prohibited to be exported from the United States, may, in manner aforesaid, be carried out of the United States into the territories aforesaid.

Privileges of British subjects and Indians in conformity with treaties.

No duties on peltries or goods of Indians.

Further privileges of British subjects.

In the northern, and north-western districts, &c. importations may be made in vessels, &c. of any kind whatever. Provisions of this act extended to those districts.

Entry to be made of goods to be carried over portages.

Which entry shall be verified on oath.

Form of the oath.

SEC. 105. *And be it further enacted*, That no duty shall be levied or collected on the importation of peltries brought into the territories of the United States, nor on the proper goods and effects of whatever nature, of Indians passing, or repassing the boundary line aforesaid, unless the same be goods in bales or other large packages unusual among Indians, which shall not be considered as goods belonging bona fide to Indians, nor be entitled to the exemption from duty aforesaid. And no higher or other tolls or rates of ferriage, than what are or shall be payable by citizens of the United States, shall be demanded of British subjects, and no duties shall be payable on any goods, which shall merely be carried over any of the portages or carrying places within the territories of the United States, for the purpose of being immediately re-embarked, and carried to some other place or places: *Provided*, that this last mentioned exemption from duty shall extend only to such goods as are carried in the usual and direct road across such portages and carrying places, and are not attempted to be in any manner sold or exchanged during their passage across the same. And it shall be lawful for citizens of the United States, and for all other persons, to import any goods or merchandise, of which the importation shall not be entirely prohibited, into the districts, which are or may be established on the northern and north-western boundaries of the United States, and on the rivers Ohio and Mississippi, in vessels or boats of any burthen, and in rafts or carriages of any kind or nature whatsoever.

SEC. 106. *And be it further enacted*, That all vessels, boats, rafts, and carriages, of what kind and nature soever, arriving in the districts aforesaid, containing goods, wares or merchandise, subject to duties on being imported into any port of the United States, shall be reported to the collector, or other chief officer of the customs at the port of entry, in the district into which they shall be so imported; and such goods shall be accompanied with like manifests, and like entries shall be made, by the persons having charge of any vessels, boats, rafts and carriages aforesaid, and by the owners or consignees of the goods, wares and merchandise, laden on board the same; and the powers and duties of the officers of the customs shall be exercised and discharged in the districts last mentioned, in like manner as is herein before directed and prescribed, in respect to goods, wares and merchandise imported into the United States, in vessels from the sea—and generally, all importations as aforesaid shall be subject to like regulations, penalties and forfeitures as in other districts, except as is herein after specially provided.

SEC. 107. *And be it further enacted*, That when any goods, wares, or merchandise subject to duties, shall be imported into any of the districts before mentioned, and which shall be reported as being destined to be carried over any of the portages or carrying places within the territories of the United States, for the purposes of being immediately re-embarked, and carried to some other port or place, it shall be the duty of the owner or consignee of the goods, wares, or merchandise intended to be transported as aforesaid, to make entry thereof, as particularly as is herein before directed and prescribed, in respect to the like goods, wares and merchandise, when entered for the payment of duties, and moreover specifying in such entry the route, portage and carrying place, by and over which it is intended to transport the same; which entry shall be verified on oath or affirmation in manner following:

District of
Port of

I (here insert the name of the person making the entry) do solemnly, sincerely and truly swear, (or affirm) that the entry now subscribed with my name, and delivered by me to the collector of (insert the name of the district) contains a just and true account of all the goods, wares and merchandise, contained in the several packages therein mentioned;

that they are brought into this district, solely for the purpose of being carried and transported by the way of (here insert the portage or carrying place) with intention of being immediately re-embarked and carried without the limits of the United States; and are not intended, directly, or indirectly, to be sold, exchanged, or consumed, within the limits of the United States; and, I do further swear, (or affirm) that if I shall hereafter know, or discover, that the whole, or any part of the said goods, wares or merchandise, shall have been sold, alienated, exchanged, or consumed, within the limits of the United States, I will immediately report the same, with the circumstances thereof, truly to the collector of this district. So help me God.

SEC. 108. *And be it further enacted*, That the collector, who shall receive any entry as aforesaid, shall cause due examination, inspection and search to be made, in like manner as is herein before prescribed, in respect to importations made in vessels arriving by the sea, or intended to be exported from the United States, and, being satisfied therewith, shall thereupon grant a certificate or protection for the said goods, wares or merchandise which shall accompany the same, and which certificate or protection shall be of the form following, to wit:

Collector to make examination, and thereupon grant a protection for the goods.

District of _____ ss.

Port of _____

It is hereby certified, that (here insert the name of the person making entry) has made entry in this office, according to law, of the following merchandise (here insert the particulars of the packages and merchandise, and the several marks, numbers and contents thereof as in the entry) and has made oath, that the said merchandise are intended to be transported by the route of (here insert the portage or carrying place) to (here insert the proposed place of re-embarkation) for the purpose of being transported without the limits of the United States. Now therefore, this certificate is to serve as a protection for the said merchandise, during the transportation thereof by the route aforesaid: *Provided*, that the said merchandise, or any part thereof, are not and shall not be unpacked, alienated, sold or consumed within the limits of the United States, or be transported by any other route than is above specified, in either of which cases the said merchandise may be seized and forfeited, this certificate and protection notwithstanding.

Form of the protection.

As witness my hand and seal the day and year above mentioned.

A. B. Collector.

And no certificate as aforesaid shall be in force for any term exceeding six months from the date thereof.

SEC. 109. *And be it further enacted*, That if any person having the charge, or being concerned in the transportation of any goods, wares or merchandise, entered as aforesaid, for the purpose of being transported across any of the portages or carrying places within the limits of the United States, and to be delivered without the limits thereof, shall, with intent to defraud the revenue, break open or unpack any part of the said merchandise, or shall sell, exchange or consume the same, or with like intent shall break or deface any seal or fastening, placed thereon by any officer of the revenue, or if any person whatever shall deface, alter or forge any certificate, granted for the protection of merchandise transported as aforesaid, each and every person so offending, shall forfeit and pay five hundred dollars, and shall be imprisoned not less than one nor more than six months, at the discretion of the court before which such person shall be convicted.

Penalty on fraudulently opening the merchandise, selling it, &c.

SEC. 110. *And be it further enacted*, That nothing contained in this act shall be construed to exempt the masters or owners of vessels from making and subscribing any oaths or affirmations required by any laws of the United States, not immediately relating to the collection of

This act not to exempt from certain oaths.

the duties on the importation of goods, wares and merchandise into the United States.

No forfeiture to be incurred where the forms of documents are substantially complied with:—

They may be varied by additions.

Repeal of the former acts.

1790, ch. 35.

SEC. 111. *And be it further enacted*, That in cases where the forms of official documents, as prescribed by this act, shall be substantially complied with and observed, according to the true spirit, meaning and intent thereof, no penalty or forfeiture shall be incurred by a deviation therefrom; and the officers of the department of the treasury, according to their respective powers and duties, shall and may from time to time prescribe additions to the said forms, for the purpose of adapting the same to any alterations which may be made to the rates of duties on the importation of goods, wares and merchandise, and on the tonnage of ships and vessels, and for the better collection and payment of the said duties:—*Provided however*, that it shall not be competent for the said officers to prescribe any form or regulations incompatible with or contravening the special provisions of this act.

SEC. 112. *And be it further enacted*, That from and after the thirtieth day of June next ensuing, the act of Congress passed on the fourth day of August in the year one thousand seven hundred and ninety, entitled “An act to provide more effectually for the collection of the duties on goods, wares and merchandise imported into the United States, and on the tonnage of ships and vessels,” and also all other acts or parts of acts, coming within the purview of this act, shall be repealed and thenceforth cease to operate, except as to the continuance of the officers appointed in pursuance of the said act or parts of acts; except also as to the recovery and receipt of such duties on goods, wares and merchandise, and on the tonnage of ships or vessels, as shall have accrued; and as to the payment of drawbacks, bounties and allowances upon the exportation of goods, wares and merchandise, and as to the recovery and distribution of fines, penalties and forfeitures, which shall have been incurred before and on the said day; subject nevertheless, in respect to the collection of duties, to the alterations contained and expressed in the present act.

APPROVED, March 2, 1799.

STATUTE III.

March 2, 1799.

CHAP. XXIII.—*An Act to establish the compensations of the officers employed in the collection of the duties on imports and tonnage, and for other purposes.*(a)

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That

(a) The acts which have been passed relating to the compensation of officers of the customs, which are obsolete, have been: An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships and vessels, August 4, 1790, chap. 35, sec. 52, 53, 54; an act making further provisions relative to the revenue cutters, May 6, 1796, chap. 22, sec. 1, 2; an act in addition to an act entitled, “An act supplementary to the act entitled, ‘An act to provide more effectually for the collection of duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships and vessels,’” May 27, 1796, chap. 35, sec. 3; an act relative to the compensation and duties of certain officers employed in the collection of imposts and tonnage, March 3, 1797, chap. 9; an act establishing an annual salary for the surveyor of Gloucester, July 14, 1798, chap. 73; an act to increase the compensation allowed by law to inspectors, measurers, weighers, and gaugers, employed in the collection of the customs, April 26, 1816, chap. 95; an act respecting the compensation of the collectors therein mentioned, March 3, 1817, chap. 49; an act further to establish the compensation of officers of the customs, and to alter certain collection districts, and for other purposes, May 7, 1822, chap. 107, sec. 6, 7, 8, 9, 10, 12, 13, 15, 16, 18, 19.

The acts providing for the compensation to collectors and other officers of the customs in force, are: An act to establish the compensation of the officers employed in the collection of the duties on imports and tonnage, and for other purposes, March 2, 1799, chap. 23; an act supplementary to an act entitled, “An act to establish the compensation of the officers employed in the collection of the duties on imports and tonnage, and for other purposes,” May 10, 1800; an act providing for the accommodation of persons concerned in certain fisheries therein mentioned, March 16, 1802, chap. 11, sec. 3; an act to amend “an act to establish the compensation of the officers employed in the collection of the duties on imports and tonnage, and for other purposes,” April 30, 1802, chap. 37; an act relative to the compensation of cer-

Collectors, naval officers and surveyors to give bond.

every collector, naval officer and surveyor, employed in the collection of the duties on imports and tonnage, shall, within three months after he enters upon the execution of his office, give bond, with one or more sufficient sureties, to be approved of by the comptroller of the treasury of the United States, and payable to the said United States, with condition for the true and faithful discharge of the duties of his office according to law, that is to say;—the collector of Philadelphia and New York, in the sum of sixty thousand dollars, each; the collector of Boston and Charlestown, forty thousand dollars; the collectors of Baltimore and Charleston, thirty thousand dollars, each; the collector of Norfolk and Portsmouth, fifteen thousand dollars; the collectors of Portsmouth, in New Hampshire, of Salem and Beverly, Wilmington (in the state of Delaware) Annapolis, Georgetown (in Maryland), Bermuda Hundred and City Point, Alexandria, Wilmington, Newbern and Edenton, in the state of North Carolina, Newport and Providence, in the state of Rhode Island and Providence Plantations, ten thousand dollars, each; the collectors of Newburyport, Gloucester, Marblehead, Plymouth, Nantucket, Portland and Falmouth, New London, New Haven, Fairfield, Perth Amboy, Yorktown, Dumfries, Washington, Cambden, Georgetown (South Carolina), Beaufort and Savannah, five thousand dollars, each; the collectors of Hudson, Middletown and Waldoborough, four thousand dollars, each; and all the other collectors in the sum of two thousand dollars each; the naval officers of the ports of Boston and Charlestown, New York, Philadelphia, Baltimore, Charleston, ten thousand dollars, each; and all other naval officers, in the sum of two thousand dollars, each; the surveyors of the ports of Boston and Charlestown, New York, Philadelphia, Baltimore and Charleston, five thousand dollars, each; and all the other surveyors, in the sum of one thousand dollars, each:—Which bonds shall be filed in the office of the said comptroller, and be, by him, severally, put in suit for the benefit of the United States, upon any breach of the condition thereof.

And all bonds to be hereafter given, shall be of the form following; to wit:

Know all men by these presents, that we _____ are held and firmly bound unto the United States of America, in the full and just sum of _____ dollars, money of the United States; to which payment, well and truly to be made, we bind ourselves, jointly and severally, our joint and several heirs, executors and administrators, firmly by these presents, sealed with our seals, and dated this _____ day of _____ one thousand _____ Form of the bond.

The condition of the foregoing obligation is such, that, whereas the President of the United States hath, pursuant to law, appointed the said _____ to the office of _____ in the state of _____

Now therefore if the said _____ has truly and faithfully executed and discharged, and shall continue truly and faithfully to execute and discharge all the duties of the said office, according to law; then the

tain officers of the customs, and to provide for the appointing a surveyor in the districts therein mentioned, March 27, 1804, chap. 53; an act to annex a part of the state of New Jersey to the collection district of New York, &c., March 2, 1811, chap. 33, sec. 1, 9; an act to allow a salary to the collectors of the districts of Nantucket and Pensacola, and to abolish the office of surveyor of the district of Pensacola, May 26, 1824; an act to regulate the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, and for other purposes, March 2, 1831, chap. 54, sec. 4; an act to amend an act entitled, "An act to annex part of the state of New Jersey to the collection district of New York, &c.," June 30, 1834, chap. 28; an act making appropriations for the civil and diplomatic expenses of the government for the year one thousand eight hundred and thirty-five, March 3, 1835, chap. 28, sec. 3; an act in addition to an act entitled, "An act making appropriations in part for the support of government for the year one thousand eight hundred and thirty-six," and for other purposes, July 4, 1836, chap. 353, sec. 3; an act making appropriations for the civil and diplomatic expenses of the government for the year one thousand eight hundred and thirty-seven, March 3, 1837, chap. 31, sec. 2; an act to secure the payment of certain commissions on duty bonds, to collectors of the customs, June 12, 1838, chap. 98.

above obligation to be void and of none effect, otherwise it shall abide and remain in full force and virtue.

Sealed and delivered }
in the presence of }

Provided, that in cases where bonds have been already given, according to the directions aforesaid, new bonds shall not be required.

Fees of the
collectors, na-
val officers and
surveyors.

SEC. 2. *And be it further enacted*, That from and after the last day of March next, and in lieu of the fees and emoluments heretofore established, there shall be allowed and paid for the use of the collectors, naval officers and surveyors, appointed and to be appointed in pursuance of law, the fees following; that is to say; to each collector for every entrance of any ship or vessel of one hundred tons burthen and upwards, two dollars and an half; for every clearance of any ship or vessel of one hundred tons burthen and upwards, two dollars and an half; for every entrance of any ship or vessel under the burthen of one hundred tons, one dollar and an half; for every clearance of any ship or vessel under one hundred tons burthen, one dollar and an half; for every post entry two dollars; for every permit to land goods, twenty cents; for every bond taken officially, forty cents; for every permit to load goods for exportation, which are entitled to drawback, thirty cents; for every debenture or other official certificate, twenty cents; for every bill of health, twenty cents; for every official document, (registers excepted) required by any merchant, owner or master of any ship or vessel not before enumerated, twenty cents; and where a naval officer is appointed to the same port, the said fees shall be equally divided between the collector and the said naval officer, the latter paying one third of the expense of the necessary stationery, and of the rent of an office to be provided by the collector, at the place assigned for his residence, and as conveniently as may be for the trade of the district,—except the expense of fuel, office rent and necessary stationery for the collectors of the districts of Salem and Beverly, Boston and Charlestown, the cities of New York, Philadelphia and Charleston, the towns of Baltimore, Norfolk and Portsmouth, which shall be paid three fourths by the said collectors, and the other fourth by the respective naval officers in those districts; and all fees shall, at the option of the collector, be either received by him or by the naval officer, the party receiving to account monthly with the other for his proportion or share thereof: *Provided*, that all fees arising on the exportation of any goods, wares or merchandise on which drawbacks are allowed, shall be equally shared among the collector, naval officer and surveyor, where there are such officers at the port where the fees are paid, to be accounted for monthly, by the collector or naval officer who shall receive the same; and where there is no naval officer, such fees shall be divided equally between the collector and the surveyor, who may have been concerned in attending to such exportation, and the surveyors shall pay their proportion of the expenses of stationery and printing. To each surveyor, for the admeasurement and certifying the same, of every ship or vessel of one hundred tons and under, one cent per ton; for the admeasurement of every ship or vessel above one hundred tons and not exceeding two hundred tons, one hundred and fifty cents; for the admeasurement of every ship or vessel above two hundred tons, two hundred cents; for all other services by this act to be performed by such surveyor, on board any ship or vessel of one hundred tons or upwards, having on board goods, wares or merchandise subject to duty, three dollars; for the like services on board any ship or vessel of less than one hundred tons burthen, having on board goods, wares or merchandise subject to duty, one and an half dollar; on all vessels not having on board goods, wares or merchandise subject to duty, two thirds of a dollar. All which fees shall be paid by the master or owner of the ship or vessel in which the said services shall be performed, to the surveyor by

whom they shall be performed, if performed by one only, for his sole benefit,—but if performed by more than one, to him who shall have the first agency, to be divided in equal parts between him and the other or others by whom the said services shall also be performed. To each inspector there shall be allowed, for every day he shall be actually employed in aid of the customs, a sum not exceeding two dollars; and for every other person that the collector may find it necessary and expedient to employ, as occasional inspectors, or in any other way in aid of the revenue, a like sum, whilst actually so employed, not exceeding two dollars for every day so employed, to be paid by the collector out of the revenue, and charged to the United States: *Provided*, that the services performed by occasional inspectors, shall be particularly detailed in the accounts to be transmitted to the treasury, and certified as to the necessity as well as performance of such services, by the naval officer or surveyor of the district, if any such officers there are: to the measurers, weighers or gaugers, respectively, to be paid monthly by the collector out of the revenue, and charged to the United States, for the measurement of every one hundred bushels of grain, thirty cents; for the measurement of every one hundred bushels of salt, according to the weight established by law for the payment of duties thereon, fifty cents; for the measurement of every one hundred bushels of coal, sixty cents; for the weighing of every one hundred and twelve pounds, and marking every cask, box or package, weighing more than two hundred pounds each, except sugar, coffee, pepper, pimento and indigo, in bales, bags, mats, canisters or seroons, with the weight in durable characters, in the districts of Pennsylvania, New York, Boston and Charlestown, and Baltimore, one cent and a quarter; in the district of Norfolk, one cent and a half; and in the other districts, two cents; for the gauging and marking every cask, to be marked in durable characters, with his own name, and the quantity, eight cents; for computing the contents of and marking cases containing distilled spirits and wines, three cents per case; for actually counting the number of bottles of cider, beer, ale, perry or porter contained in any cask, or other package or packages, one cent per dozen; and in proportion for any greater or lesser quantity; and the allowances aforesaid shall be deemed to include a compensation for making returns of the goods or merchandise weighed, gauged and measured, specifying the quality as well as quantity; and there shall be allowed to the surveyors or inspectors of the revenue for ports, the sum of one cent and one half for every certificate to accompany foreign distilled spirits, and two cents and one half for every certificate to accompany wines and teas, issued within their ports respectively; and to the deputies of the inspectors aforesaid, the sum of two cents and one half for every cask, or package, of foreign distilled spirits, wines or teas, by them marked 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. There shall moreover be allowed to the several officers hereafter mentioned, the following allowances and per centage: To the collectors of the district of New York, one quarter per cent.; to the collector of the district of Boston and Charlestown, and to the collector of the districts of Baltimore and Philadelphia one half per cent.; to the collectors of the district of Charleston, Salem and Norfolk, seven eighths of one per cent.; to the collectors of the districts of Alexandria and Savannah, one per cent.; to the collectors of the district of Newburyport, one and one quarter per cent.; to the collectors of the districts of Portsmouth, Portland, Newport, Providence, and New Haven, one and one half per cent.; to the collectors of the districts of Georgetown, (in Maryland) and Marblehead, two and one half per cent.; to the collectors of the districts of New London, Biddeford, Bath, and Wiscasset, two

Compensation
to inspectors.

Compensation
to the measurers,
weighers,
and gaugers.

Fees to the
surveyors or in-
spectors of the
revenue for
ports.

Additional
compensation
to certain col-
lectors and sur-
veyors.

per cent. ; and to the collectors of all other districts, three per cent. ; on all monies by them respectively received, on account of the duties arising on goods, wares and merchandise imported into the United States, and on the tonnage of ships and vessels. And in addition to the allowances above mentioned, there shall be allowed and paid annually, the sums following, to wit :—To the collectors of St. Mary's, Passamaquoddy, Vermont, Champlain, and to the collectors of the several districts comprising the northern and western boundaries of the United States, and the river Ohio, two hundred and fifty dollars each ; to the surveyors in the several districts comprising the northern and western boundaries of the United States, and the river Ohio, two hundred dollars each ; to the surveyor of Shell Castle or Beacon Island, one thousand dollars : To each of the collectors of the districts of Wilmington, in Delaware, Annapolis, Havre-de-Grace, Chester, in Maryland, Gloucester, South Quay, Yeocomico, Tappahannock, Newbern, Edenton, Camden, Wilmington (North Carolina) Nanjemoy, Ipswich, York, Washington and Bermuda Hundred, the sum of two hundred and fifty dollars ; to each of the collectors of the districts of Oxford, Vienna, Sagg Harbor, Nottingham, Hampton, Yorktown, Dumphries, Foley Landing, Cherrystone, Beaufort, Brunswick and Hardwich, the sum of two hundred dollars ; to each of the collectors of the districts of Perth Amboy, Portsmouth, Hudson, Plymouth, Barnstable, Nantucket, Edgartown, New Bedford, Dighton, Penobscot, Frenchman's Bay, Machias (Newport) Middletown, Fairfield, Burlington, Bridgetown, Great Egg Harbor, Little Egg Harbor, Snowhill, Georgetown (in South Carolina), Sunbury, Marblehead, New Haven and Georgetown (in Maryland), the sum of one hundred and fifty dollars ; to each of the collectors of Biddeford, Bath and Wiscasset, one hundred dollars ; to the naval officer of the district of Portsmouth, two hundred dollars ; to each of the naval officers of the districts of Newburyport, Salem, Newport, Providence, Wilmington (in North Carolina), and Savannah, the sum of one hundred and fifty dollars ; to each of the surveyors of Salem, Portsmouth, Newburyport, Gloucester, Bristol, Warren, East Greenwich, North Kingston, Saint Mary's, Suffolk, Smithfield, Richmond, Petersburg, Fredericksburgh, Wilmington, Beaufort and Swansborough, the sum of two hundred and fifty dollars ; to each of the surveyors of Newport, Providence, Thomastown, Beverly, New Haven, Middletown, Hartford, Saybrook, Albany, Hudson, Lewellensburgh, Portland, Pawkatuck, Patuxet, New London, Stonington, Town creek, Bermuda Hundred, West Point, Urbanna, Port Royal, Alexandria, Windsor, Hartford, Plymouth, Skewarky, Murfreesborough, Bennet's creek, Winton, Nixonton, Newbiggen creek, Pasquotank river, Indiantown, Currituck inlet, Savannah, and New Brunswick (in New Jersey), the sum of one hundred and fifty dollars ; to each of the surveyors of such ports of delivery as may be hereafter established by the President of the United States, and for whom other annual compensations are not hereby provided, a sum not exceeding two hundred and fifty dollars. And it shall be the duty of the respective collectors, naval officers and surveyors, to keep accurate accounts of all fees and official emoluments received by them, also, of all expenditures, particularizing their expenditures for rent, fuel, stationery and clerk hire, and to transmit annually, within forty days after the last day of December, an account, as aforesaid, verified on oath or affirmation, to the comptroller of the treasury, who shall, annually, lay an abstract of the same before Congress ; and if any collector, naval officer, or surveyor, shall omit or neglect to keep an account, as aforesaid, or to transmit the same, verified as aforesaid, he shall forfeit and pay a sum not exceeding five hundred dollars, for the use of the United States.

To certain naval officers and surveyors.

Collectors, &c. to keep accounts of their emoluments and expenditures, and transmit them to the Comptroller.

Compensation and subsistence

SEC. 3. *And be it further enacted,* That the compensations of the commissioned officers of the revenue cutters, shall be as follows, to wit :

To a captain, or master, fifty dollars per month and the subsistence of a captain in the army of the United States; to a first lieutenant or mate, thirty-five dollars per month: to a second lieutenant or mate, thirty dollars per month; to a third lieutenant or mate, twenty-five dollars per month, and to every lieutenant or mate, the subsistence of a lieutenant in the army of the United States; and the pay of the non-commissioned officers, gunners and mariners employed in the said cutters, shall from time to time be established and varied by the President of the United States, not exceeding twenty dollars per month, with such rations as are or shall be allowed in the naval service of the United States.

of the officers of revenue cutters.

Pay and rations of the crew.

If a collector die or resign, how certain fees are to be distributed.

SEC. 4. *And be it further enacted*, That whenever a collector shall die or resign, the commissions to which he would have been entitled, on the receipt of all duties bonded by him, shall be equally divided between the collector resigning, or the legal representative of such deceased collector, and his successor in office, whose duty it shall be to collect the same, and for this purpose all the public or official books, papers and accounts of the collector resigning or deceased, shall be delivered over to such successor.

APPROVED, March 2, 1799.

STATUTE III.

March 2, 1799.

Repealed 1800, ch. 33, sec. 11.

CHAP. XXIV.—*An Act for the Government of the Navy of the United States.*(a)

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following rules and regulations be adopted and put in force, for the government of the navy of the United States.

ARTICLE I. The commanders of all ships and vessels, belonging to the United States, are strictly required to show in themselves a good example of honour and virtue to their officers and men, and to be very vigilant in inspecting the behaviour of all such as are under them, and to discountenance and suppress all dissolute, immoral, and disorderly practices, and also such as are contrary to the rules of discipline and obedience, and to correct those who are guilty of the same, according to the usage of the sea service.

Duty of commanders.

2. The commanders of the ships of the United States, having on board chaplains, are to take care, that divine service be performed twice a day, and a sermon preached on Sundays, unless bad weather, or other extraordinary accidents prevent.

Divine service.

3. Any person who shall be guilty of profane swearing, or of drunkenness, if a seaman or marine, shall be put in irons until sober, and then flogged if the captain shall think proper—but if an officer, he shall forfeit two days pay, or incur such punishment as a court martial shall impose, and as the nature and degree of the offence shall deserve.

Swearing and drunkenness.

4. No commander, for any one offence, shall inflict any punishment upon a seaman or marine beyond twelve lashes upon his bare back with a cat of nine tails, and no other cat shall be made use of on board any ship of war, or other vessel belonging to the United States—if the fault shall deserve a greater punishment, he is to apply to the Secretary of the Navy, the commander in chief of the navy, or the commander of a squadron, in order to the trying of him by a court martial; and in the mean time he may put him under confinement.

Commanders not to inflict a greater punishment than twelve lashes:—

5. The commander is never by his own authority to discharge a commission or warrant officer, nor to punish or strike him, but he may suspend or confine him, and shall report the case to the Secretary of the

Nor to discharge commission or warrant officers, &c.

(a) The acts of Congress establishing rules and regulations for the government of the navy of the United States, have been: An act for the government of the navy of the United States, March 2, 1799, chap. 24 (obsolete); an act for the better government of the navy of the United States, April 23, 1800, chap. 33; an act authorizing a revision and extension of the rules and regulations of the naval service, May 19, 1832, chap. 80.

Navy, or commandant of a squadron, as soon as he arrives in port, if at sea, or if in port in ten days, in order that a court martial may decide on the offence.

Officer occasionally commanding not to order punishment.

6. The officer who commands by accident in the captain or commander's absence (unless he be absent for a time by leave) shall not order any correction but confinement, and upon the captain's return on board, he shall then give an account of his reasons for so doing.

Articles of war to be hung up and read.

7. The captain is to cause the articles of war to be hung up in some public place of the ship, and read to the ship's company once a month.

Seamen to be entered on the ship's books.

8. Whenever a captain shall enter or enlist a seaman, he shall take care to enter on his books, the time and terms of his entering, in order to his being justly paid.

Return of officers and men to be made, &c.

9. The captain shall, before he sails, make return to the Secretary of the Navy a complete list of all his officers and men, with the time and terms of their entering, and during his cruise or station, shall keep a true account of the desertion or death of any of them, and of the entering of others, and after the expiration of the time for which they were entered, and before any of them are paid off, he shall make return of a complete list of the same, including those who shall remain on board his ship.

Men to be furnished with slops.

10. The men shall, at their request, be furnished with slops that are necessary, by order of the captain, and the amount delivered to each man, shall be regularly returned by the purser, so that the same be stopped out of his pay.

Who are petty officers.

11. All officers not having commissions or warrants, (or appointed commission or warrant officers for the time being) are termed petty, or inferior officers.

Petty officers and seamen turned over into another ship, not to be rated lower, &c.

12. Whenever any inferior officer, seaman, or other person, be turned over into the ship of a commander other than the one with whom he entered, he is not to be rated on the ship's books, in a worse quality, or lower degree or station, than he served in the ship he was removed from; and for the guide of the captain, he is to demand from the commander of the ship from which such person or persons were turned over, a list, under his hand, of his or their names, and the quality in which he or they served.

Wages and prize money may be paid to assignees.

13. Any officer, seaman or other person, entitled to wages or prize money, may have the same paid to his assignee, provided the assignment be attested by the captain and the purser; but the captain or commander of every vessel in the service of the United States, is to discourage his crew from selling any part of their wages or prize money, and never to attest the letter of attorney until he is satisfied that the same is not granted in consideration of money given for the purchase of wages, or shares of prize money.

In case of death, the name to be entered on the books.

14. When any officer or other person dies, the captain is forthwith to have his name entered on the books of the ship, in order to the wages being forthwith paid to his executors or administrators.

Treatment of sick and hurt men.

15. A convenient place shall be set apart for the sick or hurt men, to which they are to be removed with their hammocks and bedding, when the surgeon shall advise the same to be necessary, and some of the crew shall be appointed to attend them, and keep the place clean;—cradles and buckets with covers, shall be made for their use, if necessary.

Fishing.

16. All ships furnished with fishing tackle, being in such places where fish is to be had, the captain is to employ some of the company in fishing: The fish to be daily distributed to such persons as are sick, or upon recovery, provided the surgeon recommend it, and the surplus, by turns, amongst the messes of the officers and seamen, gratis, without any deduction of their allowance of provisions on that account.

In case of exigence, allow-

17. It is left to the discretion of commanders of squadrons, to shorten the allowance of provisions according to the exigence of the service,

taking care that the men be punctually paid for the same—the like power is given to captains of ships acting singly, where it is deemed necessary, and if there should be a want of pork, the captain is to order three pounds of beef to be issued in lieu of two pounds of pork.

ance of provisions may be shortened.

18. If any ships of the United States shall happen to come into port in want of provisions, the warrant of the commander of the squadron, or of a captain where there is no commander of a squadron present, shall be sufficient to procure the supply of the quantity wanted, from the agent, or navy agent at such port.

Warrant for supply of provisions.

19. The captains are frequently to cause to be inspected the condition of the provision, and if the bread proves damp, to have it aired upon the quarter deck, and other convenient places, and in case of the pickle being leaked out of the flesh casks, he is to have new pickle made and put therein, after such casks are repaired.

Provisions to be inspected.

20. The captain shall cause the purser to secure the clothes, bedding and other things, of such persons as shall die or be killed, to be delivered to their executors or administrators.

Clothes, &c. of deceased to be secured.

21. All papers, charter-parties, bills of lading, passports, and other writings whatsoever, found on board any ship or ships which shall be taken, shall be carefully preserved and the originals sent to the court of justice for maritime affairs, appointed or to be appointed for judging concerning such prize or prizes, and if any person or persons shall wilfully or negligently destroy or suffer to be destroyed any such paper or papers, he or they so offending shall forfeit his or their share of such prize or prizes, and suffer such other punishment as they shall be judged by a court martial to deserve; and if any person or persons shall embezzle or steal, or take away any cables, anchors, sails or any of the ship's furniture, or any of the powder, arms, ammunition, or provisions of any ship belonging to the United States, or of any prize taken by a ship or ships, aforesaid, or maltreat or steal the effects of any prisoner, he or they so offending shall suffer such punishment as a court martial shall order.

Papers found on board of captured vessels to be preserved.

Penalty on stealing certain things.

22. When in sight of any ship, ships, or other vessels of the enemy, or at such other times as may appear necessary to prepare for an engagement, the captain shall order all things in his ship in a proper posture for fight, and shall, in his own person, and according to his duty, heart on, and encourage the inferior officers and men to fight courageously, and not to behave themselves faintly or cry for quarters, on pain of such punishment as the offence shall appear to deserve for his neglect.

Preparation for fight.

23. Any captain, officer or other person who shall not exert himself, or who shall basely desert his duty or station in the ship, and run away while the enemy is in sight, or in time of action, or shall entice others to do so, shall suffer death, or such other punishment as a court martial shall inflict.

Cowardice.

24. Any officer, seaman, mariner or other person who shall disobey the orders of his superior, or begin, excite, cause or join in any mutiny or sedition in the ship to which he belongs, or in any other ship or vessel in the service of the United States, on any pretence whatsoever, shall suffer death, or such other punishment as a court martial shall direct; and further, any person in any ship or vessel belonging to the service aforesaid, who shall utter any words of sedition and mutiny, or endeavour to make any mutinous assembly on any pretence whatsoever, shall suffer such punishment as a court martial shall inflict.

Mutiny and sedition.

25. None shall presume to quarrel with or strike his superior officer, on pain of such punishment as a court martial shall order to be inflicted.

Quarreling with or striking a superior officer.

26. If any person shall apprehend he has just cause of complaint, he shall quietly and decently make the same known to his superior officer, or to the captain, as the case may require, who shall take care that justice be done him.

To whom complaints shall be made known.

Quarreling and fighting, &c.

27. There shall be no quarreling or fighting between ship mates on board any ship belonging to the United States, nor shall there be used any reproachful or provoking speeches, tending to make quarrels and disturbances, on pain of imprisonment, or of such punishment as the captain, or a court martial shall judge proper to inflict.

Neglect of duty.

28. If any person shall sleep upon his watch, or negligently perform the duty which shall be enjoined him to do, he shall suffer such punishment as the captain, or a court martial shall inflict.

Murder.

29. All murder shall be punished with death.

Robbery and theft.

30. All robbery and theft, not exceeding twenty dollars, shall be punished at the discretion of the captain, and above that sum as a court martial shall inflict.

Master of arms misbehaving.

31. Any master of arms, or other person of whom the like duty may be required, refusing to receive such prisoner or prisoners, as shall be committed to his charge, or having received them shall suffer him or them to escape, or dismiss them without orders from his captain, the commander in chief of the navy or the commander of a squadron, for so doing, shall suffer in his or their stead as a court martial shall order and direct.

Duty of detecting and apprehending offenders.

32. The captains, officers and others shall use their utmost endeavours to detect, apprehend, and bring to punishment all offenders, and shall at all times readily assist all officers and others appointed for that purpose, in the discharge of such duty, when it is required, on pain of being proceeded against and punished by a court martial at discretion.

Correspondence with enemies or rebels.

33. If any officer whatsoever, mariner, marine soldier, or other person, belonging to any ship or vessel of war in the service of the United States, shall give, hold or entertain intelligence, to or with any enemy or rebel, without leave from the government, commander in chief, or in case of a single ship, from his captain, every such person so offending, and being thereof convicted by the sentence of a court martial, shall be punished with death.

Letters or messages from enemies or rebels to be made known.

34. If any letter or message from an enemy or a rebel be conveyed to any officer, mariner, marine or other person, belonging to any ship or vessel in the service of the United States, and the person as aforesaid shall not within twelve hours, having opportunity so to do, acquaint his superior or commander in chief with it; or if any superior officer being acquainted therewith, shall not in convenient time reveal the same to the commander in chief, commander of a squadron or other proper officer, appointed to take cognizance of such offence, every such person so offending, and being convicted thereof, by the sentence of a court martial, shall be punished with death, or such other punishment as the nature and degree of the offence shall deserve, and according to the sentence of a court martial.

Spies.

35. All spies, and all persons whatsoever who shall come or be found in the nature of spies, to bring or deliver any seducing letter or message, from an enemy or rebel, or endeavour to corrupt any captain, officer, mariner, marine, or other person in the fleet, to betray his trust, being convicted of any such offence by the sentence of a court martial, shall be punished with death, or such other punishment as the nature and degree of the offence shall deserve, and the court martial shall impose.

Supplying enemies or rebels.

36. No person in a fleet, or in a single ship or vessel, shall supply an enemy or rebel with stores, money, victuals, arms, ammunition, or any kind of stores, directly or indirectly, upon pain of death, or such other punishment as a court martial shall think fit to impose, and as the nature and degree of the crime shall deserve.

Running away to the enemy, &c. or yielding cowardly, &c.

37. Every person in or belonging to any ship or vessel in the service of the United States, who shall desert or run away with any vessel or boat, to the enemy or otherwise, or with any effects of the United States,

whatsoever, or yield up the same cowardly or treacherously, shall suffer death, or such other punishment as a court martial shall inflict.

38. The officers and seamen, &c., of all ships appointed for convoy and guard of merchantmen, shall diligently attend upon that charge without delay, according to their instructions, and whosoever shall be faulty therein, shall be punished as a court martial shall direct.

Duty as to
convoy.

39. If any captain, commander or other officer of any ship or vessel in the service of the United States, shall receive or permit on board his vessel any goods or merchandise, other than for the sole use of his vessel, except gold, silver, or jewels, and except the goods and merchandise of vessels which may be in distress or shipwrecked, or in imminent danger of being shipwrecked, in order to preserve them for the proper owner, without legal orders from the naval department, every person so offending being convicted thereof, by the sentence of a court martial, shall be cashiered, and be for ever afterwards rendered incapable to serve in any place or office in the navy service of the United States.

Penalty on re-
ceiving mer-
chandise on
board.

40. There shall be no wasteful expense of any powder, shot, ammunition, or other stores in the vessels belonging to the United States, nor any embezzlement thereof, but the stores and provisions shall be carefully preserved, upon pain of such punishment, to be inflicted upon the offenders, abettors, buyers and receivers, as shall be by a court martial found just in that behalf.

Waste and
embezzlement
of stores.

41. Every person in the navy who shall unlawfully burn or set fire to any kind of public property, not then appertaining to an enemy, pirate or rebel, being convicted of any such offence by the sentence of a court martial, shall suffer death.

Unlawfully
setting fire to
public property.

42. Care shall be taken in steering and conducting every ship belonging to the United States, so that through wilfulness, negligence, or other defaults, no ship be stranded or hazarded, upon pain that such as shall be found guilty therein, be punished as the offence, by a court martial, shall be judged to deserve.

Care to be
used in navigat-
ing.

43. Every officer or other person in the navy, who shall knowingly make or sign a false muster, or procure the making or signing thereof, or shall aid or abet in the same, shall be cashiered and rendered incapable of further employment in the navy service of the United States, and shall forfeit all the pay and subsistence money due to him.

Making a false
muster.

44. Every person guilty of mutiny, desertion or disobedience to his superior officer on shore, acting in the proper line of his duty, shall be tried by a court martial, and suffer the like punishment for every such offence, as if the same had been committed at sea, on board any ship or vessel of war in the service of the United States.

Mutiny, deser-
tion and disobe-
dience on shore.

45. If any person belonging to any ship or vessel of war in the service of the United States, shall, when on shore, on duty, or otherwise, plunder, abuse, or maltreat any inhabitant, or injure his property in any way, such person shall be punished as a court martial shall direct.

Offences on
shore against
the inhabitants.

46. All faults, disorders and misdemeanors which shall be committed on board any ship belonging to the United States, and which are not herein mentioned, shall be punished according to the laws and customs in such cases at sea.

Punishment
of misdemea-
nors not speci-
fied.

47. No court martial, to be held or appointed by virtue of this act, shall consist of more than thirteen, nor less than five persons, to be composed of such commanders of squadrons, captains and sea lieutenants, as are then and there present, and as are next in seniority to the officer who presides; but no lieutenant shall sit on a court martial, held on a captain, or a junior lieutenant on that of a senior.

How a court
martial shall be
composed.

48. Every member of a court martial shall take the following oath: "I, A. B. do swear, that I will well and truly try and impartially determine the cause of the prisoner now to be tried, according to the rules of the navy of the United States. So help me God." Which oath shall

Oaths of the
court martial.

be administered by the president to the other members, and the president himself shall be sworn by the officer next in rank; and as soon as the above oath shall have been administered, the president of the court is required to administer to the judge advocate, or person officiating as such, an oath in the following words: "I, A. B. do swear, that I will not, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of this court martial, unless thereto required by an act of Congress. So help me God." And all the witnesses, before they be admitted to give evidence, shall take the following oath: "I, A. B. do swear, that the evidence I shall give in the cause now in hearing, shall be the truth, the whole truth, and nothing but the truth. So help me God."

49. The sentence of a court martial for any capital offence shall not be put in execution, until it be confirmed by the commander in chief of the fleet. And it shall be the duty of the president of every court martial, to transmit to the commander in chief of the fleet, and to the head of the Navy department, every sentence which shall be given, with a summary of the evidence and proceedings thereon, as soon as may be.

50. The commander in chief of the fleet, for the time being, shall have power to pardon and remit any sentence of death, in consequence of any of the aforementioned articles.

SEC. 2. *And it is hereby further enacted*, That if any person in the navy service, being called upon to give evidence at any court martial, shall refuse to give his evidence upon oath, or shall prevaricate in his evidence, or behave with contempt to the court, it shall and may be lawful for such court martial to punish such offender by imprisonment, at the discretion of the court; such imprisonment, in no case, to continue longer than three months; and that all and every person and persons, who shall commit any wilful perjury in any evidence or examination upon oath at such court martial, or who shall corruptly procure or suborn any person to commit such wilful perjury, shall and may be prosecuted in any of the courts of the United States, by indictment or information. And all and every person, lawfully convicted upon any such indictment or information, shall be punished with such pains and penalties as are inflicted for the like offences by the laws therein provided.

SEC. 3. *And it is hereby further enacted, by the authority aforesaid*, That in all cases where the crews of the ships or vessels of the United States shall be separated from their vessels, by the latter being wrecked, lost, or destroyed, all the command, power and authority given to the officers of such ships or vessels, shall remain and be in full force as effectually as if such ship or vessel was not so wrecked, lost or destroyed, until they shall be regularly discharged from the service of the United States, or removed into some other of its said ships, or until a court martial shall be held, to inquire into such loss of the said ship or vessel; and if upon inquiry it shall appear by the sentence of the court martial, that all or any of the officers, seamen, marines, and others of the said ship or vessel, did their utmost to preserve, get off, or recover the said ship or vessel, and after the loss thereof did behave themselves obediently to their superior officers, according to the discipline of the navy, and the said articles and orders herein before established, then all the pay and wages of the said officers and seamen, or such of them as shall have done their duty as aforesaid, shall continue and go on, and be paid to the time of their discharge or death; and every such officer or seaman, who after the wreck or loss of his said ship or vessel, shall act contrary to the discipline of the navy, or the articles herein before established, or any of them, shall be sentenced by the said court martial, and be punished, as if the ship to which he did belong was not so wrecked or destroyed.

SEC. 4. *And be it further enacted*, That all the pay and wages of such

Judge advocate,

and witnesses.

Sentences of courts martial in capital cases to be confirmed, &c.

Commander in chief may remit sentences of death.

Misbehaviour of witnesses.

Perjury and subornation thereof.

Authority of the officers to continue after the vessel is lost.

In such case court martial is to be held.

officers and seamen of any of the ships of the United States as are taken by the enemy, and upon inquiry at a court martial, shall appear by the sentence of the said court, to have done their utmost to defend the ship or ships, and since the taking thereof, to have behaved themselves obediently to their superior officers, according to the discipline of the navy, and the said articles and orders, herein before established, shall continue and go on as aforesaid, until they be exchanged and discharged, or until they shall die, whichever may first happen: *Provided always*, that persons flying from justice shall be tried and punished for so doing.

Prisoner's pay
to go on.

SEC. 5. *And be it further enacted*, That all captured national ships or vessels of war shall be the property of the United States—all other ships or vessels, being of superior force to the vessel making the capture, in men or in guns, shall be the sole property of the captors—and all ships or vessels of inferior force shall be divided equally between the United States and the officers and men of the vessel making the capture.

To whom
prizes shall be
long.

SEC. 6. *And be it further enacted*, That the produce of prizes taken by the ships of the United States, and bounty for taking the ships of the enemy, be proportioned and distributed in the manner following, to wit:—

Distribution
of prize money
and bounty.

1. To the captain actually on board at the time of taking any prize, being other than a public or national vessel, or ship of war, three twentieths of that proportion of the proceeds belonging to the captors.

2. If such captain or captains be under the immediate command of a commander in chief, or commander of a squadron, having a captain on board, such commander in chief, or commander of a squadron, to have one of the said twentieth parts, and the captain taking the prize, the other two twentieth parts.

3. To the sea lieutenants and sailing-master, two twentieths.

4. To marine officers, the surgeon, purser, boatswain, gunner, carpenter, master's mate and chaplain, two twentieths.

5. To midshipmen, surgeon's mates, captain's clerk, clergyman or schoolmaster, boatswain's mates, gunner's mates, carpenter's mates, ship's steward, sail-maker, master at arms, armorer, and cockswain, three twentieths.

6. Gunner's yeoman, boatswain's yeoman, quartermasters, quarter-gunners, cooper, sail-maker's mates, sergeant of marines, corporal of marines, drummer and fifer and extra petty officers, three twentieths.

7. To seamen, ordinary seamen, marines and boys, seven twentieths.

8. Any officer on board having more posts than one, is only entitled to the share belonging to his superior office, according to the regulations aforesaid.

9. Whenever one or more ships of the United States are in sight, at the time of any one or more other ships as aforesaid are taking a prize or prizes, or being engaged with an enemy, and they shall all be so in sight, when the enemy shall strike or surrender, they shall share equally, according to the number of guns and men on board of each ship so in sight—but no privateer or armed ship, being in sight of a national ship of war, at the taking of any prize, shall be entitled to any share in such prize or prizes.

10. Commanders of ships of war taking any prize, are to transmit, as soon as possible, to the naval department, a true list of the officers and men actually on board at the taking of such prize, inserting therein the quality of every person's rating; and the department aforesaid is to examine the said list by the ship's muster book, to see their agreement, and is to grant certificates of the truth of such list transmitted, in order that the agents appointed by the captors, make payment of the shares, agreeably to this act.

11. In order to define the rights and privileges of commanders in

chief, commanders of squadrons and captains, in relation to captures—No commander in chief, or commander of a squadron, shall be entitled to receive any share of prizes taken by the ships of war of the United States that are not put under his immediate command, nor of such prizes as may have been taken previous to such ships being placed under his command, and until they have acted under his immediate orders; nor shall a commander in chief, or commander of a squadron, returning home from any station where he had the command, have any share in prizes taken by ships left on such station, after he has got out of the limits of his said command.

12. Captains, sailing specially under orders from the navy department, are clearly to be understood as acting separately from any superior officer.

13. The bounty given by the United States on any national ship of war, taken from the enemy and brought into port, shall be for every cannon mounted, carrying a ball of twenty-four pounds, or upwards, two hundred dollars; for every cannon carrying a ball of eighteen pounds, one hundred and fifty dollars; for every cannon carrying a ball of twelve pounds, one hundred dollars; and for every cannon carrying a ball of nine pounds, seventy-five dollars; for every smaller cannon, fifty dollars; and for every officer and man taken on board, forty dollars; which sums are to be divided agreeably to the foregoing articles.

Rates of salvage.

SEC. 7. *And be it further enacted*, That for the ships or goods belonging to the citizens of the United States, or to the citizens or subjects of any nation, in amity with the United States, if retaken from the enemy within twenty-four hours, the owners are to allow one eighth part of the whole value for salvage, if after twenty-four hours, and under forty-eight, one fifth thereof, if above that and under ninety-six hours, one third part thereof, and if above that, one half, all of which is to be paid without any deduction whatsoever, agreeable to the articles herein before mentioned.

Allowance of half pay to persons disabled in the service.

SEC. 8. *And be it further enacted*, That every officer, seaman or mariner disabled in the line of his duty, shall be entitled to receive for his own life, and the life of his wife, if a married man, at the time of receiving the wound, one half his monthly pay.

Prize money belonging to the public to be a fund to discharge the half pay, &c.

SEC. 9. *And be it further enacted*, That all the money accruing, or which has already accrued from the sale of prizes, shall be and remain for ever a fund for the payment of the half pay to the officers and seamen who may be entitled to receive the same—and if the said fund shall be insufficient for this purpose, the public faith is hereby pledged to make up the deficiency. But if it should be more than sufficient, the surplus shall be applied as Congress may hereafter direct by law, to the making of further provision for the comfort of the disabled officers, seamen and mariners, and for such as may not be disabled, who may merit by their bravery, or their long and faithful services, the gratitude of their country.

Management of the fund.

SEC. 10. *And be it further enacted*, That the said fund shall be under the management and direction of the Secretary of the Navy, the Secretary of the Treasury and the Secretary at War for the time being, who are hereby authorized to receive all such sums as the United States may be entitled to, from the sale of prizes, and to invest the same, and the interest arising therefrom, in such of the six per cent. or other stock of the United States, as a majority of them from time to time shall determine to be most advantageous; and it shall be the duty of the said commissioners to lay before Congress, every year, in the first week of their annual meeting, a minute and correct statement of their proceedings, in relation to the management of said fund.

Private rules to conform with

SEC. 11. *And be it further enacted*, That no rules or regulations made by any commander in chief, or captain, in the service of the

United States, for the stationing, designating of duty and government of the fleet, or any of the crews of any ship of war, shall be at variance with this act, but shall be strictly conformable thereto; and that every commander in chief and captain, in making private rules and regulations, and designating the duty of his officers, shall keep in view also the custom and usage of the sea service most common to our nation.

APPROVED, March 2, 1799.

this act and the usages of the sea service.

STATUTE III.

March 2, 1799.

[Obsolete.]
Specific appropriations.

CHAP. XXV.—*An Act making appropriations for the support of Government for the year one thousand seven hundred and ninety-nine.*

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, including the contingent expenses of the several departments and officers; for defraying the compensations of clerks in the several loan offices, and for books and stationery for the same; for the payment of annuities and grants; for the support of the mint establishment; for the support of lighthouses, beacons, buoys and public piers; for the contingent expenses of government; for establishing and maintaining trading houses with the Indians, and for satisfying certain miscellaneous claims and expenses, 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 five hundred dollars.

For the compensations granted by law to the chief justice, associate judges, district judges and attorney general, district attorneys and marshals, forty-seven thousand three 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 the Treasury, clerks and persons employed in his office, eleven thousand and fifty dollars.

For expense of stationery, printing, translating of foreign languages, allowance to persons employed in receiving and transmitting passports and sea letters, in the office of the Secretary of the Treasury, eight hundred dollars.

For compensation to the Comptroller of the Treasury, clerks and persons employed in his office, twelve thousand seven hundred dollars.

For expense of stationery, printing and all other contingent expenses in the comptroller's office, eight hundred dollars.

For compensation to the Auditor of the Treasury, clerks and persons employed in his office, eleven thousand nine hundred and fifty dollars.

For expense of stationery, printing and all other contingent expenses in the office of the auditor, seven hundred and fifty dollars.

For compensation to the Treasurer, clerks and persons employed in his office, five thousand eight hundred and fifty dollars.

For expenses of firewood, stationery, printing, rent and all other contingencies in the treasurer's office, six hundred dollars.

For compensation to the Commissioner of the Revenue, clerks and persons employed in his office, six thousand one hundred and twenty-five dollars.

Specific ap-
propriations.

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, sixteen thousand and twenty-five dollars.

For expense of stationery, printing and all other contingent expenses in the register's office (including books for the public stocks and for the arrangement of the marine papers), two thousand eight hundred dollars.

For compensation to the Purveyor of Public Supplies, two thousand dollars; and five hundred dollars for a clerk.

For compensation to the Secretary 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 the 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-nine, (including an increase of two hundred dollars, in consequence of an extension of the revenue and expenditures,) one thousand two hundred dollars.

For defraying the expense incident to the removal of the books and records of the Treasury department from Philadelphia to Trenton, during part of the summer of the year one thousand seven hundred and ninety-eight, including the extra expenses of the several officers, clerks and messengers in each office, four thousand four hundred dollars.

For compensations to the several loan officers, thirteen thousand two hundred and fifty dollars.

For the expense incident to the removal of the loan office of Pennsylvania, from Philadelphia, during part of the summer of the year one thousand seven hundred and ninety-eight, including the extra expenses of the clerks in the said office, one hundred and seventy-eight dollars and seventy cents.

For compensations to the 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 officers, thirteen thousand dollars.

For compensation to the Secretary of State, clerks and persons employed in that department, eleven thousand three hundred dollars.

For incidental and contingent expenses in the said department, eight thousand five hundred dollars.

For the expense incident to the removal of the department of State from Philadelphia to Trenton, during part of the summer of the year one thousand seven hundred and ninety-eight, including the extra expenses of the Secretary for the department, the clerks and messengers therein, four hundred and forty-one dollars and thirty-five cents.

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; one clerk, at seven hundred dollars; and two at five hundred dollars each, one thousand 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, seven thousand dollars.

For the purchase of ironmongery, lead, wood, coals, stationery, office furniture, and for all other contingencies of the establishment of the mint, six thousand three hundred dollars. Specific appropriations.

For compensation to the Secretary of War, clerks and persons employed in his office, eleven thousand four hundred and fifty dollars.

For expense of firewood, stationery, printing, rent, and other contingent expenses in 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, ten thousand eight hundred and fifty dollars.

For contingent expenses in the office of the Accountant of the War department, one thousand dollars.

For the expense incident to the removal of the War department from Philadelphia to Trenton, during part of the summer of the year one thousand seven hundred and ninety-eight, including the extra expenses of the Secretary for the department, the accountant, clerks and messengers in each office, three thousand two hundred and twenty-two dollars and forty-three cents.

For compensation to the Secretary of the Navy, clerks and persons employed in his office, nine thousand and fifty-five dollars.

For expense of firewood, stationery, printing, rent, and all other contingencies in the office of the Secretary of the Navy, two thousand eight hundred and fifty dollars.

For expense of removing the department of the Navy, from Philadelphia to Trenton, during part of the summer of the year one thousand seven hundred and ninety-eight, including the extra expenses of the clerks and messengers in the offices of the Secretary and Accountant for the department, four hundred and twenty-seven dollars and forty-eight cents.

For compensation to the Accountant of the Navy, clerks and persons employed in his office, nine thousand two hundred and fifty dollars.

For contingent expenses in the office of the Accountant of the Navy, seven hundred and fifty dollars.

For compensation to the keeper of the navy store, and his assistant; laborers employed in the store, portorage, and store rent, three thousand eight 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, stationery, and other contingent expenses in the Surveyor General's department (in addition to former appropriations) nine thousand five hundred and nineteen dollars.

For compensation to the governor, secretary and judges of the territory northwest of the Ohio, five thousand one hundred and fifty dollars.

For expenses of stationery, printing patents for land, office rent and other contingent expenses in the said territory, three hundred and fifty dollars.

For compensation to the governor of the Mississippi territory, and for discharging the duties of superintendent of Indian affairs, during part of the year one thousand seven hundred and ninety-eight, one thousand three hundred and two dollars and nineteen cents.

For compensation to the secretary of the Mississippi territory, and for discharging the duties of secretary during part of the year one thousand seven hundred and ninety-eight, four hundred and eighty-eight dollars and thirty-three cents.

For compensation to three judges of the Mississippi territory, during part of the year one thousand seven hundred and ninety-eight, one thousand four hundred and forty-eight dollars and thirty-six cents.

For compensation to the governor, secretary and judges of the Mis-

Specific appropriations.

Mississippi territory, for the year one thousand seven hundred and ninety-nine, five thousand one hundred and fifty dollars.

For the expenses of stationery, office rent, printing patents for land, and other contingent expenses of the government of the Mississippi territory (including eight months of the year one thousand seven hundred and ninety-eight) five hundred and eighty-three dollars and thirty-three cents.

For the discharge of such miscellaneous demands against the United States, on account of the civil department, 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, one thousand dollars.

For the payment of sundry pensions granted by the late government, nine hundred and fifty-three 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, three hundred and seventy-five 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 lamps, and materials used in them, including an allowance for the increased number of lighthouses, forty-four thousand two hundred and eighty-one dollars and eight cents.

For defraying the contingent expenses of the government (the amount of former appropriations unexpended being carried to the credit of the surplus fund) twenty thousand dollars.

For the establishment and maintenance of trading houses with the Indians (the balance unexpended of a former appropriation being carried to the credit of the surplus fund) one hundred and ten thousand 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.

For compensation to the Postmaster General, assistant Postmaster General, clerks and persons employed in the Postmaster General's office, eight thousand nine hundred and fifty dollars.

For expense of firewood, stationery, printing, rent and other contingent expenses, in the office of the Postmaster General, two thousand dollars.

SEC. 2. *And be it further enacted*, That the several appropriations herein before made, shall be paid and discharged out of the fund of six hundred thousand dollars, reserved by the act "making provision for the debt of the United States," together with so much as may be necessary of the proceeds of the duties on imports, and the tonnage of ships and vessels, and the duties on domestic distilled spirits and stills, which shall accrue until the close of the present year.

APPROVED, March 2, 1799.

STATUTE III.

March 2, 1799.

Repealed by act of April 6, 1802.

CHAP. XXVI.—*An Act respecting Distillers of Geneva.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proprietor or possessor of any distillery situated in any place other than a city, town or village, and employed solely in the distillation of geneva, where such

proprietor or possessor shall employ in such distillery any one still whose capacity shall exceed eight hundred gallons, from materials the growth or produce of the United States, may at his or her option be charged with and pay duty on the quantity of spirits thereat distilled, at the same rates, according to the proof thereof, as are now chargeable on such spirits distilled in cities, towns and villages, subject to the same regulations, provisions, penalties and forfeitures as are established for securing and collecting the duties on other domestic distilled spirits.

APPROVED, March 2, 1799.

CHAP. XXVII.—*An Act to regulate the Medical Establishment.*(a)

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in the medical establishment of the United States, there shall be the following officers: A physician-general, who shall be charged with the superintendence and direction of all military hospitals, and generally of all medical and chirurgical practice or service concerning the army or navy of the United States, and of all persons who shall be employed in and about the same, in camps, garrisons and hospitals. An apothecary-general, and one or more deputies, who shall be charged with the safe-keeping and delivery of all medicines, instruments, dressings and other articles for the use of the hospital and army. A purveyor, who shall be charged with providing medicines, stores, and whatsoever else may be necessary in relation to the said practice or service. A competent number of hospital surgeons, who shall be liable to serve in the field, and who shall have the immediate charge and direction of such military hospitals as may be committed to their care respectively. A suitable number of hospital mates, who are to observe the directions of the hospital surgeons, and shall diligently perform all reasonable duties required of them for the recovery of the sick and wounded.

SEC. 2. *And be it further enacted,* That each military hospital shall have a steward, with a competent number of nurses and other attendants; which steward shall be charged with the procuring of such supplies as may not otherwise be furnished, and with the safe-keeping and issuing of all supplies.

SEC. 3. *And be it further enacted,* That the said physician-general, hospital surgeons, purveyor, and apothecary and apothecaries, deputy or deputies, shall be appointed as other officers of the United States; that the said mates and stewards shall be appointed by the authority, and at the direction of the said physician-general, subject to the eventual approbation and control of the President of the United States, and shall be removable by the authority of the said physician-general; and that the surgeon of each hospital shall appoint, employ and fix the compensations of the nurses and other attendants of such hospital, subject to the control of the said physician-general, or the hospital surgeon, of senior appointment, with a separate army, or in a separate district.

SEC. 4. *And be it further enacted,* That as often as the regimental sick will not suffer by the employing of regimental surgeons or mates in the temporary or other hospitals of the United States, the physician-

STATUTE III.

March 2, 1799.

Of what officers the medical establishment shall consist.

1802, ch. 7.

Persons to attend military hospitals.

How the persons belonging to the medical establishment shall be appointed, &c.

Regimental surgeons and mates may be employed in the hospitals.

(a) The acts relating to the Medical departments of the army and navy, are: An act to regulate the medical establishment, March 2, 1799, chap. 27; an act fixing the military peace establishment of the United States, March 16, 1802, chap. 9, sec. 3; an act further to regulate the medical department of the army, May 8, 1820, chap. 34; an act to reduce and fix the military peace establishment of the United States, March 2, 1821, chap. 12, sec. 10; an act for the better organization of the medical department of the navy of the United States, May 24, 1828, chap. 121; an act to amend "an act for the better organization of the medical department of the navy," approved 24th of May, 1828, January 21, 1829, chap. 7; an act to increase the number of surgeons and assistant surgeons, in the army of the United States, June 28, 1832, chap. 150; an act to increase and regulate the pay of the surgeons and assistant surgeons of the army, June 30, 1834, chap. 133.

general, or the hospital surgeon of senior appointment with a separate army, or in a separate district, with the consent of the general and commander in chief, or the officer commanding a separate army, may require the attendance of such surgeons or surgeons' mates, as, in his opinion, can be with safety so withdrawn from their regiments.

The physician general and hospital surgeons to frame a system of directions.

SEC. 5. *And be it further enacted,* That it shall be the duty of the physician-general, with two or more hospital surgeons, to frame a system of directions relative to the description of patients to be admitted into the hospitals; to the means of promoting cleanliness in the hospitals; to the prevention of idleness, skulking and gambling in the hospitals; to the prevention of the spread of infectious distempers in the camps and hospitals, and the government of nurses, and all others charged with the care of the sick, in camps or hospitals, subject in the first instance to the approbation and revision of the commander in chief, the commander of a separate army, or in a separate district as the case may be, and eventually to the approbation and control of the President of the United States: *Provided always,* that the said directions, having received the sanction of the commander in chief, or the commander of a separate army, shall be operative, and remain in full force, unless altered or annulled by the President of the United States.

Compensation and emoluments of the officers.

SEC. 6. *And be it further enacted,* That the compensations of the said several officers shall be as follows: Of the physician-general, one hundred dollars pay per month, and fifty dollars per month, which shall be in full compensation for forage, rations and travelling expenses: of the purveyor, one hundred dollars pay per month, in full compensation for his services and all expenses: of the apothecary-general, eighty dollars pay per month, and thirty dollars per month in full compensation for forage, rations and all expenses: of each of his deputies, fifty dollars pay per month, and sixteen dollars per month in full compensation for forage, rations and all expenses: of each hospital surgeon, eighty dollars pay per month, and forty dollars per month in full compensation for forage, rations and all expenses: of each mate, thirty dollars pay per month, and twenty dollars per month in full compensation for forage, rations and all expenses: of each steward, twenty-five dollars pay per month, and eight dollars per month in full compensation for forage, rations and all expenses. *Provided,* that none of the officers aforesaid shall be entitled to any part of the pay or emoluments aforesaid, until they shall respectively be called into actual service.

Temporary and permanent hospitals may be provided.

SEC. 7. *And be it further enacted,* That for the accommodation of the sick of the army and navy of the United States, the physician-general and hospital surgeon of senior appointment, with the approbation of the general commanding the army within the district where he shall be, shall have power to provide temporary hospitals; and the physician-general, with the approbation of the President of the United States, shall have power to provide and establish permanent hospitals.

Rules to which the said officers and others shall be subject, &c.

SEC. 8. *And be it further enacted,* That all the said officers and others shall, as touching their several offices and duties, be liable to the rules and regulations for the government and discipline of the army; and shall be bound to obey, in conformity with law and the usages and customs of armies, the orders and directions of the chief military officers of the respective armies, and within the respective districts in which they shall respectively serve and be.

A medical board to examine candidates.

SEC. 9. *And be it further enacted,* That the physician-general, or in his absence, the senior medical officer, with the approbation of the commander in chief, or commanding officer of a separate army, be, and hereby is authorized and empowered, as often as may be judged necessary, to call a medical board, which shall consist of the three senior medical officers then present, whose duty it shall be to examine all can-

didates for employment or promotion in the hospital department, and certify to the Secretary at War the qualifications of each.

APPROVED, March 2, 1799.

STATUTE III.

CHAP. XXVIII.—*An Act making additional appropriations for the year one thousand seven hundred and ninety-nine.*

March 2, 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 the following additional appropriations for the year one thousand seven hundred and ninety-nine, shall be, and are hereby made; that is to say:—

For further expenses in carrying into effect the fifth article of the treaty of amity, commerce and navigation between the United States and Great Britain, twenty-five thousand dollars.

For the salaries, office rent, clerk hire, and contingencies of the commissioners under the sixth article of the said treaty, and for the salary of their secretary, sixteen thousand dollars.

For enabling the President of the United States to defray the expenses which have been and may be incurred under the act passed June the thirtieth, one thousand seven hundred and ninety-seven, intituled "An act directing the appointment of agents in relation to the sixth article of the treaty of amity, commerce and navigation, between the United States and Great Britain," a sum not exceeding ten thousand dollars in addition to the sum already appropriated for that purpose.

1797, ch. 6.

For the salaries of the commissioners, under the seventh article of the said treaty, sixteen thousand, six hundred and sixty-six dollars, and sixty-seven cents.

For the salaries, clerk hire, office rent, and other contingencies of the two agents residing in England, on business relative to the said seventh article, nine thousand, eight hundred and thirty-three dollars, and thirty-three cents.

For further expenses in carrying into effect the treaty of amity, navigation and limits between the United States and Spain, twenty thousand dollars.

For making good deficiencies in former appropriations for carrying into effect the engagements of the United States with the Mediterranean powers, two hundred thousand dollars.

For satisfying claims, other than for registered debt, which may be allowed at the treasury of the United States, pursuant to the act, intituled "An act respecting loan office and final settlement certificates" (in addition to former appropriations) the sum of thirty thousand dollars.

1798, ch. 51.

For the expenses of intercourse with foreign nations during the present year, in addition to the sum of forty thousand dollars appropriated by law, for that purpose, the sum of twenty-one thousand dollars.

For the contingent expenses of intercourse with foreign nations, the sum of seventy-eight thousand, seven hundred dollars.

For the reimbursement of such reasonable advances of money, as have been, or during the present year, may be made by the consuls of the United States, in affording relief to sick and destitute American seamen in foreign countries, or in aiding them to return to their homes, twenty thousand dollars.

For the expenses already arisen, or which, during the present year, may be incurred, for the support and safe keeping of persons captured in French ships and vessels, eighteen thousand dollars.

SEC. 2. *And be it further enacted,* That the President of the United States shall be, and hereby is authorized to cause to be paid to certain subjects of Algiers and Tunis, the damages sustained by them from the capture or loss of certain merchandise freighted on board of vessels sailing under the flag of the United States; and that fifty-one thousand

Certain subjects of Algiers and Tunis to be indemnified.

nine hundred and eighty-seven dollars be appropriated for that purpose.

Damages and costs to be paid to the owner of the ship Niger.

SEC. 3. *And be it further enacted*, That the President of the United States shall be, and hereby is authorized and empowered to cause to be paid to the master and owner of the armed ship Niger, such costs and damages as have been, or may be awarded against the United States, pursuant to the decree of the circuit court of the United States for the district of Virginia, for the capture and detention of the said ship, by the Constitution frigate; and that eleven thousand dollars be appropriated for that purpose.

How the appropriations are to be paid.

SEC. 4. *And be it further enacted*, That the said appropriations shall be paid out of any monies in the treasury of the United States, not otherwise appropriated.

APPROVED, March 2, 1799.

STATUTE III.

March 2, 1799.

1796, ch. 46.

CHAP. XXIX.—*An Act to amend the act intituled "An act regulating the grants of land appropriated for military services, and for the Society of the United Brethren, for propagating the Gospel among the Heathen."*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the fourth section of an act, intituled "An act regulating the grants of land appropriated for military services, and for the society of the United Brethren, for propagating the gospel among the Heathen," be, and the same is hereby repealed.

SEC. 2. *And be it further enacted*, That all the lands set apart by the first section of the above mentioned act, which shall remain unlocated on the first day of January, in the year one thousand eight hundred and two, shall be released from the said reservation, and shall be at the free disposition of the United States, in like manner as any other vacant territory of the United States. And that all warrants or claims for lands on account of military services, which shall not, before the day aforesaid, be registered and located, shall be for ever barred.

APPROVED, March 2, 1799.

STATUTE III.

March 2, 1799.

Act of March 3, 1795, ch. 50. Laws, &c. to be published in one or more newspapers in each state.

CHAP. XXX.—*An Act in addition to an act intituled "An act for the more general promulgation of the Laws 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 Secretary of State shall, as soon as conveniently may be, after he shall receive any order, resolution or law passed by Congress, cause the same to be published at least in one of the public newspapers printed within each state; and whenever in any state, the aforesaid publication shall be found not sufficiently extensive for the promulgation thereof, the Secretary of State shall cause such orders, resolutions and laws to be published in a greater number of newspapers printed within such state, not exceeding three in any state.

Additional copies of the laws of each session to be printed and distributed.

SEC. 2. *And be it further enacted*, That in addition to the number of copies of the laws now required to be printed, at the end of every session of Congress, there shall be printed, under the direction of the Secretary of State, five thousand copies; one copy whereof he shall cause to be delivered to each of the judges of the courts of the United States; one copy to the clerks of the said courts respectively, for the use of the said courts; and one copy to each of the district attornies and marshals of the United States:—the rest to be furnished according to the rule for apportioning representatives to the several states, and sent to the Executives thereof, to be by them distributed according to the

usage of the states, respectively, as to their own laws, or according to such laws of the states, respectively, as may be provided for the purpose.

SEC. 3. *And be it further enacted*, That the Secretary of State shall cause a copy of the constitution of the United States, and of the amendments which have been made thereto, to be added to each copy of the laws of the present session of Congress, which is to be printed.

Constitution and amendments to be printed.

SEC. 4. *And be it further enacted*, That so much of the second section of the act, intituled "An act to provide for the safe keeping of the acts, records and seal of the United States," as relates to the publishing the laws, orders, resolutions and votes passed by Congress, in the public newspapers, be, and the same is hereby repealed.

Part of former act repealed.

1789, ch. 14.

APPROVED, March 2, 1799.

STATUTE III.

CHAP. XXXI.—*An Act giving eventual authority to the President of the United States to augment the Army.*

March 2, 1799.

Repealed 1802, ch. 9.

In case of war or danger of invasion an additional force may be raised.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall be lawful for the President of the United States, in case war shall break out between the United States and a foreign European power, or in case imminent danger of invasion of their territory by any such power shall, in his opinion, be discovered to exist, to organize and cause to be raised in addition to the other military force of the United States, twenty-four regiments of infantry, a regiment and a battalion of riflemen, a battalion of artillerists and engineers, and three regiments of cavalry, or such part thereof as he shall judge necessary; the non-commissioned officers and privates of which to be enlisted for a term not exceeding three years, and to be entitled each to a bounty of ten dollars—one half to be paid at the time of enlistment, and the remainder at the time of joining the regiment to which they may belong.

SEC. 2. *And be it further enacted*, That the President of the United States be authorized, whenever it shall appear to him expedient, if during the session of the Senate, with their advice and consent, if, in their recess, alone, to appoint and commission all officers for the said troops, agreeably to the rules and regulations prescribed by law for the military establishment: *Provided*, that the general and field officers who may be appointed in the recess of the Senate, shall, at the next meeting thereof, be nominated and submitted to them for their advice and consent.

How the officers may be appointed.

SEC. 3. *And be it further enacted*, That the officers, non-commissioned officers and privates of the troops, which may be organized and raised pursuant to this act, shall be entitled to the like pay, clothing, rations, forage and other emoluments, and to the like compensation in case of disability by wounds or otherwise, incurred in the service, as the officers, non-commissioned officers and privates of other troops of correspondent denominations, composing the army of the United States; and with them shall be subject to the rules and articles of war, and to all other regulations for the discipline and government of the army: *Provided*, that no officer, except captains and subalterns who may be employed in the recruiting service, shall be entitled to any pay or other emolument until he shall be called into actual service.

Pay and emoluments to which the new levies shall be entitled.

To what rules they shall be subject. Proviso.

SEC. 4. *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 every 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

The laws respecting the military establishment to be in force in relation to them.

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.

The President may discharge them.

SEC. 5. *And be it further enacted*, That it shall be lawful for the President of the United States, at his discretion, to discharge the whole or any part of the troops which may be raised by virtue of this act, whensoever he shall think fit.

The volunteers may be organized.

1798, ch. 47.

SEC. 6. *And be it further enacted*, That the President of the United States be authorized to organize all such companies of volunteers, as have been or shall be accepted by him, pursuant to the act, entitled "An act authorizing the President of the United States to raise a provisional army," into regiments, brigades and divisions, and to appoint all officers thereof, agreeably to the organization prescribed by law for the army of the United States: And the said volunteers shall not be compelled to serve out of the state in which they reside, a longer time than three months after their arrival at the place of rendezvous.

Proviso.

For what purposes the volunteers may be employed.

1795, ch. 36.

SEC. 7. *And be it further enacted*, That it shall be lawful for the President of the United States to call forth and employ the said volunteers in all the cases, and to effect all the purposes for which he is authorized to call forth and employ the militia by the act, entitled "An act to provide for calling forth the militia, to execute the laws of the Union, suppress insurrections, and repeal invasions, and to repeal the act now in force for these purposes."

Proportion of volunteers from each state limited.

SEC. 8. *And be it further enacted*, That it shall not be lawful for the President of the United States to accept a greater number of the said volunteers in any of the states, or territories of the United States, than is hereinafter apportioned to them respectively; that is to say: To New Hampshire, three thousand; to Massachusetts, ten thousand; to Rhode Island, one thousand; to Vermont, two thousand; to Connecticut, five thousand; to New York, seven thousand; to New Jersey, five thousand; to Pennsylvania, ten thousand; to Delaware, one thousand; to Maryland, five thousand; to Virginia, ten thousand; to Kentucky, one thousand; to North Carolina, seven thousand; to Tennessee, one thousand; to South Carolina, four thousand; to Georgia, fifteen hundred; to North Western Territory, one thousand: and to Mississippi territory, five hundred.

Appropriation for the purposes of this act, and authority to borrow money.

SEC. 9. *And be it further enacted*, That for the execution of this act, if it shall be found necessary to carry it, or any part of it into effect, there be appropriated the sum of two millions of dollars, and that the President be authorized to borrow, on behalf of the United States, the said sum, or so much thereof as he shall deem necessary (which the Bank of the United States is hereby empowered to lend) and upon such terms and conditions as he shall judge most advantageous to the United States. *Provided*, That such terms and conditions shall not restrain the United States from paying off the sum which may be borrowed, after the expiration of fifteen years.

Certain duties pledged to redeem the loan.

SEC. 10. *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, by discharging the principal sum or sums

of any such loan or loans, according to the terms and conditions to be fixed as aforesaid.

SEC. 11. *And be it further enacted*, That the powers, by the first and second sections of this act vested in the President of the United States, shall cease at the expiration of the session of Congress next ensuing the present, unless they shall be, by some future law, continued in force for a longer time.

APPROVED, March 2, 1799.

Limitation of the powers given in the first and second sections.

CHAP. XXXII.—*An Act providing for the security of Bail in certain cases.*

STATUTE III.

March 2, 1799.

If a defendant giving bail in one district committed in another, the bail may be discharged.

Resolution of Sept. 23, 1789. Ante, p. 96.

Duty of the marshal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in all cases where a defendant, who hath procured bail to respond the judgment in a suit brought against him in any of the courts of the United States, shall afterwards be arrested in any district of the United States, other than that in which the first suit was brought, and shall be committed to a gaol, the use of which shall have been ceded to the United States for the custody of prisoners, it shall be lawful for and the duty of any judge of the court, in which the suit is depending, wherein such defendant had so procured bail as aforesaid, at the request and for the indemnification of the bail, to order and direct that such defendant be held in the gaol to which he shall have been committed a prisoner, in the custody of the marshal, within whose district such gaol is, and upon the said order duly authenticated, being delivered to the said marshal, it shall be his duty to receive such prisoner into his custody, and him safely to keep, and the marshal shall thereupon be chargeable, as in other cases, for an escape. And the said marshal thereupon shall make a certificate, under his hand and seal, of such commitment, and transmit the same to the court from which such order issued; and shall also, if required, make a duplicate thereof, and deliver the same to such bail, his or their agent or attorney, and upon the said certificate being returned to the court which made the said order, it shall be lawful for the said court or any judge thereof, to direct that an exoneretur be entered upon the bail piece where special bail shall have been found, or otherwise to discharge such bail, and such bail shall thereupon accordingly be discharged.

SEC. 2. *And be it further enacted*, That the marshal or his deputy, serving such order as aforesaid, shall therefor receive the same fees and allowances as for the service of an original process commitment thereon to the gaol and the return thereof.

His fees.

SEC. 3. *And be it further enacted*, That in every case of commitment as aforesaid, by virtue of such order as aforesaid, the person so committed shall, unless sooner discharged by law, be holden in gaol until final judgment shall be rendered in the suit in which he procured bail as aforesaid, and sixty days thereafter, if such judgment shall be rendered against him, that he may be charged in execution, which may be directed to and served by the marshal in whose custody he is: *Provided always*, that nothing in this act contained shall affect any case wherein bail has been already given.

Defendant to be held until judgment in the first suit, &c.

This act not to affect bail already given.

APPROVED, March 2, 1799.

STATUTE III.

March 2, 1799.

[Obsolete.]

CHAP. XXXIII.—*An Act to grant an additional compensation, for the year one thousand seven hundred and ninety-nine, to certain officers of the Senate and House of Representatives of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be allowed to the secretary of the Senate and to the clerk of the House of Repre-

representatives, each two hundred dollars; and that the sum of one hundred dollars be, and the same is hereby allowed 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, and a 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 established by law, for the said officers, respectively; and that the aforesaid sums be paid out of any monies in the treasury of the United States, not otherwise appropriated.

APPROVED, March 2, 1799.

STATUTE III.

March 2, 1799.

Act of March 3, 1801, ch. 19.

Contractors with John C. Symmes to have a right of pre-emption, on making certain payments.

Ante, p. 266.

1796, ch. 20.

Notice to be given by purchasers.

Right of pre-emption may be lost, &c.

The lands to be surveyed.

Purchasers may be credited with the expense of surveying.

CHAP. XXXIV.—*An Act to authorize the sale of certain lands between the Great and Little Miami rivers in the territory of the United States northwest of the Ohio; and for giving a pre-emption to certain purchasers and settlers.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any person or persons, who before the first day of April, in the year one thousand seven hundred and ninety-seven, had made any contract or contracts, in writing, with John Cleves Symmes, for the purchase of lands between the Great and Little Miami rivers, which are not comprehended in his patent, dated the thirtieth day of September, one thousand seven hundred and ninety-four, shall be entitled to a preference, in purchasing of the United States, all the lands so contracted for, at the price of two dollars an acre, to be paid to the treasurer of the United States, as follows: one third part of the purchase money, on or before the first day of September next; one other third part in one year from the said first day of September; and the remaining third part in two years from the said first day of September; which two last payments shall be secured in the manner pointed out and directed by the act, intitled "An act for 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." And that upon each payment, the same evidences of purchase and title shall be given to the purchasers, respectively, as to purchasers under the said recited act.

SEC. 2. *And be it further enacted,* That each and every person claiming the benefit of this act, shall, on or before the first day of September next, give notice, in writing, to the Secretary of the Treasury, or to the Surveyor General, that they claim the right of pre-emption, by this act offered, and do assent to the terms of sale established by this act. And if any person shall neglect to give the said notice, or shall fail in making the first payment, as before directed, all right of pre-emption shall cease, and become void; and the lands shall be surveyed and sold agreeably to the directions of the before recited act.

SEC. 3. *And be it further enacted,* That the Surveyor General shall, as soon as may be, after the receipt of the notice aforesaid, lay off and survey the said lands, agreeably to the directions of the said recited act, unless the said lands have been heretofore surveyed and laid off by the said contractors or settlers; in which case, the Surveyor General shall survey the outlines of such tract or tracts, so as to ascertain the contents, and shall cause the same to be recorded and deposited, as in and by the said recited act is directed for the plats and surveys made under that act.

SEC. 4. *And be it further enacted,* That it may be lawful for the Secretary of the Treasury to credit the said purchasers with such reasonable sum or sums of money as have been expended in surveying the said land; provided the same does not exceed the sums allowed by the United States to their own surveyors for the like services.

SEC. 5. *And be it further enacted*, That the evidences of the public debt of the United States shall be receivable in payment for the said lands, agreeably to the directions of an act, intituled "An act to authorize the receipt of evidences of the public debt in payment for the lands of the United States."

Evidences of public debt may be received in payment.
Ante, p. 507.

APPROVED, March 2, 1799.

STATUTE III.

CHAP. XXXVI.—*An Act in addition to "An act for the relief of sick and disabled Seamen."*(a)

March 2, 1799.

SECTION I. *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 direct the expenditure of any monies which have been or shall be collected by virtue of an act, entitled "An act for the relief of sick and disabled seamen," to be made within the state wherein the same shall have been collected, or within the state next adjoining thereto, excepting what may be collected in the states of New Hampshire, Massachusetts, Rhode Island and Connecticut; any thing in the said act contained to the contrary thereof, notwithstanding

Manner of expending monies collected.

1802, ch. 51.

SEC. 2. *And be it further enacted*, That the Secretary of the Navy shall be, and he hereby is authorized and directed to deduct, after the first day of September next, from the pay thereafter to become due, of the officers, seamen and marines of the navy of the United States, at the rate of twenty cents per month, for every such officer, seaman and marine, and to pay the same quarter annually to the Secretary of the Treasury, to be applied to the same purposes, as the money collected by virtue of the above mentioned act is appropriated.

Secretary of the Navy to deduct a certain sum from the pay of the navy.

SEC. 3. *And be it further enacted*, That the officers, seamen and marines of the navy of the United States, shall be entitled to receive the same benefits and advantages, as by the act above mentioned are provided for the relief of the sick and disabled seamen of the merchant vessels of the United States.

Officers, seamen, &c. of the navy entitled to the benefits of the act.

APPROVED, March 2, 1799.

STATUTE III.

CHAP. XXXVII.—*An Act authorizing an augmentation of the Marine Corps.*

March 2, 1799.

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 cause the marine corps in the service of the United States to be augmented, by the appointment and enlistment of not exceeding two first lieutenants, six second lieutenants, eight sergeants, one hundred and seventy privates and eighteen drums and fifes, who shall be respectively allowed the same pay, bounty, clothing and rations, and shall be employed under the same rules and regulations to which the said marine corps are or shall be entitled and subject.

See act of July 11, 1798, ch. 72.

APPROVED, March 2, 1799.

STATUTE III.

CHAP. XXXVIII.—*An Act to augment the Salaries of the Officers therein mentioned.*

March 2, 1799.

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 salaries heretofore allowed by law to the officers of the government of the United States, herein mentioned, the following annual com-

[Obsolete.]
1802, ch. 25.

(a) An act for the relief of sick and disabled seamen, July 16, 1798, chap. 77.

pen­sations be, and are hereby granted to the said officers respectively, from the commencement of the present year; that is to say.

The Secretary of State, five thousand dollars.

The Secretary of the Treasury, five thousand dollars.

The Secretary of War, four thousand five hundred dollars.

The Secretary of the Navy, four thousand five hundred dollars.

The Attorney General, three thousand dollars.

The Comptroller of the Treasury, three thousand five hundred dollars.

The Treasurer, three thousand dollars.

The Auditor of the Treasury, three thousand dollars.

The Commissioner of the Revenue, three thousand dollars.

The Register of the Treasury, two thousand four hundred dollars.

The Accountant of the War department, two thousand dollars.

The Accountant of the Navy department, two thousand dollars.

The Postmaster General, three thousand dollars.

And the Assistant Postmaster General, one thousand seven hundred dollars. Which sums shall be respectively paid, quarterly, at the treasury of the United States.

SEC. 2. *And be it further enacted*, That this act shall continue in force for three years, and no longer.

APPROVED, March 2, 1799.

STATUTE III.

March 2, 1799.

CHAP. XXXIX.—*An Act to erect a Beacon on Boon Island.*

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, under the direction of the President of the United States, be authorized, as soon as may be, to cause a beacon or monument to be erected on a ledge of rocks, called Boon Island, on the sea-coast of the district of Maine; and that the sum of four hundred dollars be appropriated for the same, out of any monies in the treasury, not otherwise appropriated.

APPROVED, March 2, 1799.

STATUTE III.

March 2, 1799.

CHAP. XL.—*An Act to regulate and fix the Compensation of Clerks.*

1806, ch. 41.
Compensations of clerks in the departments of state, treasury, war, and the navy, may be varied, so as not to exceed limited sums.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretaries of the Treasury, State, War and Navy departments, shall be, and hereby are authorized and empowered, to vary the compensations heretofore established for clerks in their respective departments, in such manner as the services to be performed shall, in their judgment, require; any thing in any former act to the contrary notwithstanding. *Provided always*, that the whole amount of compensations for clerks, in the said departments, respectively, shall not exceed the following sums; that is to say: For the department of State, five thousand, nine hundred and fifty dollars: For the Treasury department, forty-two thousand, six hundred and twenty dollars, and thirty-four cents, that is to say, in the office of the Secretary of the treasury, five thousand, eight hundred and thirty-nine dollars, and eighty-one cents; in the office of the comptroller of the treasury, nine thousand and sixty-seven dollars, and eight cents; in the office of the auditor of the treasury, eight thousand, eight hundred and ten dollars, and ninety-three cents; in the office of the treasurer of the United States, two thousand, eight hundred and seventeen dollars and forty-five cents; in the office of the commissioner of the revenue, two thousand, eight hundred and forty-three dollars, and six cents; and in the office of the register of the treasury, thirteen thousand, two hundred and forty-two dollars, and one cent: For the department of War,

fifteen thousand, three hundred and forty dollars, that is to say; in the office of the secretary of the said department, six thousand, three hundred and forty dollars; in the office of the accountant of the said department, eight thousand, five hundred dollars; and in the office of the purveyor of public supplies, five hundred dollars: For the department of the Navy, eleven thousand, one hundred dollars; that is to say; in the office of the secretary of the department of the navy, four thousand two hundred dollars; and in the office of the accountant of the navy department, six thousand, nine hundred dollars.

SEC. 2. *And be it further enacted*, That the Postmaster General of the United States shall be, and hereby is authorized and empowered to appoint such number of clerks in his office, as he shall judge proper, and to apportion and vary their compensations in such manner as the services to be rendered by each, shall in his judgment require: *Provided always*, that the whole amount of compensations for clerks in the said office, shall not exceed the sum of four thousand, two hundred and fifty dollars, annually; which sum shall be paid quarterly, out of the revenues of the post-office.

Clerks in the office of Postmaster General.

SEC. 3. *And be it further enacted*, That the director of the mint shall be, and hereby is authorized to allow to one of the clerks employed in his office, the sum of two hundred dollars per annum, in addition to the salary of five hundred dollars, heretofore established for the clerks in the said office.

Additional compensation to one of the clerks in the mint.

SEC. 4. *And be it further enacted*, That there shall be allowed to the secretary and accountant of the Navy department respectively, in the settlement of their accounts, the following sums for deficiencies in the provisions made by law for their clerks during the year one thousand seven hundred and ninety-eight; that is to say; to the said secretary, eight hundred and eighty-seven dollars, and twenty-nine cents; and to the said accountant, one hundred and eighty-eight dollars, and thirty-two cents.

Deficiencies allowed in the navy department.

SEC. 5. *And be it further enacted*, That there shall be allowed to the commissioners of loans in the states of Massachusetts and New York, respectively, not exceeding five clerks, at the rate of five hundred dollars per annum each; to the commissioner of loans in the state of Connecticut, not exceeding two clerks, at the rate of four hundred dollars per annum each; to the commissioners of loans in the states of Pennsylvania, Virginia and South Carolina, respectively, not exceeding two clerks, at the rate of five hundred dollars per annum each; the aggregate of the compensations for clerks employed by either of the said commissioners, to be apportioned among them at his discretion: And that there be annually allowed in lieu of clerk hire, to the commissioner of loans in the state of New Hampshire, three hundred and fifty dollars; to the commissioner of loans in the state of Rhode Island, four hundred dollars; to the commissioner of loans in the state of New Jersey, three hundred dollars; and to the commissioner of loans in the state of Maryland, two hundred and fifty dollars.

Clerks and clerk hire to the commissioners of loans.

APPROVED, March 2, 1799.

STATUTE III.

CHAP. XLI.—*An Act to revive and continue in force, certain parts of the "Act for the relief and protection of American seamen," and to amend the same.*

March 2, 1799.

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 and third sections of the act, intituled "An act for the relief and protection of American seamen," shall be and hereby are revived and continued in force for one year.

Parts of the act revived.
1796, ch. 36.

SEC. 2. *And be it further enacted*, That the Secretary of State shall be, and hereby is required to lay before Congress, within ten days after

Duty of the Secretary of State.

the commencement of each ordinary session, an annual statement, containing an abstract of all the returns made to him, by the collectors of the different ports, pursuant to the said act, and of the communications received by him, from the agents employed by virtue of the same, in foreign countries.

APPROVED, March 2, 1799.

STATUTE III.

March 2, 1799.

[Obsolete.]

Appropriation for the support of the naval establishment.

CHAP. XLII.—*An Act making appropriations for the support of the Naval Establishment, for the year one thousand seven hundred and ninety-nine.*

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 naval establishment of the United States, during the year one thousand seven hundred and ninety-nine, there shall be, and hereby is appropriated, the sum of two millions, one hundred and two thousand, three hundred and eighty-four dollars, and forty-one cents, (including the sum of eight hundred and twenty-three thousand, eight hundred and eighty-seven dollars, and fourteen cents, being the balance, unexpended at the commencement of that year, of former appropriations for the naval department): that is to say:—

For the pay of the officers of the navy of the United States, the sum of three hundred and five thousand, nine hundred and eighty-two dollars.

For the subsistence of the officers of the navy, the sum of one hundred and eighty-five thousand, five hundred and forty-four dollars, and nineteen cents.

For the pay of the seamen, the sum of six hundred and seventy-two thousand, nine hundred and ninety dollars.

For provisions, the sum of four hundred and thirty-one thousand, seven hundred and twenty-six dollars, and thirty cents.

For contingent expenses (including waste of military stores) the sum of three hundred and forty-five thousand, eight hundred dollars.

For the expense of medicines, hospital stores, &c., the sum of forty-two thousand, seven hundred and fifty dollars.

For the support of the revenue cutters, the sum of one hundred and seventeen thousand, five hundred and ninety-one dollars, and ninety-two cents.

SEC. 2. *And be it further enacted,* That for the support of the marine corps, during the year one thousand seven hundred and ninety-nine, there be, and hereby is appropriated the sum of two hundred and thirty-seven thousand, seven hundred and eighty-eight dollars, and thirty-eight cents; that is to say:

For pay and rations for the said corps, the sum of one hundred and seventy-nine thousand, seven hundred and ninety-eight dollars.

For clothing, the sum of twenty-nine thousand, five hundred and ninety-four dollars, and eighty-seven cents.

For military stores, the sum of twenty-five thousand, nine hundred and fifty-one dollars, and fifty-one cents.

For contingent expenses, the sum of four hundred and twenty dollars.

For bounties and premiums, the sum of two thousand and twenty-four dollars.

SEC. 3. *And be it further enacted,* That for completing the vessels now building, the purchase of arms and military stores for the same, and for contingent expenses relative thereto, the sum of one million, four thousand five hundred and four dollars, and twenty-four cents, shall be, and hereby is appropriated.

SEC. 4. *And be it further enacted,* That the aforesaid appropriations shall be paid out of any monies in the treasury of the United States, not otherwise appropriated.

APPROVED, March 2, 1799.

For the support of the marine corps.

For completing the vessels of war.

How the appropriations are to be paid.

CHAP. XLIII.—*An Act to establish the Post-Office of the United States.*

STATUTE III.

March 2, 1799.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there be established at the seat of government of the United States, a General Post-office, under the direction of a Postmaster General. The Postmaster General shall appoint an assistant, and such clerks as may be necessary for performing the business of his office; he shall establish post-offices, and appoint postmasters, at all such places as shall appear to him expedient, on the post roads that are or may be established by law; he shall give his assistant, the postmasters, and all other persons whom he shall employ, or who may be employed in any of the departments of the general post-office, instructions relative to their duty; he shall provide for the carriage of the mail on all post roads that are or may be established by law, and as often as he, having regard to the productiveness thereof, and other circumstances, shall think proper; he may direct the route or road where there are more than one between places designated by law for a post road, which route shall be considered the post road; he shall obtain from the postmasters their accounts and vouchers for their receipts and expenditures once in three months, or oftener, with the balances thereon arising in favour of the general post-office; he shall pay all expenses which may arise in conducting the post-office, and in the conveyance of the mail, and all other necessary expenses arising on the collection of the revenue, and management of the general post-office; he shall prosecute offences against the post-office establishment; he shall once in three months render to the Secretary of the Treasury a quarterly account of all the receipts and expenditures in the said department, to be adjusted and settled as other public accounts; he shall also superintend the business of the department in all the duties that are or may be assigned to it. *Provided,* that in case of the death, resignation, or removal from office of the Postmaster General, all his duties shall be performed by his assistant, until a successor shall be appointed and arrive at the general post-office to perform the business.

SEC. 2. *And be it further enacted,* That the Postmaster General, and all other persons employed in the general post-office, or in the care, custody, or conveyance of the mail, shall, previous to entering upon the duties assigned to them, or the execution of their trusts, and before they shall be entitled to receive any emolument therefor, respectively take and subscribe the following oath or affirmation, before some magistrate, and cause a certificate thereof to be filed in the general post-office, "I, A. B. do swear (or affirm, as the case may be) that I will faithfully perform all the duties required of me, and abstain from every thing forbidden by the laws in relation to the establishment of the post-office and post roads within the United States." Every person who shall be in any manner employed in the care, custody, conveyance or management of the mail, shall be subject to all pains, penalties and forfeitures for violating the injunctions, or neglecting the duties required of him by the laws relating to the establishment of the post-office and post roads, whether such person shall have taken the oath or affirmation above prescribed or not.

SEC. 3. *And be it further enacted,* That if any person shall knowingly and wilfully obstruct or retard the passage of the mail, or of any driver or carrier, or of any horse or carriage carrying the same, he shall, upon conviction, for every such offence, pay a fine not exceeding one hundred dollars: And if any ferryman shall, by wilful negligence or refusal to transport the mail across any ferry, delay the same, he shall forfeit and pay for each half hour that the same shall be so delayed, a sum not exceeding ten dollars.

Repealed May 1, 1810, ch. 37.
Act of March 3, 1825, ch. 65.

General post-office to be established.

Powers and duties of the Postmaster General.

Acts of March 3, 1845, ch. 43, 69.

In case of vacancy his duties to devolve on his assistant.

Officers of the post-office to take an oath.

Penalty on obstructing the mail.

Contracts for carrying the mail.

SEC. 4. *And be it further enacted,* That it shall be the duty of the Postmaster General to give public notice, in one or more of the newspapers published at the seat of government of the United States, and in one or more of the newspapers published in the state or states where the contract is to be performed, for at least six weeks before entering into any contract for carrying the mail, that such contract is intended to be made, and the day on which it is to be concluded, describing the places from and to which such mail is to be conveyed, the time at which it is to be made up, and the day and hour at which it is to be delivered: He shall, moreover, within ninety days after the making of any contract, lodge a duplicate thereof, together with the proposals which he shall have received respecting it, in the office of the Comptroller of the Treasury of the United States. *Provided,* that no contract shall be entered into for a longer term than four years.

Duty of Postmasters.

SEC. 5. *And be it further enacted,* That every postmaster shall keep an office, in which one or more persons shall attend at such hours as the Postmaster General shall direct, for the purpose of performing the duties thereof, and all letters brought to any post-office half an hour before the time of making up the mail at such office, shall be forwarded therein; except at such post-offices, where, in the opinion of the Postmaster General, it requires more time for making up the mail, and which he shall accordingly prescribe, but this shall in no case exceed one hour.

No fees to be received by persons employed in the general post-office.

SEC. 6. *And be it further enacted,* That no fees or perquisites shall be received by any person employed in the general post-office on account of the duties to be performed by virtue of his appointment.

SEC. 7. *And be it further enacted,* That the following rates of postage shall be charged on all letters and packets (excepting such as herein after exempted) conveyed by the posts of the United States, viz.

Rates of postage.

For every letter composed of a single sheet of paper, conveyed not exceeding forty miles, eight cents.

Over forty and not exceeding ninety miles, ten cents.

Over ninety, and not exceeding one hundred and fifty miles, twelve and an half cents.

Over one hundred and fifty, and not exceeding three hundred miles, seventeen cents.

Over three hundred, and not exceeding five hundred miles, twenty cents.

Over five hundred miles, twenty-five cents.

And for every double letter, or one composed of two pieces of paper, double those rates; and for every triple letter, or one composed of three pieces of paper, triple those rates; and for every packet composed of four or more pieces of paper, or other thing, and weighing one ounce avoirdupois, quadruple those rates, and in that proportion for all greater weight: *Provided,* that no packet of letters conveyed by the water mails shall be charged with more than quadruple postage, unless the same shall actually contain more than four distinct letters. No postmaster shall be obliged to receive, to be conveyed by the mail, any packet which shall weigh more than three pounds.

Packets containing more than three lbs. may not be carried.

SEC. 8. *And be it further enacted,* That every letter or packet brought into the United States, or carried from one port therein to another, in any private ship or vessel, shall be charged with six cents, if delivered at the post-office where the same shall arrive, and if destined to be conveyed by post to any other place, with two cents added to the ordinary rates of postage.

Penalty on fraudulently receiving illegal postage, &c.

SEC. 9. *And be it further enacted,* That if any postmaster, or other person authorized by the Postmaster General to receive the postages of letters, shall fraudulently demand or receive any rate of postage, or gratuity, or reward, other than is provided by this act, for the postage of letters or packets, on conviction thereof, he shall forfeit for every such

offence, one hundred dollars, and shall be rendered incapable of holding any office or appointment under the United States.

SEC. 10. *And be it further enacted*, That no ship or vessel arriving at any port within the United States, where a post-office is established, shall be permitted to report, make entry, or break bulk, until the master or commander shall have delivered to the postmaster, all letters directed to any person or persons within the United States, which under his care, or within his power, shall be brought in such ship or vessel, except such as are directed to the owner or consignee of the ship or vessel, and except also such as are directed to be delivered at the port of delivery, to which such ship or vessel may be bound. And it shall be the duty of the collector, or other officer of the port empowered to receive entries of ships or vessels, to require from every master or commander of such ship or vessel, an oath or affirmation, purporting that he has delivered all such letters, except as aforesaid.

Masters of vessels to deliver letters into the post-office.

SEC. 11. *And be it further enacted*, That the postmasters to whom such letters may be delivered, shall pay to the master or commander, or other person delivering the same, except the commanders of foreign packets, two cents for each letter or packet, and shall obtain from the person delivering the same, a certificate specifying the number of letters and packets, with the name of the ship or vessel, and the place from whence she last sailed; which certificate, together with a receipt for the money, shall be, with his quarterly accounts, transmitted to the Postmaster General, who shall credit him with the amount.

Masters of vessels allowed two cents for each letter.

SEC. 12. *And be it further enacted*, That if any person, other than the Postmaster General, or his deputies, or persons by them employed, shall be concerned in setting up or maintaining any foot or horse post, stage wagon, or other stage carriage, on any established post road, or from one post town to another post town on any road adjacent or parallel to an established post road, or any packet boat or other vessel, to ply regularly from one place to another between which a regular communication by water shall be established by the United States, and shall receive any letter or packet, other than newspapers, magazines, or pamphlets, and carry the same by such foot or horse post, stage wagon, or other stage carriage, packet boat, or vessel, excepting only such letter or letters as may be directed to the owner or owners of such conveyance, and relating to the same, or to the person to whom any package or bundle in such conveyance is intended to be delivered, every person so offending shall forfeit, for every such offence, the sum of fifty dollars: *Provided*, that it shall be lawful for any person to send letters or packets by a special messenger.

Penalty on persons, not authorized, carrying letters, &c.

SEC. 13. *And be it further enacted*, That the deputy postmasters, and other agents of the Postmaster General, shall duly account and answer to him, for all way letters which shall come to their hands: and for this purpose, the post riders, and other carriers of the mail, receiving any way letter or letters (and it shall be their duty to receive them, if presented more than two miles from a post-office) shall deliver the same, together with the postage, if paid, at the first post-office to which they shall afterwards arrive, where the postmaster shall duly enter the same, and specify the number, and rate or rates in the post-bill, adding to the rate of each way letter, one cent, which shall be paid by the postmaster to the mail carrier from whom such way letter shall be received. And that letters directed to persons living between post-offices may be delivered, and the postage thereof duly collected, it shall be the duty of the carriers of the mail to take charge of, and deliver all such letters as shall, for that purpose, be committed to them, by any postmaster, and collect the postage thereof, which shall be paid over to such postmaster on demand. And for every letter so delivered, the mail-carrier delivering the same shall be allowed to demand and receive two cents to his

Way letters.

own use, besides the ordinary postage. And if any postmaster, or other agent of the Postmaster General, shall neglect so to account, he or they so offending, shall, on conviction thereof, forfeit, for every such offence, a sum not exceeding fifty dollars: *Provided*, that no mail-carriers shall make such deliveries at any place not on the post road: *Provided also*, that the receipt and delivery of letters on the way, between post-offices, shall not be required of the mail-carriers in cases where, in the opinion of the Postmaster General, the time or manner of carrying the mail, or the speed of conveyance is incompatible with such receipts and deliveries.

Penalty on detaining, delaying or embezzling letters.

SEC. 14. *And be it further enacted*, That if any person employed in any of the departments of the general post-office, shall unlawfully detain, delay or open any letter, packet, bag or mail of letters, with which he shall be entrusted, or which shall have come to his possession, and which are intended to be conveyed by post, or if any such person shall secrete, embezzle or destroy any letter or packet entrusted to him as aforesaid, and which shall not contain any security for, or assurance relating to money, as herein after described, every such offender, being thereof duly convicted, shall, for every such offence, be fined, not exceeding three hundred dollars, or imprisoned, not exceeding six months, or both, according to the circumstances and aggravations of the offence. And if any person employed as aforesaid, shall secrete, embezzle, or destroy any letter, packet, bag or mail of letters, with which he shall be entrusted, or which shall have come to his possession, and are intended to be conveyed by post, containing any bank note, or bank post-bill, bill of exchange, warrant of the treasury of the United States, note of assignment of stock in the funds, letters of attorney for receiving annuities or dividends, or for selling stock in the funds, or for receiving the interest thereof, or any letter of credit, or note for, or relating to payment of monies, or any bond or warrant, draft, bill or promissory note whatsoever, for the payment of money; or if any such person, employed as aforesaid, shall steal or take any of the same out of any letter, packet, bag or mail of letters, that shall come to his possession, he shall, on conviction for any such offence, be publicly whipped, not exceeding forty stripes, and be imprisoned not exceeding ten years. And if any person, who shall have taken charge of the mail of the United States, shall quit or desert the same, before his arrival at the next post-office, every such person so offending, shall forfeit and pay a sum not exceeding five hundred dollars for every such offence. And if any person concerned in carrying the mail of the United States, shall collect, receive or carry any letter or packet, or shall cause or procure the same to be done, contrary to this act, every such offender shall forfeit and pay, for every such offence, a sum not exceeding fifty dollars.

Penalty on carriers deserting the mail; or carrying letters contrary to law.

Penalty on robbing the mail-carriers, or attempting it;—

SEC. 15. *And be it further enacted*, That if any person shall rob any carrier of the mail of the United States, or other person entrusted therewith, of such mail, or of part thereof, such offender or offenders shall, on conviction, be publicly whipped, not exceeding forty lashes, and be imprisoned not exceeding ten years; and if convicted a second time of a like offence, he or they shall suffer death: or if in effecting such robbery of the mail, the first time, the offender shall much wound the person having custody thereof, or put his life in jeopardy, by the use of dangerous weapons, such offender or offenders shall suffer death. And if any person shall attempt to rob the mail of the United States, by falling upon the person having custody thereof, shooting at him or his horses, or threatening him with dangerous weapons, and the robbery is not effected, every such offender, on conviction thereof, shall be punished by whipping, not exceeding thirty lashes, or with imprisonment, not exceeding two years, or with both, according to the discretion of the court before whom such conviction is had. And if any person shall

steal the mail, or shall steal or take from or out of any mail, or from or out of any post-office, any letter or packet, or if any person shall take the mail, or any letter or packet therefrom or from any post-office, whether with or without the consent of the person having custody thereof, and shall open, embezzle, or destroy any such mail, letter or packet, the same containing any article of value, or evidence of any debt, due, demand, right or claim, or if any person shall, by fraud or deception, obtain from any person having custody thereof, any mail, letter or packet, containing any article of value, or evidence thereof, such offender or offenders, on conviction thereof, shall be whipped, not exceeding thirty lashes, or imprisoned, not exceeding two years, or both, at the discretion of the court before whom such conviction is had. And if any person shall take any letter or packet, not containing any article of value or evidence thereof out of a post-office, or shall open any letter or packet which shall have been in a post-office, or in the custody of a mail-carrier, before it shall have been delivered to the person to whom it is directed, with design to obstruct the correspondence, to pry into another's business, or secrets, or shall secrete, embezzle or destroy any such mail letter or packet, such offender, upon conviction, shall pay for every such offence a sum not exceeding one hundred dollars. *Provided also, and be it further enacted*, that every person who shall be imprisoned by a judgment of court under the 14th and 15th sections of this act, shall be kept at hard labour during the period of such imprisonment.

or stealing the mail, &c.

Penalty on taking away or opening letters.

Proviso.

Letters on hand to be advertised.

SEC. 16. *And be it further enacted*, That the postmasters shall, respectively, publish at the expiration of every three months, or oftener, when the Postmaster General shall so direct, in one of the newspapers published at or nearest the place of his residence, for three successive weeks, a list of all the letters remaining in their respective offices, or instead thereof, shall make out a number of such lists, and cause them to be posted at such public places in their vicinity, as shall appear to them best adapted for the information of the parties concerned; and at the expiration of the next three months, shall send such of the said letters as then remain on hand as dead letters, to the general post-office, where the same shall be opened and inspected; and if any valuable papers or matter of consequence shall be found therein, it shall be the duty of the Postmaster General to return such letter to the writer thereof, or cause a descriptive list thereof to be inserted in one of the newspapers published at the place most convenient to the supposed residence of the owner, if within the United States; and such letter, and the contents, shall be preserved, to be delivered to the person to whom the same shall be addressed, upon payment of the postage and the expense of publication. And if such letter with its contents, be not demanded by the person to whom it is addressed, or the owner thereof, or his lawful agent, within two years after the advertisement thereof as aforesaid, the said contents shall be applied to the use of the United States, until the same shall be reclaimed by the proprietor thereof. The manner of such application to be specially stated by the Postmaster General to the Secretary of the Treasury.

Dead letters.

Free letters and newspapers.

SEC. 17. *And be it further enacted*, That letters and packets to and from the following officers of the United States, shall be received and conveyed by post, free of postage. Each postmaster, provided each of his letters or packets shall not exceed half an ounce in weight; each member of the Senate and House of Representatives of the Congress of the United States; the Secretary of the Senate and Clerk of the House of Representatives, provided each letter or packet shall not exceed two ounces in weight, and during their actual attendance in any session of Congress, and twenty days after such session; the President of the United States; Vice President; the Secretary of the Treasury; Comptroller; Auditor; Register; Treasurer; Commissioner of the Reve-

nue; Supervisors of the Revenue; Inspectors of the Revenue; Commissioners for direct taxes; Purveyor; the Secretary of War; Accountant of the War office; the Secretary of State; the Secretary of the Navy and Accountant of the Navy; the Postmaster General; Assistant Postmaster General: And they may all receive their newspapers by post free of postage: *Provided*, that the members of the Senate and House of Representatives, Secretary of the Senate, and Clerk of the House of Representatives, shall receive their newspapers free of postage only during any session of Congress, and twenty days after the expiration of the same: *And provided*, that no letter or packet from any public officer shall be conveyed by post, free of postage, unless he shall frank the same, by writing his name and office on the outside of such letter or packet, and until he has previously furnished the postmaster of the office where he shall deposit the same, with a specimen of his signature: *Provided also*, that all letters and packages to and from George Washington, late President of the United States, shall continue to be received and conveyed by post, free of postage.

Manner of
franking letters

Penalty on
franking letters
improperly.

SEC. 18. *And be it further enacted*, That if any person shall frank letters other than those written by himself, or by his order, on the business of his office, he shall, on conviction thereof, pay a fine of ten dollars: *Provided*, that the Secretary of the Treasury, Secretary of State, Secretary of War, Secretary of the Navy, and Postmaster General, may frank letters or packets on official business, prepared in any other public office, in the absence of the principal thereof. And if any person having the right to receive his letters free of postage, shall receive enclosed to him any letter or packet addressed to a person not having that right, it shall be his duty to return the same to the post-office, marking thereon the place from whence it came, that it may be charged with postage. And if any person shall counterfeit the hand-writing or frank of any person, or cause the same to be done, in order to evade the payment of postage, each person so offending shall pay for every such offence fifty dollars.

Penalty on
counterfeiting a
frank.

Newspapers
may go free to
printers.

SEC. 19. *And be it further enacted*, That every printer of newspapers may send one paper to each and every other printer of newspapers within the United States, free of postage, under such regulations as the Postmaster General shall provide.

Manner of
sending news-
papers by the
mail, and rates
of postage.

SEC. 20. *And be it further enacted*, That all newspapers conveyed in the mail shall be under cover, open at one end, and charged with a postage of one cent each for any distance not more than one hundred miles, and one and an half cents for any greater distance: *Provided*, that the postage of a single newspaper from any one place to another in the same state, shall not exceed one cent; and that the Postmaster General may make such regulations as to require those who receive newspapers by post, to pay always the amount of one quarter's postage in advance.

Offences in re-
lation to news-
papers.

If any person employed in any department of the post-office shall improperly detain, delay, embezzle or destroy any newspaper, or shall permit any other person to do the like, or shall open or permit any other to open any mail or packet of newspapers not directed to the office where he is employed, he shall, on conviction thereof, forfeit a sum not exceeding fifty dollars for every such offence. And if any other person shall open any mail or packet of newspapers, or shall embezzle or destroy the same, not being directed to himself, or not being authorized to receive and open the same, he shall, on conviction thereof, pay a sum not exceeding twenty dollars for every such offence. And if any person shall take or steal any packet, bag or mail of newspapers from or out of any post-office, or from any person having custody thereof, such person shall, on conviction, be imprisoned, not exceeding three months for every such offence, to be kept at hard labour, during the period of such imprisonment.

If any person shall enclose or conceal a letter or other thing, or any memorandum in writing in a newspaper, or among any package of newspapers, which he shall have delivered into any post-office, or to any person for that purpose, in order that the same may be carried by post, free of letter postage, he shall forfeit the sum of five dollars for every such offence; and the letter, newspaper, package, memorandum, or other thing, shall not be delivered to the person to whom it is directed, until the amount of single letter postage is paid for each article of which the package shall be composed.

Concealing letters, &c. in newspapers.

No newspapers shall be received by the postmasters to be conveyed by post, unless they are sufficiently dried and enclosed in proper wrappers, on which, besides the direction, shall be noted the number of papers which are enclosed for subscribers, and the number for printers.

Newspapers to be dried, &c.

The Postmaster General, in any contract he may enter into for the conveyance of the mail, may authorize the person with whom such contract is to be made, to carry newspapers, magazines and pamphlets other than those conveyed in the mail.

Postmaster General may authorize certain persons to carry newspapers, &c.

When the mode of conveyance, and the size of the mails will admit of it, magazines and pamphlets may be transported in the mail at one cent a sheet for any distance not exceeding fifty miles, at one cent and a half for any distance over fifty and not exceeding one hundred miles, and two cents for any greater distance.

Conveyance of magazines and pamphlets.

SEC. 21. *And be it further enacted*, That the Postmaster General be authorized to allow to the postmasters, respectively, such commission on the monies arising from the postages of letters and packets, as shall be adequate to their respective services and expenses: *Provided*, that the said commission shall not exceed thirty per cent. on the first hundred dollars collected in one quarter, and twenty-five per cent. on a sum over one hundred, and not more than three hundred; and twenty per cent. on any sum over four hundred and not exceeding two thousand dollars; and eight per cent. on any sum collected, being over two thousand four hundred dollars; except to the postmasters, who may be employed in receiving and dispatching foreign mails, whose compensation may be augmented, not exceeding twenty-five dollars, in one quarter, and exempting to the postmasters, at offices where the mail is regularly to arrive between the hours of nine o'clock at night, and five o'clock in the morning; whose commission on the first hundred dollars, collected in one quarter, may be increased to a sum not exceeding fifty per cent. The Postmaster General may allow to the postmasters, respectively, a commission of fifty per cent. on the monies arising from the postages of newspapers, magazines and pamphlets; and to the postmasters, whose compensation shall not exceed five hundred dollars, in one quarter, two cents for every free letter delivered out of the office, excepting such as are for the postmaster himself; and each postmaster, who shall be required to keep a register of the arrival and departure of the mails, shall be allowed ten cents for each monthly return which he makes thereof to the General Post-Office.

Commissions and allowance to postmasters.

SEC. 22. *And be it further enacted*, That if any postmaster, or other person authorized to receive the postages of letters and packets, shall neglect or refuse to render his accounts, and pay over to the Postmaster General the balance by him due at the end of every three months, it shall be the duty of the Postmaster General to cause a suit to be commenced against the person or persons so neglecting or refusing: and if the Postmaster General shall not cause such suit to be commenced within six months from the end of every such three months, the balances due from every such delinquent shall be charged to and recoverable from the Postmaster General.

Postmasters, &c. refusing to account and pay over.

That all suits which shall be hereafter commenced for the recovery of debts or balances due to the general post-office, whether they appear

In what name suits shall be.

by bond or obligations made in the name of the existing or any preceding Postmaster General, or otherwise, shall be instituted in the name of the "Postmaster General of the United States."

Certified copies of accounts evidence.

That certified copies under the seal of the general post-office, of the accounts current of the several postmasters, after the same shall have been examined and adjusted at that office, shall be admitted as evidence in all suits brought by the Postmaster General for the recovery of balances or debts due from postmasters, and in like manner copies of such accounts current as are lodged in the office of the Register of the Treasury, certified by the Register under the seal of his office, shall be admitted as evidence.

Penalty on not accounting.

SEC. 23. *And be it further enacted*, That if any postmaster, or other person, who shall receive and open, or dispatch mails, shall neglect to render accounts thereof for one month after the time, and in the form and manner prescribed by law, and by the Postmaster General's instructions conformable therewith, he shall forfeit double the value of the postages which shall have arisen at the same office in any equal portion of time previous or subsequent thereto; or in case no accounts shall have been rendered at the time of trial of such case, then such sum as the court and jury shall estimate equivalent thereto, to be recovered by the Postmaster General in an action on the case.

Distribution of penalties.

SEC. 24. *And be it further enacted*, That all pecuniary penalties and forfeitures incurred under this act, shall be, one half for the use of the person or persons informing and prosecuting for the same, and the other half to the use of the United States.

Postmaster General may provide for the receipt of letters to be conveyed by sea.

SEC. 25. *And be it further enacted*, That it shall be lawful for the Postmaster General to make provision, where it may be necessary, for the receipt of all letters and packets intended to be conveyed by any ship or vessel beyond sea, or from any port in the United States to another port therein; and the letters so received shall be formed into a mail, sealed up, and directed to the postmaster of the port to which such ship or vessel shall be bound. And for every letter or packet so received, there shall be paid, at the time of its reception, a postage of one cent, which shall be for the use of the postmasters respectively receiving the same. And the Postmaster General may make arrangements with the postmasters in any foreign country, for the reciprocal receipt and delivery of letters and packets through the post-offices.

He may make arrangements with foreign postmasters. Exemptions of postmasters, &c.

SEC. 26. *And be it further enacted*, That the postmasters, and the persons employed in the transportation of the mail, shall be exempt from militia duties, and serving on juries, or any fine or penalty for neglect thereof.

Letter carriers.

SEC. 27. *And be it further enacted*, That letter carriers shall be employed at such post-offices as the Postmaster General shall direct, for the delivery of letters in the places respectively where such post-offices are established; and for the delivery of each such letter, the letter carrier may receive of the person to whom the delivery is made, two cents: *Provided*, that no letter shall be delivered to such letter carrier for distribution, addressed to any person who shall have lodged at the post-office a written request that his letters shall be detained in the office. And for every letter lodged at any post-office, not to be carried by post, but to be delivered at the place where it is to be so lodged, the postmaster shall receive one cent of the person to whom it shall be delivered.

Before whom suits and prosecutions may be commenced.

SEC. 28. *And be it further enacted*, That all causes of action arising under this act may be sued, and all offenders against this act may be prosecuted, before the justices of the peace, magistrates, and other judicial courts of the several states, and of the several territories of the United States, they having competent jurisdiction by the laws of such states or territories, to the trial of claims and demands of as great value, and of prosecutions where the punishments are of as great extent; and

such justices, magistrates, or judiciary, shall take cognizance thereof, and proceed to judgment and execution as in other cases.

SEC. 29. *And be it further enacted*, That in all suits for causes arising under this act, the court shall proceed to trial, and render judgment the first term after such suit shall be commenced: *Provided always*, that whenever service of the process shall not have been made twenty days at least previous to the return day of such term, the defendant shall be entitled to one continuance, if the court on the statement of such defendant shall judge it expedient: *Provided also*, that if the defendant in such suits shall make affidavit that he has a claim against the general post-office, not allowed by the Postmaster General, although submitted to him conformable to the regulations of the post-office, and shall specify such claim in the affidavit, and that he could not be prepared for the trial at such term for want of evidence, the court in such case, being satisfied in those respects, may grant a continuance until the next succeeding term.

Judgment to be rendered the first term. In certain cases a continuance may be had.

SEC. 30. *And be it further enacted*, That it shall be the duty of the Postmaster General to report annually to Congress every post road which shall not, after the second year from its establishment, have produced one third of the expense of carrying the mail on the same.

Report to be made of certain post roads.

SEC. 31. *And be it further enacted*, That from and after the last day of April next, the several clauses and provisions, excepting the first and second sections thereof, of an act, entitled "An act to establish the post-office and post roads within the United States," and the several clauses, provisions and sections of an act (excepting the first and second sections thereof) entitled "An act, in addition to an act, intituled An act, to establish the post-office and post roads within the United States," approved the third of March, one thousand seven hundred and ninety-seven, shall be, and the same are hereby repealed: *Provided*, that nothing herein contained shall be construed to exonerate any person who shall not have performed the duty, or who shall have violated any of the prohibitions contained in the said acts, from suits or prosecutions; but as to all bonds, contracts, debts, demands, rights, penalties, punishments, which have been made, have arisen, or have been incurred, or which shall be made, arise, or be incurred previous to the first day of May next, the said acts shall have the same force and effect as though this act had not been made. *Provided also*, that the Postmaster General, deputy postmasters, contractors for carrying the mail, and others employed under the aforesaid acts, shall continue to hold their several offices, appointments and trusts, until they are otherwise removed; any thing herein contained that might be construed to the contrary notwithstanding; and also the bonds which they, or either of them, have or may give for the faithful execution of their several duties and offices, shall continue to have the same force and effect, to all intents and purposes, after the said first day of May next, as though this act had not been made.

Repeal of parts of former acts. 1794, ch. 23.

1797, ch. 19.

APPROVED, March 2, 1799.

STATUTE III.

CHAP. XLIV.—*An Act making appropriations for the support of the Military Establishment, for the year one thousand seven hundred and ninety-nine.*

March 2, 1798.

[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 of the United States, for the year one thousand seven hundred and ninety-nine; the pay and subsistence of the officers and men; bounties and premiums; the clothing, hospital, ordnance, quartermaster's, 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 five hun-

Specific ap-
propriations.

dred and forty-seven thousand seven hundred and nineteen dollars, be and hereby is appropriated; that is to say:

For the pay of the army of the United States, the sum of four hundred and forty-five thousand two hundred and twenty-four dollars.

For the subsistence of the officers of the army, fifty-six thousand three hundred and seventy-six dollars.

For the subsistence of the non-commissioned officers and privates, the sum of three hundred and seventy-one thousand seven hundred and eighty-nine dollars.

For forage, the sum of seventeen thousand one hundred and sixty dollars.

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 one hundred and twenty-seven thousand four hundred and fifty dollars.

For bounties and premiums, the sum of five thousand dollars.

For the hospital department, the sum of twelve thousand dollars.

For the ordnance department, the sum of eighty-one thousand one hundred and eighty dollars.

For the quartermaster's department, the sum of two hundred thousand dollars.

For the Indian department, the following sums, that is to say:

For promoting civilization among the Indian tribes, and pay of temporary agents, the sum of fifteen thousand dollars.

For the expense attending the running of the line of demarkation between the Indian territory and the United States, including the pay of commissioners, surveyors, and assistants, the sum of four thousand dollars.

For contingent expenses for presents to Indians, on their visits to the seat of government, expenses attending their journies, and during their stay at the seat of government, the sum of ten thousand dollars.

For rations to Indians at the different military posts, and within their respective nations, the sum of twenty-two thousand five hundred 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, purchasing of maps, and other contingencies, the sum of twenty thousand dollars.

For the annual allowance to the invalids of the United States, for their pensions from the fifth day of March, one thousand seven hundred and ninety-nine, to the fourth day of March, one thousand eight hundred, the sum of ninety-three thousand four hundred dollars.

SEC. 2. *And be it further enacted*, That for the additional army of the United States, the following sums, including the sum of nine hundred thousand dollars, already appropriated on account, be, and are hereby, respectively, appropriated, that is to say:

For the pay and subsistence of the officers, non-commissioned officers and privates, the sum of one million six hundred thousand four hundred and forty-three dollars.

For forage, the sum of forty-five thousand four hundred and seventy-eight dollars.

For bounties and premiums, the sum of one hundred and thirty-five thousand and sixteen dollars.

For clothing, two hundred and forty-one thousand one hundred dollars.

For the expense of horses and equipments for the dragoons, the sum of fifty-eight thousand seven hundred and ninety-three dollars.

For the hospital department, the sum of forty thousand dollars.

For the quartermaster's department, the sum of six hundred thousand dollars.

For contingent expenses, the sum of twenty thousand dollars.

SEC. 3. *And be it further enacted*, That the foregoing appropriations shall be paid out of any monies in the treasury of the United States, not otherwise appropriated.

APPROVED, March 2, 1799.

How the appropriations are to be paid.

STATUTE III.

CHAP. XLV.—*An Act vesting the power of retaliation, in certain cases, in the President of the United States.*

March 3, 1799.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That on information being given to the President of the United States, proving satisfactorily to him that any citizen of the United States, who shall have been or may be found on board any vessel of war of either of the powers at war with the French Republic, and who shall have been impressed or forced by violence or threats to enter on board such vessel, hath suffered death, or hath received other corporal punishment, or shall be imprisoned with unusual severity by order of the Executive Directory of the French Republic, or of any officer or agent acting under their authority in pursuance of any decree of the said Directory, or law of the French Republic; it shall be lawful for the President of the United States, and he is hereby empowered and required to cause the most rigorous retaliation to be executed on any such citizens of the French Republic, as have been or hereafter may be captured in pursuance of any of the laws of the United States.

[Obsolete.]
Act of March 3, 1813, chap. 61.

APPROVED, March 3, 1799.

STATUTE III.

CHAP. XLVI.—*An Act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers.*

March 3, 1799.

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following boundary line, established by treaty between the United States and various Indian tribes, shall be clearly ascertained and distinctly marked, in all such places, as the President of the United States shall deem necessary, and in such manner as he shall direct, to wit: Beginning at the mouth of the Cayahoga river on Lake Erie, and running thence up the same, to the portage between that and the Tuscaroras branch of the Muskingum; thence, down that branch, to the crossing place above Fort Laurence; thence, westwardly to a fork of that branch of the Great Miami river running into the Ohio, at or near which fork stood Laromie's store, and where commences the portage, between the Miami of the Ohio and Saint Mary's river, which is a branch of the Miami, which runs into Lake Erie; thence a westwardly course to Fort Recovery, which stands on a branch of the Wabash; thence southwestwardly, in a direct line to the Ohio, so as to intersect that river opposite the mouth of Kentucky or Cuttawa river; thence down the said river Ohio, to the tract of one hundred and fifty thousand acres near the rapids of the Ohio, which has been assigned to General Clarke, for the use of himself and his warriors; thence around the said tract, on the line of the said tract, till it shall again intersect the said river Ohio; thence down the same, to a point opposite the high lands or ridge between the mouth of the Cumberland and Tennessee rivers; thence southeastwardly on the said ridge,

[Expired.]

Act of March 30, 1802, chap. 13.
The Indian boundary to be marked.

Indian boundary.

to a point, from whence a southwest line will strike the mouth of Duck river; thence still eastwardly on the said ridge, to a point forty miles above Nashville; thence northeast, to Cumberland river; thence up the said river, to where the Kentucky road crosses the same; thence to the Cumberland mountain, at the point of Campbell's line; thence in a southwestwardly direction along the foot of the Cumberland mountains, to Emory's river; thence down the same to its junction with the river Clinch; thence down the river Clinch to Hawkins's line: thence along the same to a white oak, marked one mile tree; thence south fifty-one degrees west, three hundred and twenty-eight chains to a large ash tree on the bank of the river Tennessee, one mile below southwest point; thence up the northeast margin of the river Tennessee (not including islands) to the Wild Cat Rock below Tellico block-house; thence in a direct line to the Militia spring near the Maryville road, leading from Tellico; thence from the said spring to the Chilhowee mountain, by a line so to be run, as will leave all the farms on Nine-mile creek to the northward and eastward of it, and to be continued along the Chilhowee mountain until it strikes Hawkins's line; thence along the said line to the Great Iron mountain; and from the top of which, a line to be continued in a southeastwardly course to where the most southern branch of Little river crosses the divisional line to Tugaloo river; thence along the South Carolina Indian boundary, to and over the Oconna mountain, in a southwest course to Tugaloo river; thence in a direct line to the top of Currahee mountain, where the Creek line passes it; thence to the head or source of the main south branch of the Oconee river, called the Appalachee; thence down the middle of the said main south branch and river Oconee, to its confluence with Oakmulgee, which forms the river Altamaha; thence down the middle of the said Altamaha, to the old line on the said river; and thence along the said old line to the river Saint Mary's: *Provided always*, that if the boundary line between the said Indian tribes and the United States, shall, at any time hereafter, be varied by any treaty which shall be made between the said Indian tribes and the United States, then all the provisions contained in this act shall be construed to apply to the said line so to be varied, in the same manner, as said provisions apply by force of this act to the boundary line herein before recited.

The provisions of this act are to apply to any future variations of the boundary.

Penalty on crossing the boundary for certain purposes.

SEC. 2. *And be it further enacted*, That if any citizen of, or other person resident in the United States, or either of the territorial districts of the United States, shall cross over, or go within the said boundary line, to hunt, or in anywise destroy the game; or shall drive, or otherwise convey any stock of horses or cattle to range, on any lands allotted or secured by treaty with the United States, to any Indian tribes, he shall forfeit a sum not exceeding one hundred dollars, or be imprisoned not exceeding six months.

Penalty on going on the Indian lands south of the Ohio, without a passport.

SEC. 3. *And be it further enacted*, That if any such citizen, or other person, shall go into any country, which is allotted or secured by treaty, as aforesaid, to any of the Indian tribes south of the river Ohio, without a passport first had and obtained from the governor of some one of the United States, or the officer of the troops of the United States commanding at the nearest post on the frontiers, or such other person as the President of the United States may, from time to time, authorize to grant the same, shall forfeit a sum not exceeding fifty dollars, or be imprisoned not exceeding three months.

Penalty on committing crimes in the Indian territory, or being found therein with an hostile intention.

SEC. 4. *And be it further enacted*, That if any such citizen, or other person, shall go into any town, settlement or territory, belonging, or secured by treaty with the United States, to any nation or tribe of Indians, and shall there commit robbery, larceny, trespass or other crime, against the person or property of any friendly Indian or Indians, which would be punishable if committed within the jurisdiction of any state, against

a citizen of the United States; or, unauthorized by law, and with a hostile intention, shall be found on any Indian land, such offender shall forfeit a sum not exceeding one hundred dollars, and be imprisoned not exceeding twelve months; and shall also, when property is taken or destroyed, forfeit and pay to such Indian or Indians, to whom the property taken and destroyed belongs, a sum equal to twice the just value of the property so taken or destroyed. And if such offender shall be unable to pay a sum at least equal to the said just value, whatever such payment shall fall short of the said just value, shall be paid out of the treasury of the United States: *Provided nevertheless*, that no such Indian shall be entitled to any payment out of the treasury of the United States, for any such property taken or destroyed, if he, or any of the nation to which he belongs, shall have sought private revenge, or attempted to obtain satisfaction by any force or violence.

Penalty on persons settling on or surveying Indian lands.

SEC. 5. *And be it further enacted*, That if any such citizen, or other person, shall make a settlement on any lands belonging, or secured, or granted by treaty with the United States, to any Indian tribe, or shall survey, or attempt to survey, such lands, or designate any of the boundaries, by marking trees, or otherwise, such offender shall forfeit all his right, title and claim, if any he hath, of whatsoever nature or kind the same shall or may be, to the lands aforesaid, whereupon he shall make a settlement, or which he shall survey, or attempt to survey, or designate any of the boundaries thereof, by marking trees or otherwise, and shall also forfeit a sum not exceeding one thousand dollars, and suffer imprisonment, not exceeding twelve months. And it shall, moreover, be lawful for the President of the United States to take such measures and to employ such military force, as he may judge necessary, to remove from lands belonging, or secured by treaty, as aforesaid, to any Indian tribe, any such citizen or other person, who has made or shall hereafter make, or attempt to make a settlement thereon. And every right, title, or claim forfeited under this act, shall be taken and deemed to be vested in the United States, upon conviction of the offender, without any other or further proceeding.

Military force may be used to remove such intruders.

Forfeited rights to accrue to the United States.

SEC. 6. *And be it further enacted*, That if any such citizen, or other person, shall go into any town, settlement or territory belonging to any nation or tribe of Indians, and shall there commit murder, by killing any Indian or Indians belonging to any nation or tribe of Indians in amity with the United States, such offender, on being thereof convicted, shall suffer death.

Penalty on killing an Indian within their territory.

SEC. 7. *And be it further enacted*, That no such citizen, or other person, shall be permitted to reside at any of the towns, or hunting camps, of any of the Indian tribes as a trader, without a license under the hand and seal of the superintendent of the department, or of such other person as the President of the United States shall authorize to grant licenses for that purpose: which superintendent, or person authorized, shall, on application, issue such license, for a term not exceeding two years, who shall enter into bond with one or more sureties, approved of by the superintendent, or person issuing such license, or by the President of the United States, in the penal sum of one thousand dollars, conditioned for the true and faithful observance of such regulations and restrictions, as are, or shall be made for the government of trade and intercourse with the Indian tribes. And the superintendent, or person issuing such license, shall have full power and authority to recall the same, if the person so licensed shall transgress any of the regulations, or restrictions, provided for the government of trade and intercourse with the Indian tribes; and shall put in suit such bonds as he may have taken, on the breach of any condition therein contained.

Traders residing at Indian towns, &c. to have licenses.

SEC. 8. *And be it further enacted*, That any such citizen or other person, who shall attempt to reside in any town, or hunting camp, of

Penalty on trading without a license.

any of the Indian tribes, as a trader, without such license, shall forfeit all the merchandise offered for sale, to the Indians, or found in his possession, and shall, moreover, be liable to a fine not exceeding one hundred dollars, and to imprisonment not exceeding thirty days.

Penalty on purchasing certain articles from Indians.

SEC. 9. *And be it further enacted*, That if any such citizen, or other person, shall purchase, or receive of any Indian, in the way of trade or barter, a gun, or other article commonly used in hunting, any instrument of husbandry, or cooking utensil, of the kind usually obtained by the Indians, in their intercourse with white people, or any article of clothing, excepting skins or furs, he shall forfeit a sum not exceeding fifty dollars, and be imprisoned not exceeding thirty days.

Regulations concerning the purchase of horses in the Indian territory.

SEC. 10. *And be it further enacted*, That no such citizen, or other person, shall be permitted to purchase any horse of an Indian, or of any white man in the Indian territory, without special license for that purpose; which license, the superintendent, or such other person, as the President shall appoint, is hereby authorized to grant on the same terms, conditions and restrictions, as other licenses are to be granted under this act: and any such person, who shall purchase a horse or horses, under such license, before he exposes such horse or horses for sale, and within fifteen days after they have been brought out of the Indian country, shall make a particular return to the superintendent, or other person, from whom he obtained his license, of every horse purchased by him, as aforesaid; describing such horses, by their colour, height, and other natural or artificial marks, under the penalty contained in their respective bonds. And every such person, purchasing a horse or horses, as aforesaid, in the Indian country, without a special license, shall, for every horse thus purchased, and brought into any settlement of citizens of the United States, forfeit a sum not exceeding one hundred dollars, and be imprisoned not exceeding thirty days. And every person, who shall purchase a horse, knowing him to be brought out of the Indian territory, by any person or persons, not licensed, as above, to purchase the same, shall forfeit the value of such horse.

Penalty on persons authorized to grant licenses, being concerned in the Indian trade.

SEC. 11. *And be it further enacted*, That no agent, superintendent, or other person authorized to grant a license to trade, or purchase horses, shall have any interest or concern in any trade with the Indians, or in the purchase or sale of any horse, to or from any Indian, excepting for, and on account of the United States. And any person offending herein, shall forfeit a sum not exceeding one thousand dollars, and be imprisoned not exceeding twelve months.

Indians may dispose of their lands by treaty only.

SEC. 12. *And be it further enacted*, That no purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from any Indian, or nation or tribe of Indians, within the bounds of the United States, shall be of any validity, in law or equity, unless the same be made by treaty or convention, entered into, pursuant to the constitution: and it shall be a misdemeanor in any person, not employed under the authority of the United States, to negotiate such treaty or convention, directly or indirectly, to treat with any such Indian nation, or tribe of Indians, for the title or purchase of any lands by them held, or claimed, punishable by fine not exceeding one thousand dollars, and imprisonment not exceeding twelve months: *Provided, nevertheless*, that it shall be lawful for the agent or agents of any state, who may be present at any treaty held with Indians under the authority of the United States, in the presence, and with the approbation of the commissioner or commissioners of the United States, appointed to hold the same, to propose to, and adjust with the Indians, the compensation to be made, for their claims to lands within such state, which shall be extinguished by the treaty.

Agents of a state may extinguish Indian claims, with the approbation of the commissioners of the United States.

The President may cause the

SEC. 13. *And be it further enacted*, That in order to promote civilization among the friendly Indian tribes, and to secure the continuance

of their friendship, it shall be lawful for the President of the United States, to cause them to be furnished with useful domestic animals, and implements of husbandry, and with goods or money, as he shall judge proper, and to appoint such persons, from time to time, as temporary agents, to reside among the Indians, as he shall think fit: *Provided*, that the whole amount of such presents, and allowance to such agents, shall not exceed fifteen thousand dollars per annum.

Indians to be furnished with useful animals, &c. and appoint agents to reside among them.

SEC. 14. *And be it further enacted*, That if any Indian or Indians, belonging to any tribe in amity with the United States, shall come over or cross the said boundary line, into any state or territory inhabited by citizens of the United States, and there take, steal or destroy any horse, horses, or other property, belonging to any citizen or inhabitant of the United States, or of either of the territorial districts of the United States, or shall commit any murder, violence or outrage, upon any such citizen or inhabitant, it shall be the duty of such citizen or inhabitant, his representative, attorney or agent, to make application to the superintendent, or such other person as the President of the United States shall authorize for that purpose; who, upon being furnished with the necessary documents and proofs, shall, under the direction or instruction of the President of the United States, make application to the nation or tribe, to which such Indian or Indians shall belong, for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction, in a reasonable time, not exceeding eighteen months, then it shall be the duty of such superintendent or other person authorized as aforesaid, to make return of his doings to the President of the United States, and forward to him all the documents and proofs in the case, that such further steps may be taken, as shall be proper to obtain satisfaction for the injury: and in the mean time, in respect to the property so taken, stolen, or destroyed, the United States guaranty to the party injured, an eventual indemnification: *Provided always*, that if such injured party, his representative, attorney, or agent, shall, in any way, violate any of the provisions of this act, by seeking, or attempting to obtain private satisfaction or revenge, by crossing over the line, on any of the Indian lands, he shall forfeit all claim upon the United States, for such indemnification: *And provided also*, that nothing herein contained shall prevent the legal apprehension or arresting, within the limits of any state or district, of any Indian having so offended: *And provided further*, that it shall be lawful for the President of the United States, to deduct such sum or sums, as shall be paid for the property taken, stolen or destroyed by any such Indian, out of the annual stipend, which the United States are bound to pay to the tribe, to which such Indian shall belong.

Course of proceeding to obtain satisfaction for wrongs done by the Indians.

SEC. 15. *And be it further enacted*, That the superior courts in each of the said territorial districts, and the circuit courts, and other courts of the United States of similar jurisdiction in criminal causes, in each district of the United States, in which any offender against this act shall be apprehended, or, agreeably to the provisions of this act, shall be brought for trial, shall have, and are hereby invested with full power and authority to hear and determine all crimes, offences and misdemeanors, against this act; such courts proceeding therein, in the same manner, as if such crimes, offences and misdemeanors had been committed within the bounds of their respective districts. And in all cases, where the punishment shall not be death, the county courts of quarter sessions in the said territorial districts, and the district courts of the United States in their respective districts, shall have, and are hereby invested with like power to hear and determine the same, any law to the contrary notwithstanding. And in all cases, where the punishment shall be death, it shall be lawful for the governor of either of the territorial districts, where the offender shall be apprehended, or into which he shall be brought for trial, to issue a commission of oyer and terminer to the

Jurisdiction of the courts in relation to offences under this act.

Commissions of oyer and terminer may be issued in capital cases.

superior judges of such district, who shall have full power and authority to hear and determine all such capital cases, in the same manner as the superior courts of such district have in their ordinary sessions. And when the offender shall be apprehended, or brought for trial, into any of the United States, except Kentucky, it shall be lawful for the President of the United States to issue a like commission to any one or more judges of the supreme court of the United States, and the judge of the district in which such offender may have been apprehended or shall have been brought for trial; which judges, or any two of them, shall have the same jurisdiction in such capital cases, as the circuit court of such district, and shall proceed to trial and judgment, in the same manner, as such circuit court might or could do. And the district courts of Kentucky and Maine shall have jurisdiction of all crimes, offences and misdemeanors committed against this act, and shall proceed to trial and judgment, in the same manner, as the circuit courts of the United States.

Jurisdiction of the district courts of Maine and Kentucky.

The military force may apprehend persons found beyond the Indian boundary, in violation of this act;—and proceedings thereupon.

SEC. 16. *And be it further enacted*, That it shall be lawful for the military force of the United States, to apprehend every person who shall or may be found in the Indian country over and beyond the said boundary line between the United States and the said Indian tribes, in violation of any of the provisions or regulations of this act, and him or them immediately to convey, in the nearest convenient and safe route, to the civil authority of the United States, in some one of the three next adjoining states or districts, to be proceeded against in due course of law: *Provided*, that no person, apprehended by military force, as aforesaid, shall be detained longer than five days after the arrest, and before removal. And all officers and soldiers, who may have any such person or persons in custody, shall treat them with all the humanity which the circumstances will possibly permit; and every officer and soldier who shall be guilty of maltreating any such person, while in custody, shall suffer such punishment as a court-martial shall direct. *Provided*, that the officer having custody of such person or persons shall, if required by such person or persons, conduct him or them to the nearest judge of the supreme or superior court of any state, who, if the offence is bailable, shall take proper bail if offered, returnable to the district court next to be holden in said district, which bail the said judge is hereby authorized to take, and which shall be liable to be estreated as any other recognizance for bail in any court of the United States; and if said judge shall refuse to act, or the person or persons fail to procure satisfactory bail, then the said person or persons are to be proceeded with according to the directions of this act.

Offenders against this act, found within any state or territorial district, may be there apprehended and brought to trial.

The military force shall aid in arresting them.

SEC. 17. *And be it further enacted*, That if any person, who shall be charged with a violation of any of the provisions or regulations of this act, shall be found within any of the United States, or either of the territorial districts of the United States, such offender may be there apprehended and brought to trial, in the same manner, as if such crime or offence had been committed within such state or district; and it shall be the duty of the military force of the United States, when called upon by the civil magistrate, or any proper officer, or other person duly authorized for that purpose, and having a lawful warrant to aid and assist such magistrate, officer, or other person authorized, as aforesaid, in arresting such offender, and him committing to safe custody, for trial according to law.

Courts to fix the amount of fines and duration of imprisonment, &c.

Distribution of penalties.

SEC. 18. *And be it further enacted*, That the amount of fines, and duration of imprisonment, directed by this act as a punishment for the violation of any of the provisions thereof, shall be ascertained and fixed, not exceeding the limits prescribed, in the discretion of the court, before whom the trial shall be had; and that all fines and forfeitures, which shall accrue under this act, shall be one half to the use of the informant,

and the other half to the use of the United States: except where the prosecution shall be first instituted on behalf of the United States; in which case, the whole shall be to their use.

SEC. 19. *And be it further enacted*, That nothing in this act shall be construed to prevent any trade or intercourse with Indians living on lands surrounded by settlements of the citizens of the United States, and being within the ordinary jurisdiction of any of the individual states; or the unmolested use of a road from Washington district, to Mero district, and of the navigation of the Tennessee river, as reserved and secured by treaty; nor shall this act be construed to prevent any person or persons travelling from Knoxville to Price's settlement (so called) provided they shall travel in the trace or path which is usually travelled, and provided the Indians make no objection; but if the Indians object, the President of the United States is hereby authorized to issue a proclamation, prohibiting all travelling on said trace, after which, the penalties of this act shall be incurred by every person travelling or being found on said trace, within the Indian boundary without a passport.

Intercourse with the Indians surrounded by certain settlements of citizens of the U. States and also certain roads, &c. to be free.

SEC. 20. *And be it further enacted*, That the President of the United States be, and he is hereby authorized to cause to be clearly ascertained, and distinctly marked, in all such places as he shall deem necessary, and in such manner as he shall direct, any other boundary lines between the United States and any Indian tribe, which now are, or hereafter may be established by treaty.

And other Indian boundary may be ascertained, &c.

SEC. 21. *And be it further enacted*, That this act shall be in force from and after the third day of March, one thousand seven hundred and ninety-nine, and shall continue in force the term of three years; and so far as respects the proceedings under this act, it is to be understood, that the act, intituled "An act to amend an act, intituled An act giving effect to the laws of the United States within the district of Tennessee," is not to operate. And all disabilities which have taken place shall continue and remain; and all penalties and forfeitures, that have been incurred, may be recovered, and all prosecutions and suits which may have been commenced, may be prosecuted to final judgment, under the act, to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers; which act expires, by its own limitation, on the third day of March, one thousand seven hundred and ninety-nine, in the same manner, as if the said act was continued in force.

Limitation of this act.

Part of a certain act not to operate. Partial continuance of the former act.

1799, ch. 8.

APPROVED, March 3, 1799.

STATUTE III.

CHAP. XLVII.—*An Act authorizing the President of the United States to fill certain vacancies in the Army and Navy.*

March 3, 1799.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States shall be, and he is hereby authorized to make appointments to fill any vacancies in the army and navy which may have happened during the present session of the Senate.

APPROVED, March 3, 1799.

STATUTE III.

CHAP. XLVIII.—*An Act for the better organizing of the Troops of the United States; and for other purposes.*

March 3, 1799.

Repealed March 16, 1802. 1796, ch. 39.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the troops heretofore authorized, and which hereafter may be authorized to be raised, shall be composed and organized as follows, to wit: A regiment

How a regi-

ment of infantry shall be composed.

A regiment of cavalry.

A regiment of artillery.

Certain regiments not to be completed, but in case of war.

Ensigns and cornets to be second lieutenants.

Compensation and allowance to the troops in actual service.

of infantry shall consist of one lieutenant-colonel commandant, two majors, first and second, one adjutant, one quartermaster, and one paymaster, each being a lieutenant, one surgeon, and two surgeon's mates, ten captains, ten first and ten second lieutenants, besides the three lieutenants before mentioned, ten cadets, two sergeant-majors, two quartermaster sergeants, two chief musicians, first and second, twenty other musicians, forty sergeants, forty corporals, and nine hundred and twenty privates, which, together, shall form two battalions, each battalion of five companies. A regiment of cavalry shall consist of one lieutenant-colonel commandant, two majors, a first and second, one adjutant, one quartermaster, and one paymaster, each being a lieutenant; one surgeon and two surgeon's mates, ten captains, ten first and ten second lieutenants, besides the three lieutenants before mentioned, ten cadets, two sergeant-majors, two quartermaster sergeants, two chief musicians, first and second, ten other musicians, forty sergeants, forty corporals, and nine hundred and twenty privates, including ten saddlers, ten blacksmiths, and ten boot-makers; which, together, shall form five squadrons, each squadron of two companies. A regiment of artillery shall consist of one lieutenant-colonel commandant, four majors, one adjutant, one quartermaster, and one paymaster, each being a lieutenant, one surgeon, and two surgeon's mates, sixteen captains, thirty-two lieutenants, besides the three lieutenants before mentioned, thirty-two cadets, four sergeant-majors, four quartermaster sergeants, sixty-four sergeants, sixty-four corporals, one chief musician, ten other musicians, eight hundred and ninety-six privates, including one hundred and twenty-eight artificers, which, together, shall form four battalions, each battalion of four companies: *Provided always*, that the number of privates raised and to be raised for the regiment of cavalry and the regiments of infantry heretofore authorized, shall not exceed the number respectively for which provision hath been heretofore made by law; nor shall the battalion of riflemen, nor the two additional troops of cavalry authorized by this act, be raised, until further provision shall be so made, unless war shall break out between the United States and some European prince, potentate, or state, in which case it shall be lawful for the President of the United States, at his discretion, to cause the said regiments, or any of them, to be severally completed to their full establishment.

SEC. 2. *And be it further enacted*, That every ensign and every cornet in the regiments heretofore appointed shall be denominated hereafter second lieutenants.

SEC. 3. *And be it further enacted*, That the officers, non-commissioned officers and privates herein after mentioned, who now are or at any time hereafter may be in the actual service of the United States, shall be entitled to, and shall receive the following compensations, to wit: a major-general one hundred and sixty-six dollars per month and fifteen rations of provisions per day, or an equivalent in money, and when forage shall not be furnished by the United States, the further sum of twenty dollars per month. A brigadier-general, one hundred and four dollars per month, twelve rations per day, or an equivalent in money, and sixteen dollars per month for forage when not furnished as aforesaid. A lieutenant-colonel commandant, seventy-five dollars per month, six rations per day, or an equivalent in money, and twelve dollars for forage, when not furnished as aforesaid. A major of artillery or cavalry, each fifty-five dollars per month, four rations per day, or an equivalent in money, and ten dollars per month for forage, when not furnished as aforesaid. A major of infantry, fifty dollars per month, four rations per day, or an equivalent in money, and ten dollars per month for forage, when not furnished as aforesaid. A captain of cavalry, forty dollars per month, three rations per day, or an equivalent in money, and eight dollars per month for forage, when not furnished as aforesaid. A captain of

artillery and infantry, forty dollars per month, and three rations per day, or an equivalent in money. A first lieutenant of cavalry, thirty dollars per month, two rations per day, or an equivalent in money, and six dollars per month for forage when not furnished as aforesaid. Lieutenants of artillery, each thirty dollars per month, and two rations per day, or an equivalent in money. A second lieutenant of cavalry twenty-five dollars per month, two rations per day, or an equivalent in money, and six dollars per month for forage when not furnished as aforesaid. A first lieutenant of infantry, thirty dollars per month and two rations per day, or an equivalent in money. A second lieutenant of infantry, twenty-five dollars per month and two rations per day, or an equivalent in money. A regimental surgeon, forty-five dollars per month, three rations per day, or an equivalent in money, and ten dollars per month for forage when not furnished as aforesaid. A surgeon's mate, thirty dollars per month, two rations per day or an equivalent in money, and six dollars per month for forage, when not furnished as aforesaid. A regimental paymaster, quartermaster and adjutant, in addition to their pay in the line, each ten dollars, and six dollars per month for forage, when not furnished as aforesaid. A cadet of cavalry, ten dollars per month, two rations per day, or an equivalent in money, and six dollars per month for forage, when not furnished as aforesaid. All other cadets, ten dollars per month and two rations per day, or an equivalent in money. A sergeant-major and a quartermaster-sergeant, each ten dollars per month. A chief musician, eight dollars per month. A sergeant, eight dollars per month. A corporal, seven dollars per month. A musician, six dollars per month. An artificer to the infantry and artillery, a farrier, saddler and boot-maker to the dragoons, each ten dollars per month. A private soldier, five dollars per month, and to each of the said non-commissioned officers and privates one ration of provisions per day.

SEC. 4. *And be it further enacted*, That all non-commissioned officers, artificers, privates and musicians, who are and who shall be enlisted, and the non-commissioned officers, artificers, privates and musicians of the militia or other corps, who at any time may be in the actual 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 non-commissioned officer, artificer, private or musician 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 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 an officer, to grant a writ of habeas corpus returnable before himself: and upon due hearing and examination in a summary manner, to discharge the non-commissioned officer, artificer, private or musician 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.

Soldiers exempted from arrests for debtor contract.

SEC. 5. *And be it further enacted*, That each non-commissioned officer, private, artificer 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 be entitled to receive, for each such non-commissioned officer and private and artificer, and for each sufficient musician duly enlisted and mustered, the sum of two dollars, the same being in full compensation for his extra expenses in the execution of this service.

Qualifications of soldiers as to age, size, &c.

Bounty.

Emoluments of recruiting officers.

When officers are detached for certain purposes from their regiments, their places shall be supplied.

SEC. 6. *And be it further enacted*, That when any officer shall be detached from a regiment to serve as an aid to a general officer, or as assistant or other inspector, or as an assistant to the quartermaster-general, by whatsoever name, or as an assistant to the adjutant-general, by whatsoever name, the place of such officer in his regiment shall be supplied by promotion or new appointment, or both, as may be requisite; but the officer detached shall nevertheless retain his station in his regiment, and shall rank and rise therein, in the same manner as if he had not been detached.

From what ranks inspectors, aids, &c. are to be taken.

SEC. 7. *And be it further enacted*, That no officer shall be appointed as the inspector of a division, who when appointed shall be of a rank higher than that of major, or as the inspector of a brigade, who when appointed shall be of a rank higher than that of captain, or as the aid of a major-general, who when appointed shall be of a rank higher than that of captain, or as the aid of a brigadier-general, who when appointed shall be of a rank higher than that of first lieutenant, or as the quartermaster of a division, who when appointed shall be of a rank higher than that of captain, or as the quartermaster of a brigade, who when appointed shall be of a rank higher than that of first lieutenant, or as an assistant to the adjutant-general, who when appointed shall be of a rank higher than that of captain.

Formation of brigades and divisions.

SEC. 8. *And be it further enacted*, That in the ordinary arrangement of the army, two regiments of infantry or cavalry shall constitute a brigade, and shall be commanded by a brigadier-general; two brigades, a division, and shall be commanded by a major-general. *Provided always*, that it shall be in the discretion of the commanding general, to vary this disposition, whenever he shall judge it proper; and provided also, that this act shall not render it necessary to appoint any greater number of general officers than have been heretofore authorized by law, sooner than, in the opinion of the President, the military service of the United States shall require it.

A commander of the army to be appointed, and his style.

SEC. 9. *And be it further enacted*, That a commander of the army of the United States shall be appointed and commissioned by the style of "General of the Armies of the United States," and the present office and title of Lieutenant-General shall thereafter be abolished.

Quartermaster General.

SEC. 10. *And be it further enacted*, That there shall be a Quartermaster-General of the army of the United States, who shall be entitled to the rank, pay, emoluments and privileges of a major-general.

A battalion of riflemen may be raised.

SEC. 11. *And be it further enacted*, That it shall be lawful for the President of the United States, at his discretion, to organize, officer, and raise a battalion of riflemen, to consist of the same number of officers and men, and to be entitled to the same pay and emoluments whatsoever as a battalion of infantry of the line.

Deputy, division and brigade quartermasters.

SEC. 12. *And be it further enacted*, That to any army of the United States, other than that in which the quartermaster-general shall serve, there shall be a deputy quartermaster-general, who shall be a field officer, and who, in addition to his other emoluments, shall be entitled to fifty dollars per month, which shall be in full compensation for his extra services and travelling expenses, but the provisions of this act are not to affect the present quartermaster-general of the army of the United States, who in case a quartermaster-general shall be appointed by virtue of this act, is to act as deputy quartermaster-general, and shall hereafter have the rank of lieutenant-colonel; and that to every division of an army, there shall be a division quartermaster, who, in addition to his other emoluments, shall be entitled to thirty dollars per month, which shall be in full compensation for his extra services and travelling expenses; and that to every brigade there shall be a brigade quartermaster, who, in addition to his other emoluments, shall be entitled to twenty-four dollars

per month, which shall be in full compensation for his extra services and travelling expenses; each of which officers shall be chosen by the quartermaster general, from among the regimental officers.

SEC. 13. *And be it further enacted*, That to any army of the United States, other than that in which the inspector-general shall serve, there shall be a deputy inspector-general, who shall be a field officer, and who, in addition to his other emoluments, shall be entitled to fifty dollars per month, which shall be in full compensation for his extra services and travelling expenses; and that to every division of an army there shall be a division inspector, who, in addition to his other emoluments, shall be entitled to thirty dollars per month, which shall be in full compensation for his extra services and travelling expenses; and that to every brigade there shall be a brigade inspector, who, in addition to his other emoluments, shall be entitled to twenty-four dollars per month, which shall be in full compensation for his extra services and travelling expenses: each of which officers shall be chosen by the inspector-general from among the regimental officers. The deputy inspector-general to be in every case approved by the general commanding the army to which he shall be annexed.

Deputy division and brigade inspectors.

SEC. 14. *And be it further enacted*, That the adjutant-general of the army shall be *ex-officio* assistant inspector-general, and that every deputy inspector-general shall be *ex-officio* deputy adjutant-general, and shall perform the duties of adjutant-general in the army to which he shall be annexed.

The adjutant general to be assistant inspector general, &c.

SEC. 15. *And be it further enacted*, That the paymaster-general of the armies of the United States, shall always quarter at or near the headquarters of the main army, or at such place as the commander in chief shall deem proper; and that to the army on the western frontiers and to detachments from the main army intended to act separately for a time, he shall appoint deputy paymasters, who shall account to him for the money advanced to them, and shall each give a bond in the sum of fifteen thousand dollars, with sufficient sureties for the faithful discharge of their duties respectively, and take an oath faithfully to execute the duties of their offices, and the several regimental paymasters shall also give bond in the sum of five thousand dollars with one or more sufficient sureties, and take an oath as aforesaid for the faithful discharge of the duties of their offices respectively; and that the paymaster general shall receive eighty dollars per month, with the rations and forage of a major in full compensation for his services and travelling expenses; and the deputy, in addition to his pay and other emoluments, thirty dollars per month in full compensation for his extra services and travelling expenses.

Duty of the paymaster general.

Deputy and regimental paymasters to give security.

Compensation of the paymaster general and the deputy.

SEC. 16. *And be it further enacted*, That every major-general of the army of the United States shall be entitled to two aids to be chosen by himself, each of whom, in addition to his pay and other emoluments in his regiment, shall receive twenty-four dollars per month, and ten dollars per month for forage, when not furnished as aforesaid; and that every brigadier-general of the said army shall be entitled to one aid to be chosen by himself, who, in addition to his pay and other emoluments in his regiment, shall receive twenty-four dollars per month, and ten dollars per month for forage, when not furnished as aforesaid.

Aids of major and brigadier generals.

SEC. 17. *And be it further enacted*, That the President of the United States be authorized to engage and appoint, distinct from the officers of the corps of artillerists and engineers, two engineers with the rank of lieutenant-colonel, and to stipulate and allow to them respectively, such compensations as he shall find necessary and expedient.

Two engineers, distinct from the corps, to be appointed.

SEC. 18. *And be it further enacted*, That an inspector of fortifications shall be appointed, whose duties shall be assigned him by the Secretary of War under the direction of the President of the United States, that the compensation to be allowed to the said inspector, if

An inspector of fortifications to be appointed.

selected from the corps of artillerists and engineers, in full for his extra services and travelling expenses, shall, besides his pay and emoluments in the corps, be thirty-five dollars per month, and if he shall not be an officer in the artillery or army, he shall, in full compensation for his services and expenses, be allowed the sum of seventy-five dollars monthly, and be entitled to the rank of major in the army of the United States, and in case the said inspector shall be chosen from the corps of artillerists and engineers or army of the United States, his place therein shall be supplied by promotion or a new appointment or both, as may be requisite; but he shall nevertheless retain his station in the said corps or army, and shall rank and rise therein, in the same manner as if he had never been appointed to the said office of inspector.

Component parts of a ration of provisions.

SEC. 19. *And be it further enacted*, That a ration of provisions shall henceforth consist of eighteen ounces of bread or flour, or when neither can be obtained, of one quart of rice or one and an half pound of sifted or bolted Indian meal, one pound and a quarter of fresh beef, or one pound of salted beef, or three quarters of a pound of salted pork, and when fresh meat is issued, salt at the rate of two quarts for every hundred rations, soap at the rate of four pounds, and candles at the rate of a pound and a half for every hundred rations. *Provided always*, that there shall be no diminution of the ration to which any of the troops now in service may be entitled by the terms of their enlistment.

Annual allowance of uniform clothing.

SEC. 20. *And be it further enacted*, That every non-commissioned officer, private, artificer, and musician of the artillery and infantry, shall receive annually, the following articles of uniform clothing, to wit: one hat, one coat, one vest, two pair of woollen and two pair of linen overalls, four pair of shoes, four shirts, four pair of socks, one blanket, one stock and clasp, and one pair of buckles.

Clothing for the dragoons.

SEC. 21. *And be it further enacted*, That suitable clothing be provided for the dragoons, adapted to the nature of the service, and conformed as near as may be to the value of the clothing allowed to the infantry and artillery.

Spirits and vinegar may be issued to the troops.

SEC. 22. *And be it further enacted*, That it shall be lawful for the commander in chief of the army, or the commanding officer of any separate detachment or garrison thereof, at his discretion, to cause to be issued, from time to time to the troops under his command out of such supplies as shall have been provided for the purpose, rum, whiskey, or other ardent spirits in quantities not exceeding half a gill to each man per day, excepting in cases of fatigue service, or other extraordinary occasions, and that whensoever supplies thereof shall be on hand, there shall be issued to the troops vinegar at the rate of two quarts for every hundred rations.

Provision for altering soldiers clothing.

SEC. 23. *And be it further enacted*, That it shall be lawful for the commanding officer of each regiment, whenever it may be necessary, to cause the coats, vests and overalls or breeches, which may from time to time be issued to and for his regiment, to be altered and new made, so as the better to fit them to the persons respectively for whose use they shall be delivered; and for defraying the expense of such alteration, to cause to be deducted and applied out of the pay of such persons a sum or sums not exceeding twenty-five cents for each coat, eight cents for each vest, and for each pair of overalls or breeches.

Clothing, camp utensils, &c. to be provided by the Secretary of War.

SEC. 24. *And be it further enacted*, That it shall be lawful for the Secretary of War, to cause to be provided, in each and every year, all clothing, camp utensils and equipage, medicines and hospital stores, necessary for the troops and armies of the United States for the succeeding year, and for this purpose to make purchases, and enter, or cause to be entered into, all necessary contracts or obligations for effecting the same.

SEC. 25. *And be it further enacted*, That whenever any officer or

soldier shall be discharged from the service, except by way of punishment for an offence, he shall be allowed his pay and rations, or an equivalent in money, for such term of time, as shall be sufficient to travel from the place where he receives his discharge to the place of his residence, computing at the rate of twenty miles to a day.

Allowance for officers and soldiers to return home.

SEC. 26. *And be it further enacted*, That there shall be allowed to the inspector-general, in addition to his allowance as major-general, and in full compensation for extra services and expenses in the execution of his office, the sum of fifty dollars per month, and that he shall be allowed a secretary to be appointed by himself, with the pay and emoluments of a captain.

Extra allowance to the inspector general.

APPROVED, March 3, 1799.

RESOLVED, *by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Senate, and the Clerk of the House of Representatives be authorized and directed to subscribe, on such terms as they may deem eligible, for the use of the Senate and House of Representatives, for four hundred copies of the Journals of Congress, which are proposed to be published by Richard Folwell; and such number of copies of deficient volumes of the sets now in print, as may be necessary to complete the same.

March 2, 1799.

A subscription to Folwell's edition of the Journals of Congress authorized.

APPROVED, March 2, 1799.

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