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1896.

U.S. Laws, Statutes, etc.

THE
PUBLIC AND GENERAL
STATUTES 69233
PASSED BY THE CONGRESS OF THE
UNITED STATES OF AMERICA.
FROM 1789 TO 1827 INCLUSIVE,
WHETHER
Expired, Repealed, or in Force;
ARRANGED IN CHRONOLOGICAL ORDER, WITH MARGINAL REFERENCES,
AND
A COPIOUS INDEX.
TO WHICH IS ADDED
THE CONSTITUTION OF THE UNITED STATES,
AND
AN APPENDIX.

PUBLISHED UNDER THE INSPECTION OF
JOSEPH STORY,
ONE OF THE JUSTICES OF THE SUPREME COURT OF THE
UNITED STATES.

BOSTON:
PUBLISHED BY WELLS AND LILLY.

1828.

DISTRICT OF MASSACHUSETTS, TO WIT :

District Clerk's Office.
BE IT REMEMBERED, that on the thirteenth day of November, A. D. 1837, in the fifty-second year of the Independence of the United States of America, Wells and Lilly of the said District, have deposited in this Office the title of a Book, the Right whereof they claim as Proprietors, in the words following, to wit :

" The Public and General Statutes passed by the Congress of the United States of America, from 1789 to 1837 inclusive, whether expired, repealed, or in force ; arranged in Chronological Order, with Marginal References, and a copious Index. To which is added the Constitution of the United States, and an Appendix. Published under the inspection of Joseph Story, one of the Justices of the Supreme Court of the United States."

In Conformity to the Act of the Congress of the United States, entitled, " 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 ;" and also to an Act entitled, " An Act supplementary to an Act, entitled, 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 ; and extending the Benefits thereof to the Arts of Engraving, Engraving, and Etching Historical and other Prints."

JNO. W. DAVIS,
Clerk of the District of Massachusetts.

Advertisement.

IN the present Edition the Acts of Congress are arranged in chapters, beginning a new series of numbers with the commencement of every new Congress. Of course, the numbers go on progressively through all the sessions of the same Congress, and the order of the Acts is strictly chronological. This method was adopted in numbering the Acts at the commencement of the Government, and it was for the most part followed until after the year 1815. Since that period it has been usual to begin a new series of numbers with each successive session of Congress. The irregularity either way being very considerable, it has been thought most adviseable in this Edition to adhere to the method originally adopted by the Government itself, which made each new Congress a new starting point or epoch. The mode of citation in the Marginal Notes is to give the year, in which the Act passed, and the number of the chapter. As the constitutional commencement of each Congress (unless a different day should be appointed by law) is on the first Monday of December, some Acts bear date in the same year, which have been enacted by different Congresses. But as these Acts are few, the number of the chapter will prevent any mistake in the reference, and lead the Reader at once to the Acts passed at the commencement, or close of the year.

The Index is full as to the Laws now in force ; and as to others, which have expired or have been repealed, a reference is made under the proper heads, so that the whole series of Laws on the same subject may be examined together. It has been thought, that a full Index to the matter of the Acts not in force would rather tend to embarrass than to aid the general Reader.

PREFACE.

THE present Edition of the Laws of the United States embraces all the public Acts, whether they are expired, or repealed, or are now in force, with the exception of such only, as are of a very limited and temporary nature, and do not enter into the general jurisprudence of the Country. The principal Acts, which have been omitted, are either strictly private Acts, such as those, which are for the relief of particular persons, or corps; or, if public Acts, are of a temporary nature, such as the annual Appropriation Acts, Acts for occasional Loans, &c., or such as exclusively respect the District of Columbia. Even these Acts have been sparingly omitted, when from their nature or importance they might illustrate the history of our national policy. And the Acts, which regard the organization and general administration of justice in the District of Columbia, have been retained, as subjects of general interest.

It is often a subject of complaint among professional and other gentlemen, that the common Editions embrace those Laws only, which are actually in force at the time of the publication, and are thus attended with much embarrassment and inconvenience. Many of the existing laws are very forcibly illustrated by the provisions of prior repealed laws on the same subject; and many have tacit references to the latter, which are not easily detected in a cursory perusal. In few cases, where Legislation has, at successive periods, acted on the same matter, can any Lawyer, who is solicitous to discharge his duty in public argument or in private consultation, feel safe in omitting to examine the whole series of the Laws, even though many of them are repealed or expired. And instances

are not unfrequent of successful argument founded solely on the coincidences or differences between the revised and the original Laws. The history of our jurisprudence also, whether examined as matter of curiosity or of private interest, whether searched with reference to public policy or to legal rights, is so intimately interwoven with the whole course of our legislation, that no liberal enquirer, and least of all, a publicist, a jurist, or a statesman, can dispense with an accurate chronological knowledge of the subject. The Statutes at large, embracing a great mass of private statutes, have already become very unwieldy, voluminous, and expensive. It is believed, therefore, that a work, like the present, which detaches and embraces all those, which are not exclusively of a fugitive or private character, cannot fail to be of general convenience and utility. To these volumes a copious verbal Index has been annexed, so as to make the facility of reference as complete as possible. The whole work has passed under the inspection of Mr. Justice STORY, who has given it an attentive examination.

It is not our intention to disparage the Abridgments and Digests of the Laws of the United States already before the Public—They are very useful publications; but as they purport only to present the Laws now in force under regular heads, their object is materially different from that of this edition. They are aids to, but cannot supersede the necessity of, the present compilation.

ACTS OF
THE FIRST CONGRESS
OF THE UNITED STATES.

VOL. I.

CONSTITUTION

OF THE

United States.

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.

ARTICLE I.

SECTION I.

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.

SECT. II.

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*

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one, *Connecticut* five, *New York* six, *New Jersey* four, *Pennsylvania* eight, *Delaware* one, *Maryland* six, *Virginia* ten, *North Carolina* five, *South Carolina* five, and *Georgia* three.

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.

SECT. III.

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.

SECT. IV.

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.

SECT. V.

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 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.

SECT. VI.

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 or 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.

SECT. VII.

All bills, for raising a 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 re-consider it. If, after such re-consideration, 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 re-considered : 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 repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECT. VIII.

The Congress shall have power

To lay and collect taxes, duties, imposts and excises, 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.

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.

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States.

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.

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

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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.

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.

SECT. IX.

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.

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.

No bill of attainder, or ex post facto law, shall be passed.

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

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 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 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.

SECT. X.

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 ; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

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 nett 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. 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.

ARTICLE II.

SECT. 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:

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.

Amendment
xii. a substitute
for this
paragraph.

[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.]

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."

SECT. II.

The President shall be commander in chief of the army and 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: 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 shall think proper, in the President alone, in the courts of law, or in the heads of departments.

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.

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SECT. III.

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.

SECT. IV.

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.

ARTICLE II.

SECT. I.

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.

SECT. II.

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 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.

In all cases affecting Ambassadors, other public Ministers, and Consuls, and those in which a state shall be a party, the Supreme Court shall have original jurisdiction. 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.

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.

See Amend-
ment XI.

SECT. III.

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.

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 attainted.

ARTICLE IV.

SECT. I.

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.

SECT. II.

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

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.

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

SECT. III.

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.

SECT. IV.

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.

ARTICLE V.

The Congress, whenever two thirds of both Houses shall

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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.

ARTICLE 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.

ARTICLE 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.

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.

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.

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.

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.

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.

V. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment by 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.

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.

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 common law.

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

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

X. 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.

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.

XII. 1. 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 lists 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.

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, in the State of New York, on Wednesday, March 4, 1789, and ended September 29, in the same year.

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

CHAP. 1. An act to regulate the time and manner of administering 1789 ch. 1.
certain oaths.

SECT. 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.

Form of the oath to support the constitution.

To be administered to the president of the senate, its members and secretary; to members of the house of representatives, and its clerk; and to absent members of either body on taking their seats.

§ 2. 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.

Method of administering the oath or affirmation.

Members of the state legislatures, &c. to take the same oath, before 1st of Sept. 1789.

By whom to be administered. State authorities chosen or appointed after the 1st of Aug. 1789, to take a similar oath or affirmation, to be administered by a person authorized by the law of the state.

Oath to be recorded.

Oath or affirmation to be administered to all officers of the U. S. appointed or to be appointed; and by whom. Officers incur penalties on failure.

Additional oath for the secretary of the senate and clerk of the house of representatives.

[*Repealed by act 10 Aug. 1790, ch. [39.] 66.]

Duties to commence, Aug. 1st 1789.

Specific duties on certain enumerated articles.

§ 3. 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 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.

§ 4. 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 authorised 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.

§ 5. 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.]

CHAP. 2. An act for laying a duty on goods, wares, and merchandises, imported into the United States.*

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:

§ 1. *Be it enacted, &c.* 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: On all distilled spirits of Jamaica proof, imported from any kingdom or country whatsoever, per gallon, ten cents.—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 galoshes, 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 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.

Duties on teas imported from India or China, in American bottoms.

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 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 teas imported from Europe in American bottoms.

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.

Duties on teas imported in other than American bottoms.

On all goods, wares, and merchandises, other than teas, im-

On all goods, &c. other than tea, imported from China or India in foreign bottoms, twelve and a half per cent. ad valorem.

On other enumerated articles, ten per cent. ad valorem.

On other enumerated articles, seven and a half per cent. ad valorem.

On all other goods, except certain articles, 5 per cent. on the value at the time and place of importation.

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

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

Except one per cent.

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

ported 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.

On all looking glasses, window and other glass (except black quart bottles)—On all China, stone, and earthen, ware—On gunpowder—On all paints ground in oil—On shoe and knee buckles—On gold and silver lace, and on gold and silver leaf, ten per centum ad valorem.

On all blank books—On all writing, printing, or wrapping, paper, paper hangings and pasteboard—On all cabinet wares—On all buttons—On all saddles—On all gloves of leather—On all hats of beaver, fur, wool, or mixture of either—On all millinery ready made—On all castings of iron, and upon slit and rolled iron—On all leather tanned or tawed, and all manufacture of leather, except such as shall be otherwise rated—On canes, walking sticks, and whips—On clothing ready made—On all brushes—On gold, silver, and plated, ware, and on jewellery and paste work—On anchors, and on all wrought tin and pewter ware, seven and a half per centum ad valorem.—On playing cards, per pack, ten cents.—On every coach, chariot, or other four wheeled carriage, and on every chaise, solo, or other two wheel carriage, or parts thereof, fifteen per centum ad valorem.

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

§ 2. 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.

§ 3. 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, 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.

§ 4. 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 im-

posed on the importation of the salt employed and expended therein, viz. On every quintal of dried fish, five cents.—On every barrel of pickled fish, five cents.—On every barrel of salted provision, five cents.

§ 5. 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 the duties for goods, &c. imported in vessels of citizens.

§ 6. 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. [Approved, July 4, 1789.]

This act to continue until the 1st of June, 1796, &c.

CHAP. 3. An act imposing duties on tonnage.*

§ 1. *Be it enacted, &c.* That the following duties shall be, and are hereby, imposed on all ships or vessels entered in the United States, that is to say :

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.

* Repealed by act 20 July 1790. chap. 57. § 5.]

Six cents per ton, on vessels built in the United States, or belonging to citizens.

Vessels hereafter built in the United States, and belonging wholly or in part to foreigners, to pay 30 cents per ton. Other vessels 50 cents.

§ 2. 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.

No home built vessels, belonging to a citizen, employed in the coasting trade or fisheries, to pay tonnage more than once in a year.

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

Fifty cents per ton payable by foreign vessels employed in the coasting trade.

§ 4. That this act shall commence and be in force from and after the fifteenth day of August next. [Approved, July 20, 1789.]

This act to commence on the 15th of August, 1789.

CHAP. 4. An act for establishing an Executive Department, to be denominated the Department of Foreign Affairs.*

§ 1. *Be it enacted, &c.* That there shall be an executive department, to be denominated the department of foreign affairs, and that there shall be a principal officer therein, to be called the secretary for the department of foreign affairs, who

* Altered by act of Sept. 15, 1789. chap. 14.]

Department of foreign affairs.

Secretary thereof.
His duties.

Subject to the president's instructions.

The secretary to appoint a chief clerk, who, in case of vacancy, is to have the custody of records, books and papers.

The secretary and all others employed in the department, to take an oath of fidelity.

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

[* Repealed by act of 4 August 1790. chap. [35.] 62. § 74.]

Due collection of duties, &c.

District of New Hampshire; ports of entry and delivery; collectors, &c.

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, 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.

§ 2. 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.

§ 3. 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.*

§ 4. 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. [Approved, July 27, 1789.]

CHAP. 5. 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.*

§ 1. *Be it enacted, &c.* 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:

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

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 Passamaquoddy. 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, 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 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.

Districts in Massachusetts; ports of entry and delivery; collectors, &c.

Districts in
Massachu-
setts, &c.

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 Thomastown, 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 Passamaquoddy shall be appointed a collector, to reside at the said ports of Machias and Passamaquoddy 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 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.

Districts in
Connecticut;
ports of entry
and delivery;
collectors, &c.

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.

In the state of New York shall be two districts, to wit: Sagg Harbor on Nassau or Long Island, and the city of New York, each of which shall be a port of entry. The district of Sagg 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 Sagg 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 Sagg 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 in
New-York;
ports of entry
and delivery;
collectors, &c.

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, Elizabeth Town, 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,

Districts in
New Jersey;
ports of entry
and delivery;
collectors, &c.

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 Lambertson 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 (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 Harbor, shall be ports of delivery only; and a collector for the district shall be appointed, to reside at Bridgetown.

District of
Pennsylvania;
port of entry,
&c.

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.

District of
Delaware;
port of entry,
&c.

The state of Delaware shall be one district, and the borough of Wilmington shall be the 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.

Districts in
Maryland;
ports of entry
and delivery;
collectors, &c.

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, Susquehannah, 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 Sassafraz 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 Potowmac river, within the jurisdiction of the state of Maryland, from Point Look out to Pomonkey creek, inclusive, to which Saint 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 Saint 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 Potowmac 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 in
Maryland, &c.

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, 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

Districts in
Virginia; ports
of entry and
delivery; col-
lectors, &c.

Districts in
Virginia, &c.

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 Berrauda 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, harbors, and inlets, comprehended between Jordan's Point and the highest tide water on James and Appamattox rivers. To the district of York Town shall be annexed Westpoint and Cumberland, as ports of delivery only; and a collector for the district shall be appointed, to reside at York Town, 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, 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 Pomonkey 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 Potowmac, 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 Potowmac 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 Potowmac 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 Potowmac 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 Potowmac, 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, harbors, 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, 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 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: 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 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 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 in South Carolina; ports of entry; ports of entry; collectors, &c.

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, Great and Little Ogeechee rivers, with the other harbors, 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 harbors, creeks, and rivers, formed by the inlets of Saint Catharine'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 harbors, creeks, and rivers, formed by the inlets of Doboy, south of Sapelo, Alatamaha, and Saint Simons,

Districts in Georgia; ports of entry and delivery; collectors, &c.

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 Saint Mary's shall include Great Setilla, Little Setilla, Crooked river, and Saint Mary's river, with the harbors, creeks, and rivers, formed by the inlets of Saint Andrews and Amelia sounds; and a collector for the said district shall be appointed, to reside at Saint 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.

Ports of entry,
and ports of
delivery.

Ports of deliv-
ery to which
foreign vessels
are restricted.

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

Vessels bound
to a port of de-
livery only, in

§ 2. 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, George Town on Potowmac, Chester Town, Town Creek, Nottingham, Nanjemoy, Digges's landing, Snow Hill, and Carrollsburg, in the state of Maryland; Alexandria, Kinsale, Newport, Tappahannock, Port Royal, Fredericksburg, Urbanna, York Town, West Point, Hampton, Bermuda Hundred, City Point, Rocket's landing, Norfolk or Portsmouth, in the state of Virginia; Charleston, George Town or Beaufort, in the state of South Carolina; or in either of the districts of Savannah, Sunbury, Brunswick, or Saint 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, in the state of Connecticut; New York; Perth Amboy; Philadelphia; Wilmington, in the state of Delaware; Baltimore Town, Annapolis, or George Town, 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 a voyage.

§ 3. 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, York Town 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.

§ 4. 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, deposite 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 Potowmac, shall, before he pass by the rivers Saint Mary's and Yeocomico, and immediately after his arrival, deposite with the surveyor at Saint 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, deposite 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, deposite 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 collectors, 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.

§ 5. That the duties of the respective officers, to be appointed by virtue of this act, shall be as follows : At 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

certain districts, shall first come to at the port of entry.

Vessels bound to certain districts, shall not pass certain ports without delivering manifest, &c. See act of 1789. ch. 15. § 1.

Duties of the collector. See § 8, infra.

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.

Duties of the naval officer.

Duties of the surveyor. See § 8, *infra*.

Collector, in case of absence, sickness, or inability, may appoint a deputy, &c.

§ 6. 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 misconduct, of his said deputy, in the execution of the office.

Duties and powers of a deputy collector.

§ 7. 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.

Naval officer to act where there is no deputy.

Further duties of collector and surveyor. See § 5, *supra*.

§ 8. 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 entitled 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.

§ 9. 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 moneys which they may respectively receive by virtue of this act (such moneys 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.

§ 10. 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,

Form of the oath of a collector, naval officer, and surveyor.

Oath by a justice of the peace.

To be certified to the comptroller.

Penalty on failure, 200 dolls. Weighers, gaugers, measurers, and inspectors, to take the same oath.

Collectors, naval officers, and surveyors, to keep accounts of their transactions, &c.

Collectors to pay all moneys received, and settle their accounts every three months, &c.

Masters of vessels from foreign ports to deliver two manifests to any officer who shall first go on board, &c.

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.

One of the manifests to be signed and returned; the other sent to the collector.

Masters to report within forty-eight hours, and swear to their manifests,

§ 11. 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 officer, or other person lawfully authorized in manner as hereinbefore 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.

[* § 10.]

Masters to take and subscribe an oath or affirmation to manifest. Form of the oath.

Penalty on refusal or neglect, 500 dollars.

Goods to be landed in open day, and by permit.

Penalties on masters and others offending herein.

§ 12. 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 neighborhood, best acquainted with matters of that kind.

§ 13. 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*

Goods unlawfully landed, to be forfeited, &c.

Ships or vessels compelled to put in by distress of weather, to make report and protest.

Collector may grant a permit to unload;

and to sell perishable goods; or sufficient to defray expenses;

the duties being first paid or secured, and the necessity of selling certified.

Owner or consignee of goods imported, to make entry;

and take an oath to the truth thereof. Tenor of the oath.

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:

Oath to be administered by the collector, or by a justice of the peace.

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.

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

§ 14. 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 unlading and landing 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 unlading and landing of all such goods as shall be so entered, and the duties thereof paid or secured.

Granting of permit for landing goods, &c.

Inspectors to be put on board of vessels arriving, &c.

Duties of inspectors.

§ 15. 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 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 risque 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.

Extension of time to vessels laden with salt or coal.

Goods unlawfully removed from landing places, forfeited.

Unclaimed goods to be sold after a lapse of nine months.

Proceeds to be paid into the treasury, &c.

Proviso: as to appraisement and sale.

§ 16. 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, &c.

Forfeiture in cases of irregularity, 200 dolls.

§ 17. 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 all charges.

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

Rates of foreign coins and currencies.

[* See post. act of 1790, ch. 35. § 74. and act 1791, ch. 19.]

[† Repealed as to ruble of Russia by act of 1789. ch. 25, § 3.]

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

Duties, if 50 dollars, to be paid; if above 50 dolls. to be paid or secured.

Limitation of credits for duties.

Deposite of goods as security for duties.

On failure to pay, goods to be sold, &c.

Discount of 10 per cent. for prompt payment of duties.

Credit denied to persons whose bonds remain unpaid.

Duties on tonnage to be paid within ten days, &c.

§ 18. 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.

§ 19. 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 Madeira 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 risque 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.

§ 20. 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.

Register to be lodged with the collector.

§ 21. That where any bond for the payment of 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.

Collectors to put bonds of defaulters in suit.

In cases of insolvency, &c. the United States to be first satisfied.

§ 22. 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.

Goods entered, and not truly invoiced, to be forfeited, &c.

The value to be ascertained by two reputable merchants, &c.

§ 23. 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 repacked, 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 in the presence of two or more reputable merchants, &c.

proviso: as to goods not accompanied with the invoice.

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

[* See amendments to constitution, art. 4th.]

Collector to take custody of goods seized, &c.

Penalty for concealing or buying goods liable to seizure.

Officers may make seizure as well out of, as within, their districts.

Officers sued, or molested, may plead the general issue; give this act in evidence, &c.

Double costs.

Onus probandi. Persons forcibly resisting, subject to a fine of 400 dollars.

Collectors, naval officers, and surveyors, to give bond for performance of duty, in the sums mentioned,

§ 24. 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.

§ 25. 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.

§ 26. 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.

§ 27. 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 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.

§ 28. 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.

Sums of collectors' bonds.

Sums of naval officers' bonds.

Sums of surveyors' bonds.

Bonds to be filed in the office of the comptroller, &c.

§ 29. 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 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 stationary, 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 settle-

Fees of office, and per centage.

To collectors.

Fees to be equally divided between collectors and naval officers, &c.

Fees to surveyors:

To be paid, in the first instance, to the collector, &c.

Per diem allowance to inspectors.

Fees of measurers, weighers, and gaugers.

Extra allowance to certain collectors.

Table of fees and duties, to be affixed in a public place of their offices, by collectors, &c.

Forfeiture of 100 dollars on failure.

Penalty of 200 dollars for demanding greater or other fees.

Duties to be received in gold and silver coin only, at the rates here mentioned.

(a) See act of 1791, ch. [10.] 84. § 10.

Drawback on goods allowed by the collector with whom they were entered, &c.

ment. 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 moneys 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 moneys 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.

§ 30. That the duties, and fees to be collected by virtue of this act, shall be received in gold and silver coin only, (a) 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 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; and all silver coins of equal fineness, at one dollar and eleven cents per ounce.

§ 31. 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.

§ 32. 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 relanded in any port or place within the limits of the United States as settled by the late treaty of peace; (a) 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 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 drawback 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.

§ 33. 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 not to be reladen before entry, &c.

Bond not to reland within the United States.

(a) Treaty of 3d of September, 1783.

Oath as to truth of entry.

No drawback until 6 months after exportation, &c.

Protest to serve in case of the vessel's being cast away, &c.

Goods entitled to drawback unless the duties amount to 20 dolls. &c.

Sums allowed on the exportation of fish, &c. payable by the collector of the district whence exported, &c.

Goods entitled to drawback forfeited if re-landed within the U. States.

§ 34. 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, re-landed 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.

Fees allowed on exportations.

Penalty on officers receiving a bribe, or conniving at a false entry, not less than 200 dolls. nor more than 2,000, &c.

§ 35. 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.

A similar penalty on persons offering a bribe, &c.

Penalty on masters of vessels, or others, who shall take a false oath, not exceeding 12 months imprisonment nor 1,000 doll. fine.

Form of proceedings for the recovery of penalties, for forfeitures, &c.

§ 36. 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

Notice of libel, &c.

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 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, 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 favor 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, 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.

Judgment
where there is
no claimant.

Bond to defend.

Delivery of
vessel, goods,
&c. on bond,
&c.

Cancelling of
bond on judg-
ment for claim-
ant, and other-
wise.

No costs for
claimant where
there is reason-
able cause of
seizure.

Vessels, &c. to
be restored on
judgment.

Action to be
commenced
within three
years.

Vessels or goods condemned in virtue of this act, to be sold at public auction after fifteen days notice.

§ 37. 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.

Distribution of fines, penalties, and forfeitures.

§ 38. 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.

One half moiety of fines, &c. to be given to the informer, if other than the naval officer or surveyor.

This act adapted to the states of Rhode Island and North Carolina.

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;

Goods imported from Rhode Island and N. Carolina, subject to the same duties as if from foreign countries.

§ 39. 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.

Goods of foreign growth, subject to the payment of duties, brought into the United States, unless by sea, and in certain vessels, liable to forfeiture; except, &c.

§ 40. 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 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 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.]

Goods brought into the United States by land, forfeited, &c.

CHAP. 6. An act for settling the accounts between the United States and individual states.

See act of 1790, ch. [38.] 65.

§ 1. *Be it enacted, &c.* 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.

§ 2. 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. [Approved, August 5, 1789.]

Chief and other clerks to be appointed.

Amount of their salaries.

CHAP. 7. An act to establish an executive department, to be denominated the Department of War.*

[* Altered by act of 1798, ch. 52.]

§ 1. *Be it enacted, &c.* That there shall be an executive department, to be denominated the department of war; 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, (a) 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.

Department of war established. Secretary thereof.

Duties of the secretary of war to include naval and military affairs.

Secretary subject to the president's instructions.

§ 2. 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.

Chief clerk of the department of war.

His duties.

(a) Navy Department established by act of 30 April 1798. ch. 52.

Oath of office of the secretary of war and his clerks.

§ 3. 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 the former war department.

§ 4. 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. [*Approved, August 7, 1789.*]

CHAP. 8. An act to provide for the government of the territory north west of the river Ohio.

[* See act of 1800, ch. 41. act of 1802, ch. 40, act of 1804, ch. 80.]

Whereas, in order that the ordinance* of the United States in congress assembled, for the government of the territory northwest of the river 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 :

Governor to make communication to the president of the United States.

§ 1. *Be it enacted, &c.* 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 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.

President and senate to appoint territorial officers.

President to commission;

and remove.

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

§ 2. 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. [*Approved, August 7, 1789.*]

Expenses of light houses, &c. after the 15th Aug. 1789, to be defrayed out of the treasury of the United States :
[* See act of 1790, ch. [32.] 59, act of 1791, ch. [24.] 93, act 1792, ch. 17. act 1793, ch. [27.] 72. act

CHAP. 9. An act for the establishment and support of light houses, beacons, buoys, and public piers.

§ 1. *Be it enacted, &c.* That all expenses which shall accrue, from and after the fifteenth day of August, one thousand seven hundred and eighty-nine, in the necessary support, maintenance, and repairs, of all light houses, 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 naviga-

1795, ch. 102. ch. 105. act 1796, ch. 43.]

tion 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 light houses, 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.

Provided a cession be made within one year.

§ 2. That a light house 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.

Light-house to be erected near the entrance of the Chesapeake Bay.

§ 3. 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 light house near the entrance of Chesapeake Bay, and for rebuilding, when necessary, and keeping in good repair, the light houses, 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 superintendence and care of the same.

Secretary of the treasury to contract for building, rebuilding, and repairing light houses, &c. when necessary.

§ 4. 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. [Approved, August 7, 1789.]

Pilots to be regulated by the existing laws of the respective states, &c.

CHAP. 11. An act for registering and clearing vessels, regulating the coasting trade, and for other purposes.*

§ 1. *Be it enacted, &c.* 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.

[* Altered by act 1789, ch. 22, and repealed by act 1792, ch. 46. [1.] § 30.]

What shall constitute a ship or vessel of the U. S., so as to entitle her to the benefits of the laws of the U. S.

§ 2. 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.

Vessels to be registered.

Certificate of registry.

Form of a certificate of registry.

"In pursuance of an act of the congress of the United States of America, entitled "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 nonsubscribing 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

Duplicate of certificate, &c.
Blank certificates to be furnished by the secretary of the treasury, &c.

Rule for ascertaining the tonnage of ships or vessels.

If double decked, &c.

If single decked, &c.

Port to which a vessel shall be deemed to belong.

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.

§ 3. 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 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.

§ 4. 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.

Name to be painted on the stern, &c.

§ 5. 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 copartnership, consisting of citizens of the United States, actually carrying on trade in the said States.

Vessels of citizens residing in foreign countries not entitled to register, except, &c.

§ 6. That no registry shall be made or certificate granted, until the following oath or affirmation be taken and subscribed, before the officer hereinbefore 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

No registry before oath, &c.

[place of residence and occupation] do swear or affirm, that the ship or vessel of

Form of the oath.

[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 copartnership] 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 of the United States, and that no foreigner, directly or indirectly, hath any part or interest in the said ship or vessel."

§ 7. 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.

Owners residing in one district may make oath in relation to a vessel lying in another.

Duty of the collectors in that case.

Surveyor to measure vessels in the presence of the master, or other person to be appointed by the owners, &c.

The master or other person, to sign the certificate of measurement, provided, &c.

Bonds on granting certificates of registry.

Penalties of the bonds.

Condition of the bonds; certificates not to be sold, lent, &c.

To be delivered up on loss of vessel;

or in case of sale and transfer of the ship to a foreigner, &c.

§ 8. 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.

§ 9. 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 dis-

strict 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.

Certificates delivered up to be cancelled.

§ 10. 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 cancelled ; 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.

Vessels sold in whole, or in part, to citizens, to be registered anew, &c.

§ 11. 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.

Bills of sale of vessels to recite the certificate of registry, &c.

§ 12. That whenever the master or other person having the charge or command of any ship or vessel, registered in manner hereinbefore 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.

The change of the master of a vessel to be endorsed on the certificate of registry by the collector, &c.

§ 13. 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 : " 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

In case of the loss of a certificate of registry, the master to make oath.

Form of the oath.

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 hereinbefore directed, and deliver the certificate of such registry to the

Oath to be filed, and the collector to register the vessel anew by her former name, &c.

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.

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

§ 14. 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 hereinbefore directed, as soon as she returns 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.

The collectors to number the certificates of registry progressively;

§ 15. 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.

and transmit copies to the secretary of the treasury.

Vessels built in the United States after the 15th Aug. 1789, and owned by foreigners, to be recorded. Builder to make oath.

Form of the oath.

§ 16. 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,

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 in depth and measuring tons, having

head, was built by me, or under my direction, at [place, county, and state] in the United States, in the year

The oath to be recorded.

: which oath or affirmation shall be recorded in manner hereinbefore directed, in a book to be kept for that purpose.

§ 17. 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

Collectors to grant certificate of the record.

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 _____

Form of the certificate.

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.

Certificate to be recorded, &c.

§ 18. 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 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.

Surveyor, &c. to deliver a written account of the built, &c. of vessels owned by foreigners; to be signed by the master.

§ 19. 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.

Change in the name of vessel, or master, to be endorsed on the certificate of record, &c.

§ 20. 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.

The formality prescribed essential to constitute a recorded vessel.

Certificate of record to be produced on entry, &c.

Form of proceedings for the recovery of penalties, forfeitures, &c.

[See act of 1789, ch. 5, § 36.]

What is necessary to entitle vessels, of twenty tons or upwards, &c. not registered, destined from district to district, or to the bank or whale fisheries, to the privileges of a vessel belonging to the United States.

Collectors to enrol the names of such vessels, &c.

Certificate of enrolment, &c.

On change of property of such vessels, new certificates to be granted, &c.

The name and place of vessels, between twenty and five tons, to be painted on the stern, &c.

§ 21. 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.

§ 22. 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 enrol, 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 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.*

License, &c.

See act of 1789, ch. 22.

Bond, &c.

New license, on oath, of no illicit trade.

§ 23. 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.

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

Tonnage duty and bond, before license.

Vessels not having certificate of registry or enrolment, subject to tonnage duties, &c. as foreign.

§ 24. 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.

Manifest and oath, in case of vessels bound to foreign ports, before clearance, &c.

Forfeiture of 200 dollars, on default.

§ 25. 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 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

Vessels of twenty tons or upwards, trading between different districts, in foreign goods, &c. to deliver duplicate manifests, &c.

Master to make oath to the truth of the manifest.

Collectors to return one manifest and grant a permit, &c.

No intermediate entry necessary in the district of Delaware, in transporting foreign goods, &c. to and from Philadelphia and Baltimore.

Licensed vessels, laden with goods, &c. the growth, &c. of the United States, and bound from and to adjacent districts, not obliged to deliver duplicate manifests, &c.

Masters of licensed vessels, of twenty tons or upwards, laden with goods, &c. the growth, &c. of the United States, and bound to other than an adjoining district, to deliver duplicate manifests, &c.

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, authorising such ship or vessel to proceed to the place of her destination.

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.

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.

§ 26. 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.

Master to make oath to the truth of the manifest, &c.

Permit, &c.

§ 27. 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.

Masters of licensed vessels, of twenty tons or upward, &c. to deliver and make oath to the truth of manifests within twenty-four hours after arrival, &c.

Permit to unload.

§ 28. 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, masters of licensed vessels, of twenty tons or upwards, to deliver manifests and permits from the collector or surveyor at the place of lading, &c.

Permit to unload.

§ 29. 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 hereinafter 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 hereinbefore directed, except as is hereinafter excepted, shall be subject to seizure and forfeiture.

Forfeiture of 400 dollars and goods, &c. in case of licensed vessels of twenty tons or upwards, &c. departing without manifest and permit; except, &c. See following proviso.

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

Proviso, excepting from penalty and forfeiture, where the ves-

sels are bound from and to adjacent districts, and laden with goods, &c. the produce, &c. of the U. States.

Masters of licensed vessels, destined to a foreign port, to deliver up licenses to the collector at the port of departure, &c.

Penalty of 100 dollars for neglect or refusal.

Fees and allowances.

For first register, or certificate.
For subsequent register, &c.
For certificate of enrolment.
For license.
For entry of inward cargo, &c.
For permit to unload, &c.
For permit to proceed, &c.
For taking bond, &c.

Distribution of fees.

Compensation to persons ascertaining tonnage.

Naval officers to sign all official documents.

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.

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

§ 31. 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.

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 hereinbefore 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.

§ 32. 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.

§ 33. 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.

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

§ 34. 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.

Penalties on collectors, &c. for falsifying records, issuing false documents, or delivering false descriptions of vessels, &c.

§ 35. 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.

Fraudulent use of certificate of registry, &c. forfeits vessel, &c.

§ 36. 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.

Pains and penalties of corrupt perjury for false oaths.

Forfeiture of 500 dollars for forgery, erasure, &c. of documents.

§ 37. *And whereas*, By an act, entitled "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

Act of 1789, ch. 2.

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:

No allowance for dried or pickled fish, &c. exported prior to the last day of May, 1790.

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.*]

[See act 1791, ch. [18.] 92.]

Department of the treasury, and officers therein.

[Act of 1792, ch. 37, act of 1809, ch. 95, act of 1820, ch. 10.]

Duties of the secretary of the treasury.

CHAP. 12. An act to establish the treasury department.

§ 1. *Be it enacted, &c.* 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.

§ 2. 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 returns, and to grant, under the limitations herein established, or to be hereafter provided, all warrants for moneys 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; 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.

[See act of 1812, ch. 68.]

Duties of the comptroller of the treasury.

§ 3. 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 moneys 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.

[Act 1809, ch. 95, § 2.]

Duties of the treasurer.

§ 4. That it shall be the duty of the treasurer to receive and keep the moneys 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 moneys paid by him, and all receipts for moneys 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 moneys 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 1809,
ch. 95.

§ 5. 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 may, within six months, appeal to the comptroller against such settlement.

Duties of the
auditor of the
treasury.
Appeal from
auditor to
comptroller.
See act 1792,
ch. 37. act
1809, ch. 95.

§ 6. 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 moneys 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.

Duties of the
register of the
treasury.

§ 7. 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.

In case of va-
cancy in the of-
fice of secreta-
ry, the assist-
ant to have
custody of pa-
pers, &c.

§ 8. 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

Persons ap-
pointed to of-
fice under this
act, not to be
concerned in
trade, com-
merce, &c.

Persons offend-
ing against the
prohibitions of

this act, to forfeit 3,000 dollars. &c.

A moiety to informers.

the prohibitions of this act, he shall be deemed guilty of a high misdemeanour, 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.*]

CHAP. 13. AN act for establishing the salaries of the executive officers of government, with their assistants and clerks.

Annual salaries, &c. payable quarterly. [Act of 1790, ch. [18.] 45. act of 1791, ch. [20.] 94.] Specific amount of salaries allowed to the executive officers herein named. Act of 1792, ch. 37. act of 1793, ch. [31.] 75. act of 1799, ch. 144, and ch. 146. act of 1804. ch. 12. act of 1806, ch. 41.

Heads of departments to appoint clerks. Clerks' salaries not to exceed 500 dollars, respectively.

§ 1. *Be it enacted, &c.* 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: To the comptroller of the treasury, two thousand dollars: To the auditor, fifteen hundred dollars: To the treasurer, two thousand dollars: To the register, twelve hundred and fifty dollars: 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.

§ 2. 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.*]

CHAP. 14. AN act to provide for the safe keeping of the acts, records, and seal, of the United States, and for other purposes.

Department of foreign affairs changed to the department of state, &c. [Act of 1789, ch. 4.] Acts and resolutions of congress, to be received by the secretary of state.

§ 1. *Be it enacted, &c.* 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.

§ 2. 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.

The secretary to state to cause acts of congress to be published in three public newspapers, &c. The originals to be preserved and recorded. [Act of 1799, ch. 136.]

§ 3. 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.

Seal of the United States.

§ 4. 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 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.

Secretary to keep and affix the seal of the United States to all civil commissions. The seal of the United States not to be affixed before the president signs, &c.

§ 5. 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 for the department of state. Copies of records, &c. under seal, to be evidence. Fees for authenticating copies of records, &c. in the department of state.

§ 6. 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 seal of office, twenty-five cents.

§ 7. 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. [*Approved, September 15, 1789.*]

Custody of the seal of the United States, Records, &c. of late secretary; &c. Papers of treasury and war departments, &c.

Obsolete.

CHAP. 15. An act to suspend part of 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," and for other purposes.

Restriction on vessels bound up the Potowmac, suspended. [Act of 1789, ch. 5, § 4.]

§ 1. *Be it enacted, &c.* That so much of the 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," as obliges ships or vessels bound up the river Potowmac, to come to, and deposite 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 suspended until the first day of May next.

Privileges of ships, &c. of the United States extended to ships, &c. of North Carolina and Rhode Island, until the 15th of January, 1790. Proviso; as to register, ownership, &c.

§ 2. 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.

Rum, &c. made in North Carolina or Rhode Island, considered foreign.

§ 3. That all rum, loaf sugar, and 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.

Rehoboth to be a port of entry, &c. until the 15th January, 1790.

§ 4. 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.*]

[Obsolete Act of 1790, ch. [36] 63.] A post master general; his powers, salary, assistant, deputies, &c.

CHAP. 16. An act for the temporary establishment of the post office.

Subject to directions of the president.

§ 1. *Be it enacted, &c.* That there shall be appointed a post master general; his powers and salary, 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 post master 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.

Limitation of this act to the 12th Aug. 1790.

§ 2. That this act shall continue in force until the end of the next session of congress, and no longer. [*Approved, September 22, 1789.*]

CHAP. 17. 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.

§ 1. *Be it enacted, &c.* 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 a seat in another.

§ 2. That at every session of congress, and at every meeting of the senate in the recess of congress, after the aforesaid 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.

§ 3. 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.

§ 4. That there shall be allowed to each chaplain of congress, at the rate of five hundred dollars per annum, during the session

[Obsolete.

Act of 1796.

ch. 4. act of

1818, ch. 5.]

Senators allowed, until 4th March, 1795, 6 dolls. per diem; and 6 dolls. for every twenty miles.

Allowance the same in case of sickness.

Proviso; as to the extent of pay.

After the 4th March, 1795, senators allowed 7 dolls. per diem, and 7 dolls. for every twenty miles.

Allowance the same in case of sickness.

Proviso; as to the extent of pay.

[Act of 1796, ch. 4.]

Members of the house of representatives allowed 6 dolls. per diem, and 6 dolls. for every twenty miles.

Allowance the same in case of sickness.

The speaker entitled to 6 dolls. additional.

Proviso; as to the extent of pay.

Compensation of chaplains, secretary of the senate, clerk of the house, &c.

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.

The secretary and clerk may employ clerks, &c.

Compensation to the sergeant at arms, doorkeepers, &c.

Hire of laborers.

Assistant doorkeepers.

Certificate and payment of compensation to senators and representatives, &c.

Limitation of this act to the 4th March, 1796.

§ 5. That the following compensation shall be allowed to the officers hereinafter 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 doorkeeper 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 laborers; the allowance to the present doorkeeper of the senate to commence from the day appointed for the meeting of congress; and the allowance to the doorkeeper of the house of representatives to commence from his appointment; and to the assistant doorkeeper to each house, two dollars per day during the sessions.

§ 6. 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.

§ 7. 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.*]

[Act of 1790, ch. [17.] 44. ch. [21.] 48. act of 1791, ch. [12.] 86. act of 1795, ch. 100. act of 1797, ch. 2. act of 1801, ch. 29. [100.] act of 1802, ch. 31. act of 1803, ch. 60. act of 1812, ch. 50. act of 1819, ch. 151. act of 1819, ch. 27.]

Allowance of compensation to the judges of the supreme and other courts.

CHAP. 18. An act for allowing certain compensation to the judges of the supreme and other courts, and to the attorney general of the United States.

§ 1. *Be it enacted, &c.* That there shall be allowed to the judges of the supreme and other courts of the United States, the yearly compensations hereinafter 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; (a) 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.*]

To the attorney general.
Commencement and payment of salaries.

(a) [See act of 1792, ch. 37. act of 1797, ch. 57. act of 1804, ch. 12. act of 1808, ch. 14. act of 1812, ch. 66. act of 1816, ch. 103. act of 1819, ch. 27.]

CHAP. 19. An act for allowing a compensation to the president and vice president of the United States.

§ 1. *Be it enacted, &c.* 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.*]

[Repealed by act of 1793, ch. 9.]

President allowed 25,000 dolls. per annum, &c.

The vice president allowed 5000 dollars per annum, &c.

CHAP. 20. An act to establish the judicial courts of the United States.

§ 1. *Be it enacted, &c.* That the supreme court of the United States shall consist of a chief justice, and five associate justices, 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.

[See act of 1802, ch. 31. act of 1807, ch. 71.]

Chief justice and five associates, &c.

Two sessions annually, in February and August. Precedence, &c.

§ 2. 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; 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.

Thirteen judicial districts.

1st district.

2d district.

3d district.

4th district.

5th district.

6th district.

7th district.

8th district.

9th district.

10th district.

11th district.

12th district.

13th district.

[Act of 1790, ch. 17.] 44. ch. 21.] 48. act of 1791, ch. 12.] 86. act of 1797, ch. 2.

A district court in each district, to consist of one resident judge.

Four sessions annually in a district; and the times of holding them. Altered. See act of 1792, ch. 21, and other acts in pari materia.

Special district courts, at discretion.

Places of holding special courts.

Place of keeping records.

Districts divided into circuits; except, &c. See *infra*, sec. 10. Eastern circuit. Middle circuit. Southern circuit. Altered. See act of 1792, ch. 21, act of 1793, ch. [22.] 66. act of 1802, ch. 31.

§ 3. That there be a court called a district court, in each of the aforementioned 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 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 court 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.

§ 4. That the beforementioned 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 Geor-

gia; 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 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.

§ 5. 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 York Town, 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 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.

§ 6. 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; 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,

Two circuit courts annually, &c. *Provido*; as to a judge's voting on appeal from his own decision.

Times of first session of circuit courts. *Altered*. See act of 1792, ch. 21. act of 1793, ch. [22.] 66. Act of 1802, ch. 31.

Places of holding the circuit courts.

Special sessions of circuit courts.

Adjournment of supreme and circuit courts. See act of 1802, ch. 31, § 1. See act of 1794, ch. 32. act of 1804, ch. 44. Adjournment of district court in case of the judge's inability to attend. Act of 1809, ch. 94. act of 1809, ch. 94.

Proceedings,
&c. continued
over in case of
the judge's
death.

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.

The courts
have power to
appoint clerks,
&c. Act of
1820, ch. 107,
§ 8.

§ 7. That the supreme court, and the district courts, shall have power to appoint clerks for their respective courts; 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*

Form of the
clerk's oath.

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.

Clerks to give
bond, in 2,000
dollars.

Justices and
judges to take
an oath.

§ 8. 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*

Form of the
oath.

, according to the best of my abilities and understanding, agreeably to the constitution and laws of the United States. So help me God."

Exclusive jurisdiction of
the district
courts, &c.
See act of
1794, ch. 50,
§ 6, act of
1815, ch. 253,
§ 4, act of
1807, ch. 68.
[58.]

§ 9. That the district courts 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 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; 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. 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 na-

Saving of the
right of common
law
remedy.

Concurrent
jurisdiction in
case of suits
brought by
aliens, &c. and
where the United
States sue
for the value
of 100 dollars.

tions, or a treaty of the United States. 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. 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.

§ 10. 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 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. 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 hereinafter 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.

§ 11. 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. And shall have exclusive cognizance of all crimes and offences cognizable under the authority of the United States, 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. 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 favor 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. And the circuit courts shall also have appellate jurisdiction from the district courts, under the regulations and restrictions herein after provided.

§ 12. 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

Suits against consuls, &c.

Trial of fact, by jury; except, &c. See § 12, sub finem.

Jurisdiction of the Kentucky district court, Act of 1807, ch. 71.

Jurisdiction of the Maine district court, &c. See post § 21, and act of 1803, ch. 93, act of 1820, ch. 25.

Original cognizance of the circuit courts, Act of 1793, ch. 55, [11.] act of 1800, ch. 25, act of 1819, ch. 143, Exclusive cognizance of the circuit courts, &c.

The bringing of civil suits in the district and circuit courts, &c. Act of 1797, ch. 74, § 6.

Appellate jurisdiction of the circuit courts.

Removal of suits, above the value of 500 dols. be-

tween citizens and aliens, &c. from state courts to circuit courts, &c. Act of 1807, ch. 71. Act of 1820, ch. 25.

Removal of suits not to affect the attachment of goods by the original process, &c. Removal of causes from state to circuit courts, where titles to land, claimed under grants of different states, by citizens of the same state, are in dispute, to the value of 600 dolls. &c.

Issues in fact by jury; except, &c. Exclusive jurisdiction of the supreme court; except, &c.

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. And any attachment 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 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 beforementioned 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 court shall, in all suits, except those of equity, and of admiralty and maritime jurisdiction, be by jury.

§ 13. 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. 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 or vice consul shall be a party. 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 hereinafter specially provided for: and shall have power to issue writs of prohibition to the district courts, when proceeding as courts of admiralty and maritime jurisdiction, and writs of mandamus, 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.

§ 14. That all the beforementioned courts of the United States shall have power to issue writs of scire facias, habeas corpus, and all other writs not specially provided for 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 enquiry 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.

§ 15. 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.

§ 16. 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.

§ 17. 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, and shall have power to impose and ad-

Jurisdiction of suits against ambassadors, &c.

Issues in fact by jury.

Appellate jurisdiction; prohibitory power; mandamus, &c. of the supreme court.

Scire facias, habeas corpus, and other writs.

Act of 1793, ch. 22. act of 1807, ch. 68.

[58.] act of 1818, ch. 78.

§ 8, 9, 10. act of 1828, ch.

123. act of

1819, ch. 143.

Power of justices and judges, as to habeas corpus.

Proviso; as to extent of writs of habeas corpus.

Power of the courts to compel parties to produce books in evidence, as in chancery, &c.

Suits in equity not allowed, if legal remedy.

Power of the courts as to granting new trials; administering oaths;

punishing for contempt; making rules, &c.

minister 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; 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.

Stay of execution forty-two days, to give opportunity for new trial, &c.

§ 18. 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. And if a new trial be granted, the former judgment shall be thereby rendered void.

Facts to appear on record, in causes in equity, of admiralty, &c. Altered. Act of 1803, ch. 93.

§ 19. 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.

Plaintiffs and libellants, failing in circuit court to recover 500 dollars, or 300 dollars, liable to costs.

§ 20. 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.

Appeals from district to circuit courts in 300 dollars, value, in admiralty causes. Altered. Act of 1803, ch. 93. Proviso; as to district court of Maine. Act of 1820, ch. 25. Re-examination of final decrees in circuit courts, value above 50 dollars, on writs of error, &c.

§ 21. 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, 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.

Re-examination of final judgments in the supreme court, &c. Altered. Act of 1803, ch. 93.

§ 22. 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, and 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. 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. But there shall be no reversal 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 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. 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.

§ 23. 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 where, upon 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.

§ 24. 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 favor 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.

§ 25. 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 favor of such their validity, or where is drawn in question the construction of any clause of the constitution, or of a treaty, or statute of, or commission held under,

Exception, as to reversal of final judgments, &c.

Writs of error to be brought within five years, &c.

Security for prosecuting writs of error. Explained, Act of 12. Dec'r. 1794, ch. 68.

In what cases writs of error shall be a supersedeas, &c.

Damages and costs to respondents in error.

Judgment, on reversal, in circuit and supreme courts; except, &c.

Mandates from supreme to circuit courts.

In what cases final judgments, &c. of the highest state courts, may be re-examined by the supreme court, on writs of error, &c.

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 mentioned questions of validity or construction of the said constitution, treaties, statutes, commissions, or authorities, in dispute.

No error allowed but such as appears on the face of the record, &c.

In cases of forfeiture, by default, or confession, &c. the courts may give judgment in equity.

A jury to assess where the sum is uncertain.

Marshal to be appointed for each district, for the term of four years, &c.

Duties and powers of the marshal, &c. Act of 1820, ch. 102. ch. 107.

Marshal to give bond ;

and take an oath.

Form of the oath.

§ 26. 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 specialty, where the forfeiture, breach, or nonperformance, 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.

§ 27. That a marshal shall be appointed, in and for each district, for the term of four years, but shall be removeable 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 : 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, who shall be removeable 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 under the authority of the United States, and true returns make, and in all things well and truly, and without malice or partiality, perform the duties of the office of marshal (or marshal's deputy, as the case may be) of the district of during my continuance in said office, and take only my lawful fees. So help me God."

§ 28. 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 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.

§ 29. 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. 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 favorable 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

Direction of writs, &c. in case of the marshal, &c. being a party.

In case of the marshal's death, &c.

Defaults of deputies a breach of bond.

Executor or administrator of deceased marshals to have remedy against deputies.

Powers of the marshal on removal from office, &c.

Marshal answerable for prisoners, &c. to his successor.

Trial of cases punishable with death, to be had in county; except, &c.

Jurors to be designated by lot, &c. See act of 1800, ch. 61.

Qualifications of jurors, &c.

Return of jurors, &c.

Writs of venire facias, &c.

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.

Jurymen de talibus, &c.

Mode of proof, by oral testimony, &c. See act of 1793, ch. 22, § 6. act of 1802, ch. 31, § 25.

§ 30. 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, 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. 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

Witnesses living at a distance, &c.

Depositions de bene esse, &c.]

Notice to the adverse party of intended depositions, &c.

Notice for benefit of claimant, in admiralty causes, &c.

Examination of persons deposing, &c.

Depositions to be retained, and delivered into court, &c. Act of 1793, ch. [22.] § 66. act of 1827.

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. 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. And 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; 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.

§ 31. 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 before hand, 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: 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

Persons compelled to depose, &c.

Securing of testimony in writing, to be used on appeal.

Such testimony allowed, on trial, in case of death, absence, &c.

Dedimus potestatem, according to usage, &c.

Depositions in *perpetuam rei memoriam*, &c.

No abatement in case of death, &c. Executor, &c. to prosecute and defend, &c.

Neglect of executor or administrator, on *scire facias*, subjects estate to judgment, &c.

Executor, &c. entitled to continuance. No abatement in case of death of one of joint parties to an action, &c.

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.

Writs, &c. not to abate, &c. for want of form, &c.

§ 32. 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 set 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.

Except in cases of demurrer.

Courts may amend imperfections in writs, pleading, &c. except, &c.

Power of justices, judges, &c. in relation to offences against the U. States, &c. Act of 1793, ch. [22.] 66. act of 1798, ch. 100.

Return of process, recognisance, &c.

Removal of offenders, witnesses, &c. by warrant, to the district of trial, &c.

Bail, in criminal cases, and before whom, &c.

Bail, in cases not punishable with death, and before whom.

§ 33. 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: And copies of the process shall be returned as speedily as may be into the clerk's office of such court, together with the recognisances of the witnesses, for their appearance to testify in the case; which recognisances 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 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.

§ 34. 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.

§ 35. 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 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. [Approved, September, 24, 1789.]

Laws of the states, except, &c. rules of decision at common law, &c.

Management of causes, in person, or by attorney, &c.

Attorney for the U. States in each district, &c.
Duty of district attorneys.

Their compensation.

Attorney general for the United States.

Duty of the attorney general.

His compensation fixed by law.

CHAP. 21. An act to regulate processes in the courts of the United States.

§ 1. Be it enacted, &c. That all writs and processes, issuing from a supreme, or a circuit court, shall bear teste of the chief justice of the supreme court, and if from a district court, shall bear teste 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.

§ 2. 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. And the forms and modes of proceedings in causes of equity, and of admiralty and maritime jurisdiction, shall be according to the course of the ci-

[See act of 1790, ch. [13.] 40.]

Tests of writs, &c.

Seals to be provided.

Forms of writs, modes of process, &c.

Forms of proceedings in equity and admiralty, &c.

Rates of fees.

Proviso; as to
different kinds
of executions.

Limitation of
this act to the
12th Aug.
1790.

See act of
1790, ch. [13].
40.

Repealed. See
act of 1793,
ch. [8]. 52.
Masters of
crafts, or ves-
sels, conveying
foreign goods,
lawfully unla-
den, &c. to a
landing within
the same dis-
trict, to be fur-
nished with a
certificate by
the inspector,
&c.

Exemption of
licensed ves-
sels, between
twenty and
five tons, from
entry, &c. for
one year, ex-
tended to ves-
sels not ex-
ceeding fifty
tons.

Act of 1789,
ch. 11.
Proviso; as to
the cargo.
Act of 1789,
ch. 5. § 18.

Expired act
of 1790, ch.
[27]. 54.

Military pen-
sions granted
and paid by
the states, to
be paid by the
United States,
for the space
of a year.

vil 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. *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, and be at liberty to pursue the same, until a tender of the debt and costs in gold or silver shall be made.

§ 3. That this act shall continue in force until the end of the next session of congress, and no longer. [*Approved, September 29, 1789.*]

CHAP. 22. An act to explain and amend an act, entitled "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes."

§ 1. *Be it enacted, &c.* 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.

§ 2. That so much of the twenty-second section of the said recited act, as exempts vessels of less than twenty, 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 vessel shall not have on board goods, wares, or merchandise, other than such as are actually the growth or produce of the United States.

§ 3. That so much of 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," 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.*]

CHAP. 24. An act providing for the payment of the invalid pensioners of the United States.

§ 1. *Be it enacted, &c.* 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.*]

CHAP. 25. An act to recognise 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.

Repealed act of 1790, ch. [10]. 37.

§ 1. *Be it enacted, &c.* 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 as to the mode of appointing the officers, and also as is hereinafter provided, be, and the same is hereby recognised to be the establishment for the troops in the service of the United States.

Establishment of 3d Oct. 1787, recognised, &c.

§ 2. 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.

Pay and allowances of troops recognised.

§ 3. That all commissioned and noncommissioned 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."

Officers and privates to take oaths.

Forms of the oaths.

§ 4. 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.

Troops to be governed by established rules and articles of war, &c.

§ 5. 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 abovementioned.

President may call out militia to protect against Indians, &c.

Pay, &c. of militia in service.

§ 6. 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.*]

Limitation of this act to Aug. 12, 1790.

CHAP. 27. An act to alter the time for the next meeting of congress.

[Obsolete.]

§ 1. *Be it enacted, &c.* 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.*]

Congress to meet first Monday in Jan. 1790.

RESOLUTIONS.

Recommendation to the legislatures of the states to pass laws, making it the duty of keepers of gaols to receive prisoners committed under the authority of the United States, &c. See resolution of 3d March, 1791; post.

No. 2. *Resolved, &c.* 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 prisoners shall be therein confined; and also to support such of said prisoners as shall be committed for offences. [*Approved, September 23, 1789.*]

Secretary of state to procure state laws,

No. 3. 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. [*Approved, September 23, 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, in the State of New York, on Monday, the 4th January, and ended on the 12th of August, 1790.

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

CHAP. 28. [1.] An act for giving effect to the several acts therein mentioned, in respect to the state of North Carolina, and other purposes.

§ 1. *Be it enacted, &c.* That the several and respective duties specified and laid, in and by the act, entitled "An act for laying a duty on goods, wares, and merchandises, imported into the United States;" and in and by the act, entitled "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.

§ 2. 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, 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 Ocracock Inlet, inclusive, together with Pamlico Sound, (except that part of it into which the Pamlico, 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 Pamlico river towards the Royal Shoal:) Another to be called the district of Washington, and to comprehend all that part of Pamlico Sound excepted out of the district of Newbern, and the waters, shores, bays, harbors, 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, harbors, creeks, and in-

Obsolete.

The provisions of "an act for laying a duty on goods, wares, and merchandises, imported into the United States," and of "an act imposing duties on tonnage," extended to North Carolina. See act of 1789, ch. 2. and ch. 3.

Five collection districts in North Carolina, &c.

Ports of entry and delivery in North Carolina: collectors, naval officers, surveyors, their places of residence, &c.

Vessels bound to certain places, to enter at Edenton.

Extent of authority of the custom house officers.

Sole ports of entry in North Carolina for vessels not registered or licensed, &c.

Provisions of the act, &c. applicable, under this act, to the state of N. Carolina, Act of 1789, ch. 5.

lets, from the channel between Pamlico Sound and Albemarle Sound, inclusive: The other to be called the district of Camden, 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 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 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 Camden, 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, harbors, creeks, and inlets, comprehended within such district.

§ 3. 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.

§ 4. That all the regulations, provisions, exceptions, allowances, compensations, directions, authorities, penalties, forfeitures, and other matters, whatsoever, contained or expressed in the 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," 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.

§ 5. That the thirty-ninth section of the said act, and the third section of an act, entitled "An act to suspend part of 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, 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.

Proviso; as to the nullity of the 39th and 3d sections of certain acts. Act of 1789, ch. 15.

§ 6. That the act entitled "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.

The provisions of "an act for registering and clearing vessels," &c. extended to N. Carolina. Act of 1789, ch. 11.

§ 7. That the second section of the act, entitled "An act to suspend part of an act, entitled "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.]

The 2d and 4th sections of a certain act, revived and continued till 1st April, 1790, with respect to Rhode Island, &c. Act of 1789, ch. 15.

CHAP. 29. [2.] An act providing for the enumeration of the inhabitants of the United States.

[Obsolete.]

§ 1. *Be it enacted, &c.* 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, entitled "An act providing for the enumeration of*

Marshals to cause enumeration.

Mode of enumeration.

Marshals may appoint assistants, &c.

Marshals and assistants to take an oath, &c.

Form of the marshal's oath.

Form of the assistant's oath.

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, entitled "*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 enumeration to commence first Monday in Aug. 1790, and end in nine months. Returns to be by schedule, &c.

The number of persons within my division, consisting of _____ appears in a schedule hereunto annexed; subscribed by me this _____ day of _____ 179 _____
A. B. assistant to the marshal of _____

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.

Forfeiture for false return, &c. by assistants.

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 September, 1791.

Forfeiture on failure, 800 dollars.

Recovery of forfeitures.

§ 2. 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.

§ 3. 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.

Half to the informer; except, &c.

This act to be given in charge to grand juries.

§ 4. 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 dollars; 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,

Rate of compensation to assistants.

Compensation to marshals.

§ 5. 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.

Rules for ascertaining residence.

§ 6. That each and every person, more than sixteen years of age, whether heads of families or not, belonging to any family

Persons more than sixteen years old, to render true accounts of families.

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.

20 dolls. forfeiture for refusal.

Assistants to set up two copies of schedule, &c.

Two dollars for each copy, on proof.

Forfeiture on failure.

§ 7. 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.*]

[Repeated act of 1795, ch. 85.]

Aliens, resident two years, may be admitted citizens, &c.

Proof of character, &c.

Record of application, &c.

Children of naturalized citizens, &c.

Children of citizens born beyond sea, &c.

Proviso; as to paternal residence.

Proviso; as to persons proscribed.

CHAP. 30. [3.] An act to establish a uniform rule of naturalization.

§ 1. *Be it enacted, &c.* 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 proceedings 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. [*Approved, March 26, 1790.*]

Repeated by act of 1799, ch. 128, § 93 and § 112. Collectors, &c. to attend to, and enforce, the inspection laws of the several states.

CHAP. 32. [5.] An act to prevent the exportation of goods not duly inspected according to the laws of the several states.

§ 1. *Be it enacted, &c.* 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. [*Approved, April 2, 1790.*]

CHAP. 33. [6.] An act to accept a cession of the claims of the state of North Carolina to a certain district of western territory.

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 or territory therein described; which deed is in the words following, viz.

Reference to
deed of cession
from North
Carolina.

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.

Words of the
deed.

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, 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

Words of the
act of North
Carolina, under
which the
deed is executed.

Senators and
representatives
authorized to
execute a deed,
&c.

Boundary of
the lands
ceded.

Conditions of
cession,
1st condition ;
as to expenses
of the late war.
See infra, 5th
condition, page
79.

2d condition ;
as to military
state grants.

As to perfec-
tion of titles.

As to effect of
legal entries
and grants.

As to rights of
occupancy and
pre-emption.

As to locations
on entries
made in John
Armstrong's
office.

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 Smoky 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 previ-

ously 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 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 beforementioned, 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 nonresident proprietors within the said ceded

Proviso; as to grants declared void.

3d condition; as to the lands ceded being a common fund.

4th condition; as to the territory ceded being formed into a state.

Proviso; as to slavery.

5th condition; as to contributions, &c.

see supra, page 78, 1st condition.

6th condition; as to payment of debts to the state.

7th condition; as to the acceptance of the cession.

8th condition; as to laws in force.

9th condition; as to lands of nonresidents.

10th condition;
as to pre-emption
between
Tennessee and
Big Pidgeon.

Sovereignty
until accept-
ance of ces-
sion, &c.

Conveyance
by Samuel
Johnston and
Benjamin
Hawkins.

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 Pidgeon, 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 committed 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.

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.

Acceptance by
the U. States.

Be it enacted, &c. That the said deed be, and the same is hereby accepted. [*Approved, April 2, 1790.*]

[Repealed by
act of 21st
Feb. 1793, ch.
55. [11.]
Petition.
To whom.
Its tenor.

CHAP. 34. [7.] An act to promote the progress of useful arts.

Secretary of
state, &c. to
determine.

Letters patent.

§ 1. *Be it enacted, &c.* That upon the petition of any person or persons, to the secretary of state, the secretary 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.

Their teste and tenor.

Patentees. Duration of the patent.

Attorney general to certify.

Seal to be affixed.

Patents to be recorded, delivered, &c.

§ 2. 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 of 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 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.

Specification.

Models.

Specification and models to be particular and exact.

Specification to be filed. Certified copies evidence, &c.

§ 3. 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.

Copies of specification and models, allowed, &c.

§ 4. 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 and in pursuance of this act, without the consent of the patentee,

Penalty for infringing the rights of patentees.

Damages, &c.
by action on
the case.

tee 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.

Patents surreptitiously obtained liable to be repealed, &c.

§ 5. 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.

Judgment for
repeal of pa-
tents;

and costs.

Patents prima
facie evidence
of first disco-
very, &c.

§ 6. 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 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.

General issue,
&c. for defen-
dants, on no-
tice.

Verdict and
judgment for
defendant in
case of false
specification.

Fees for filing
papers and is-
suing patents.

§ 7. That such patentee as aforesaid, shall, before he receives his patent, pay the following fees to the several officers employ-

ed in making out and perfecting the same, to wit : For receiving and filing the petition, fifty cents ; for filing specifications, per cypsheets, containing one hundred words, ten cents ; for making out patent, two dollars ; for affixing great seal, one dollar ; for endorsing the day of delivering the same to the patentee, including all intermediate services, twenty cents. [*Approved, April 10, 1790.*]

CHAP. 35. [8.] An act further to suspend part of 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," and to amend the said act.

[Repealed by act of 4th Aug. 1790 ; ch. 62, § 74.]

§ 1. *Be it enacted, &c.* That so much of 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," as obliges ships or vessels bound up the river Potowmac, 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.

Act of 1789, ch. 5.

[Ante, chap. 5, page 6.] Restriction, by a former act, on vessels bound up the Potowmac, suspended until 1st May, 1791. Additional ports of delivery in the district of New London.

§ 2. 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.*]

CHAP. 36. [9.] An act for the punishment of certain crimes against the United States.(a).

§ 1. *Be it enacted, &c.* 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.

[See act of 1792, ch. 16, § 19. Act of 1794, ch. 50. Act of 1797, ch. 1. Act of 1799, ch. 107. Act of 1804, ch. 40. Act of 1800, ch. 200. Punishment of treason, death. [See constitution, art. 3, sec. 3, cl. 1.] Misprision of treason, and its punishment.

§ 2. 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.

Imprisonment, and fine of 1,000 dollars.

§ 3. That if any person or persons shall, within any fort, arsenal, dockyard, 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.

Murder, in a fort, arsenal, &c. punished with death. Act of 1825, ch. 276. [67.] § 3.

(a) The general supplementary act of 1825, ch. 276. [67.]

The bodies of offenders may be delivered for dissection, &c.

Surgeons to attend to receive such bodies.

Punishment for attempt to rescue dead bodies :

Fine of 100 dolls. and imprisonment. Punishment for misprision of felony.

Imprisonment and fine of 500 dollars.

Punishment of manslaughter in a fort, arsenal, &c.

Imprisonment and fine of 1,000 dollars.

Certain offences on the high seas, &c. declared to be felony, &c.
See act of 1825, ch. 276. [67]. † 4. † 6.
† 7. act of 1820, ch. 113.
† 3. act of 1819, ch. 200.

Their punishment, death.

Place of trial,

§ 4. 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.

§ 5. 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.

§ 6. 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, dockyard, 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.

§ 7. That if any person or persons shall, within any fort, arsenal, dockyard, 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.

§ 8. That if any person or persons shall commit, upon the high seas, or in any river, haven, bason, 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 county, would, by the 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.

§ 9. 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 seas, under color 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.

Piracy, robbery, &c. under colour of foreign commissions, &c.

Punishment, death.

§ 10. 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.

Accessories to murder, robbery, piracy, &c. before the fact.

Their punishment, death.

§ 11. 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.

Accessories to murder, felony, piracy, robbery, &c. after the fact.

Punishment, imprisonment, and fine of 500 dollars.

§ 12. That if any seaman or other person shall commit manslaughter upon the high seas, or confederate, or attempt or endeavor 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 endeavor to make a revolt in such ship; such person or persons, so offending, and being thereof convicted, shall be imprisoned not exceeding three years, and fined not exceeding one thousand dollars.

Persons committing manslaughter at sea, confederating for piracy, &c.
Act of 1825, ch. 276. [67.]
§ 6. § 22.

Their punishment, imprisonment, and fine of 1,000 dollars.

§ 13. That if any person or persons, within any of the places

Maiming, &c.
Act of 1825, ch. 276. [67.] § 22.

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 beforementioned, 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.

Persons concerned therein punished by imprisonment, and fine of 1,000 dolls.

Forging or altering public securities, &c. Act of 1825, ch. 276. [67.] § 17. § 18. § 19. § 20. § 21. Act of 1823, ch. 166.

Punishment, death.

Stealing or falsifying judicial records or process; or acknowledging bail, &c. without the privy of the party, &c.

Punishment, fine of 5,000 dolls. imprisonment and whipping. *Provido*; as to the acknowledgment of judgment by attorneys.

Larceny. Act of 1825, ch. 276. [67.] § 9.

§ 14. 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.

§ 15. 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 recognisance, 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 imprisoned 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.

§ 16. 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 victualling 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.

Punished by fine, fourfold.

Moiety to informer, &c. and whipping.

§ 17. 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, harbor, 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.

Receivers of stolen goods, harborers of thieves, &c. Act of 1825, ch. 276. [67.] § 8.

Punishment. Supra, sec. 16.

§ 18. That if any person shall wilfully and corruptly commit perjury, 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.

Perjury, &c. Act of 1825, ch. 276. [67.] § 13.

Punished by imprisonment, and fine of 800 dolls. pillory, &c.

§ 19. 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.

In presentments or indictments, prosecuted for perjury, sufficient to set forth substance of offence, &c.

§ 20. That in every presentment or 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.

In presentments, &c. for subornation of perjury, sufficient to set forth substance of offence, &c.

§ 21. 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

Bribery of judges, and acceptance of bribes by judges, &c.

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 honor, trust, or profit, under the United States.

Punished by
fine and imprisonment.

Obstruction of
legal or judicial process,
&c.

Punished by
imprisonment,
and fine of 300
dollars.

Rescue of criminals and culprits, &c.

Punished by
death, and

fine of 500
dollars, and imprisonment.

No corruption
of blood, &c.
[See constitution, art. 3,
sec. 3, cl. 2.]
Writs or process against foreign ministers, &c., void.

Persons suing
forth writs, &c.
against foreign
ministers, vio-

§ 22. 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.

§ 23. 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.

§ 24. That no conviction or judgment for any of the offences aforesaid, shall work corruption of blood, or any forfeiture of estate.

§ 25. 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 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.

§ 26. That in case any person or persons 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 violators 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: *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.

§ 27. 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.

§ 28. 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 indicted 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.

§ 29. 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 hereinbefore set forth, for which the punishment is declared to be death, if he or they shall also stand

lators of the law of nations, &c. to be imprisoned and fined.

Debts prior to service with foreign ministers, recoverable.

What is necessary to exempt from suit and arrest, the domestic servants of foreign ministers.

Violence to the person of a foreign minister:

Punished by imprisonment and fine.

Copy of indictment and list of jury and witnesses, in treason, &c.

Copy and list in other cases.

Defence by counsel.

Court to assign counsel, &c.

Witnesses, and process to compel their attendance, for the accused.

In treason, &c. standing mute, excess of challenge, &c. not to delay trial, &c. Act of 1825, ch. 276. [67.] § 14.

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.

No benefit of clergy where the punishment is death. Indictments, except for wilful murder and forgery, to be found within three years.

For other offences, within two years, &c.

Proviso; as to fugitives.

Death, by hanging.

§ 30. 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.

§ 31. 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.

§ 32. 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.*]

[Repealed. Act of 1795, ch. 109, § 18.] 1,216 noncommissioned officers, privates, &c. for three years.

CHAP. 37. [10.] An act for regulating the military establishment of the United States.

§ 1. *Be it enacted, &c.* That the commissioned officers hereinafter mentioned, and the number of one thousand two hundred and sixteen noncommissioned 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.

Height and age. 5 feet 6 inches. 18 to 46.

§ 2. That the noncommissioned 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.

One regiment of infantry, and a battalion of artillery.

§ 3. That the commissioned officers hereinafter mentioned, and the said noncommissioned 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 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 ap-

Composition of the regiment of infantry.

Composition of the battalion of artillery.

Proviso; as to appointments from the line.

pointed from the line, of subalterns of the aforesaid corps, respectively.

§ 4. 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.

Inspectors :
their duty, &c.

§ 5. 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 musicians in each battalion of infantry, and in the battalion of artillery, five dollars ; musicians, three dollars : *Provided always*, That the sums hereinafter specified, shall be deducted from the pay of the noncommissioned 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 further sum of ten cents for hospital stores.

Pay of the
troops.

Proviso ; as to
deductions for
clothing and
hospital stores.

§ 6. 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.

Additional pay
of subalterns
acting as adju-
tants, &c.

§ 7. 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.

Rations of
commissioned
officers.

Money for
rations.

§ 8. 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.

Money instead
of forage.

§ 9. That every noncommissioned 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.

Uniform cloth-
ing for non-
commissioned
officers, pri-
vates, &c.

§ 10. That every noncommissioned officer, private and musician, aforesaid, shall receive, daily, the following rations of provisions, or the value thereof : One pound of beef, or three quar-

Rations for
noncommis-
sioned officers,
privates, &c.
Or the value
thereof.

ters of a pound of pork, one pound of bread or flour, half a gill of rum, brandy or whiskey, 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.

Pensions to
invalids.

§ 11. That if any commissioned officer, noncommissioned 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 noncommissioned 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 only a sum in proportion to the highest disability.

Proviso ; as to
amount of
pension.

Proviso ; as to
inferior disabilities.

Officers, pri-
vates, &c. to
take an oath.
Form of the
oath.

§ 12. That every commissioned officer, noncommissioned 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.”

Troops to be
governed by
the rules and
articles of war,
&c.

§ 13. That the commissioned officers, noncommissioned 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.

Act of the 29th
of September,
1789, repealed.
Act of 1789,
ch. 25.

§ 14. That the “ act for recognising, 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 : *Provided always*, That the noncommissioned 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 noncommissioned 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.

Noncommis-
sioned officers
and privates,
declining to re-
enlist, may be
discharged, &c.

Proviso ; the
whole number
of troops not to
exceed 1,216.

President may
call militia, in
aid of the regu-
lar troops, &c.

§ 15. 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. [*Approved, April 30, 1790.*]

CHAP. 38. [11.] 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 1804,
ch. 56.

§ 1. *Be it enacted, &c.* 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. [*Approved, May 26, 1790.*]

Legislative
acts authenti-
cated by state
seal.
Judicial pro-
ceedings by
clerk, seal, and
certificate of
judge.

Faith and cre-
dit in courts
within the Uni-
ted States.

CHAP. 39. [12.] An act to provide for mitigating or remitting the forfeitures and penalties, accruing under the revenue laws, in certain cases therein mentioned.

Expired.

§ 1. *Be it enacted, &c.* 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 enquire, 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 enquiry, 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, 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.

Mitigation or
remission of
penalties, &c.

Petition to dis-
trict judge.

Judge to en-
quire, &c.

Secretary of
the treasury
may remit, &c.

Proviso; as to the claim of informers, &c.

Limitation of this act to the 4th March, 1791.

See act of 1791, ch. [24.] 98. act of 1792, ch. 35.

[Expired.] Act of 1789, ch. 21.

The act referred to continued to 4th March, 1791.

See act of 1796, ch. 47. act of 1798, ch. 45. Territory south of the Ohio, to be one district; its privileges, and government.

Act of 1789, ch. 8.

Act of 1790, ch. [6.] 33.

Salaries of the officers therein. Act of 1789, ch. 13.

Act of 1802, ch. 36. act of 1819, ch. 143.

Supplementary act, of 29th April, 1802, ch. 36. Authors, &c. of books already printed, &c.

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.

§ 2. That this act shall continue and be in force until the end of the next session of congress, and no longer. [Approved, May 26, 1790.]

CHAP. 40. [13.] 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."

§ 1. *Be it enacted, &c.* 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. [Approved, May 26, 1790.]

CHAP. 41. [14.] An act for the government of the territory of the United States, south of the river Ohio.

§ 1. *Be it enacted, &c.* 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."

§ 2. 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. [Approved, May 26, 1790.]

CHAP. 42. [15.] 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.

§ 1. *Be it enacted, &c.* 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 copy-right 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 hereinafter directed:

Purchasers,
&c.

Sole right, &c.
for 14 years,
&c.

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 hereinafter directed, and that within six months before the expiration of the first term of fourteen years aforesaid.

Authors, &c.
of books composed, but not printed.

Sole right, &c.

Exclusive right
for 14 years
additional.
Proviso; as to
recording title
a second time.

§ 2. 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 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 or 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

What shall be
construed an
infraction of
copyright.

Forfeiture for
infraction of
copyright.

Additional forfeiture.

Moiety to the
author, &c.
Recoverable
by action of
debt, &c. within
one year.
See act of
1802, ch. 36.
† 4.

ed within one year after the cause of action shall arise, and not afterwards.

Conditions on which the benefit of this act may be obtained.

Deposit of title, &c.

Form of certificate of title deposited, &c.

Clerk's fee.

Publication of copy of recorded title, &c.

See act of 1802, ch. 36. § 1. & 2.

Copy of work to be delivered to the secretary of state.

Act of 1802, ch. 36. § 1. & 2.

This act not applicable to books, &c. of foreign authors, &c.

Unauthorized publication of manuscripts.

Damages by action on the case.

General issue, &c. under this act.

§ 3. 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.)

"District of _____ to wit: *Be it remembered*, That on the _____ 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, entitled "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.

§ 4. 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.

§ 5. 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.

§ 6. 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 special action on the case, founded upon this act, in any court having cognizance thereof.

§ 7. 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.]

CHAP. 44. [17.] 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.

Altered. Act of 1792, ch. 21.

§ 1. *Be it enacted, &c.* That the act, entitled "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.

Judicial act declared in force in North Carolina. Act of 1789, ch. 20. North Carolina one district. One resident judge, &c. Four sessions annually,

§ 2. 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.

at Newbern.

§ 3. 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.

Annexed to southern circuit. Circuit courts; two sessions annually, &c.

§ 4. 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.]

at Newbern.

Salary of the judge, 1,500 dollars.

CHAP. 45. [18.] An act supplemental to the act for establishing the salaries of the executive officers of government, with their assistants and clerks.

Act of 1789, ch. 13. See act of 1799, ch. 144.

§ 1. *Be it enacted, &c.* 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.]

Secretary of state to appoint an additional clerk; with a salary of 800 dollars.

CHAP. 46. [19.] An act for giving effect to the several acts therein mentioned, in respect to the state of Rhode Island and Providence Plantations.

[Obsolete.]

§ 1. *Be it enacted, &c.* That the several and respective duties specified and laid in and by the act, entitled "An act for laying a duty on goods, wares, and merchandises, imported into the United States," and in and by the act, entitled "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

Acts of impost and tonnage, declared in force in the state of Rhode Island. Act of 1789, ch. 2, & ch. 3.

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.

Newport and
Providence,
each a district,
&c.
Limits, &c.

§ 2. 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.

Ports of entry
and delivery,
in Newport
district ;

and in Providence
district.

Regulations,
&c. of the act
referred to, not
locally inappli-
cable, in force,
&c.

[Repealed.]

Provido ; as to
the operation
of parts of cer-
tain acts.

§ 3. That all the regulations, provisions, exceptions, allowances, compensations, directions, authorities, penalties, forfeitures, and other matters whatsoever, contained or expressed in the 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," 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, entitled, " An act to suspend part of 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, 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.

§ 4. That the act, entitled "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.*]

Act for registering vessels, &c. in force on the 20th June, 1790.
[Repealed; ante, chap. 11, page 33.]

CHAP. 48. [21.] An act for giving effect to an act, entitled "An act to establish the judicial courts of the United States," within the state of Rhode Island and Providence Plantations.

See act of 1792, ch. 21.

§ 1. *Be it enacted, &c.* That the act, entitled "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.

Judicial act declared in force in Rhode Island. Act of 1783, ch. 20. Rhode Island one district.

§ 2. 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.

One resident district judge. Four annual sessions, at Newport and Providence.

§ 3. 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.

Annexed to eastern circuit. Circuit courts; two sessions annually, &c.

§ 4. 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.*]

At Newport and Providence. Salary of the judge, 800 dollars. See act of 1795; chap. 35.

CHAP. 49. [22.] An act providing the means of intercourse between the United States and foreign nations.

§ 1. *Be it enacted, &c.* 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 moneys arising from the

See act of 1793, ch. [4.] 48. act of 1796, ch. 41. act of 1794, ch. 7. act of 1796, ch. 41. President authorized to

draw 40,000
dols. for sup-
port of foreign
missions.

Proviso; as to
outfits and
salaries of
ministers, &c.

Charge des af-
faires, and mi-
nister's secre-
tary.

President to
account speci-
fically, &c.

Limitation of
this act to the
2d March,
1793.

[Obsolete.]

Act for enume-
ration of in-
habitants, de-
clared in force
in Rhode Is-
land.
Act of 1790, ch.
[2.] 29.

Compensation
of the marshal.

President au-
thorized to
purchase West
Point, for pur-
pose of fortifi-
cations, &c.

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 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.

§ 2. 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.*]

CHAP. 52. [25.] An act for giving effect to an act, entitled "An act providing for the enumeration of the inhabitants of the United States," in respect to the state of Rhode Island and Providence Plantations.

§ 1. *Be it enacted, &c.* That the act passed the present session of congress, entitled "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.

§ 2. 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.*]

CHAP. 53. [26.] An act to authorize the purchase of a tract of land for the use of the United States.

§ 1. *Be it enacted, &c.* 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.*]

CHAP. 54. [27.] An act further to provide for the payment of the invalid pensioners of the United States.

§ 1. *Be it enacted, &c.* 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 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.*]

Military pensions to be paid from 4th March, 1790, for one year. See act 1791, ch. [24.] 98.

CHAP. 55. [28.] An act for establishing the temporary and permanent seat of the government of the United States.

§ 1. *Be it enacted, &c.* That a district of territory, not exceeding ten miles square, to be located as hereafter directed, on the river Potowmac, 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.

District on the Potowmac accepted for permanent seat of government. See act of 1791, ch. [17.] 91.

Proviso; as to the operation of state laws in the district.

§ 2. 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.

Three commissioners to define the limits of the district, &c.

§ 3. 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.

Land in the district for the use of the United States, &c.

Suitable buildings for congress, &c. prior to the first Monday in December, 1800.

§ 4. 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.

President to accept grants of money, &c.

§ 5. 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.

Removal of the government to Philadelphia, &c.

Removal of the government to the district accepted: viz. district of Columbia. Act of 1800, ch. 37. Expense of removal. See also act of 1796, ch. 21. Act of 1798, ch. 47. Act of 1802, ch. 41.

§ 6. 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. 56. [29.] An act for the government and regulation of seamen in the merchants' service.

Written agreement between masters and seamen.

§ 1. *Be it enacted, &c.* 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. 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.

Apprentices, &c. excepted.

Master to pay the highest current wages, &c. on failure.

Proviso; as to the performance of the voyage by the seamen, &c.

Seamen not signing contract, not bound by this act.

Memorandum at foot of contract.

Seamen neglecting to render themselves on board, forfeit a day's pay for every hour's absence, &c.

§ 2. 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 logbook 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. And if 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 or 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.

§ 3. 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 enquired 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 enquiry 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

Seamen failing to repair on board, or deserting, &c. to forfeit double the amount of wages advanced.

Recovery of forfeitures from seamen or their sureties.

Return of vessel to port, before leaving land, on account of leakiness, &c. at the request of the mate, &c.

Master to apply to district judge, &c.

Judge to issue precept, &c.

Judge to determine on report, &c.

Master, &c. to conform to judge's decision, &c. Master to pay costs, &c. Damages, &c. from the crew in case of un-

founded complaint of a vessel being not seaworthy.

Seamen refusing to proceed to sea, after judgment, may be committed to gaol, &c. until payment of double amount of advance, &c.

Habeas corpus, &c. not to avail.

Proviso; as to return of habeas corpus, &c.

Harboring or secreting delinquent seamen, &c.

Not more than one dollar recoverable from a seaman during contract, &c.

Seamen absenting themselves without leave, &c.

Six days' pay for two of absence.

If longer, entire wages, goods, and chattels, &c.

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 seal, every such seaman or mariner (who shall so refuse) to the common gaol of the county, there to remain without bail or mainprise, 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 hereinbefore assigned.

§ 4. 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.

§ 5. That if any seaman or mariner who shall have subscribed such contract as is hereinbefore 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; and the mate, or other officer having charge of the logbook, 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.

§ 6. 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 according to his contract: 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 logbook, 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.

§ 7. 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

Recovery of damages and costs for absence, &c.

One-third of wages due to seamen, payable at every port of delivery; except, &c.

Final payment of seamen's wages.

Recovery of seamen's wages when withheld, &c.

All the seamen to join in one suit.

Master to produce contract, &c.

Common law remedy for seamen, &c.

Seamen deserting, may be apprehended on warrant, &c.

Proceedings on
warrant, &c.

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.

Medicine
chests for ves-
sels, &c.

§ 8. 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 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.

Fresh medi-
cines.

Master not
providing me-
dicine chests,
to pay for me-
dical advice,
&c.
See act of
1805, ch. 88.

Water, salted
meat, and
shipbread, for
vessels bound
across the At-
lantic, &c.

§ 9. 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 shipbread, 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. [Approved, July 20, 1790.]

Penalty for
short allow-
ance, when the
water, &c. are
not provided.

See act of
1799, ch. 128.
† 63, and † 64.
act of 1802, ch.
45, act of 1812,
ch. 112, act of
1816, ch. 176.
act of 1824,
ch. 4.

CHAP. 57. [30.] An act imposing duties on the tonnage of ships or vessels.

§ 1. *Be it enacted, &c.* 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.

§ 2. 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 adjoining 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.

§ 3. 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, entitled "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 :

§ 4. 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.

§ 5. That the act, entitled "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.*]

Tonnage on vessels of the United States.

Domestic built and foreign owned vessels :

On all others.

Tonnage on coasting vessels of the United States.

Proviso ; as to licensed and fishing vessels.

Tonnage on foreign vessels engaged in coasting trade, &c.

Act of 1789, ch. 11.

Restitution of foreign duties exacted from unlicensed vessels, &c. and future exemption.

Repeal of "an act imposing duties on tonnage." Act of 1789, ch. 3.

CHAP. 59. [32.] An act to amend the act for the establishment and support of lighthouses, beacons, buoys, and public piers.

Act of 1789, ch. 9.

§ 1. *Be it enacted, &c.* That all expenses which shall accrue, from and after the fifteenth day of August next, for the neces-

[Expired.] Expense of

Lighthouses, &c. to be defrayed until 1st July, 1791, although not ceded, and states allowed till that day to make cessions. See act 1791, ch. [24.] 98. Act 1792, ch. 17. Act 1793, ch. [27.] 71. Act 1795, ch. 102. ch. 105. Act of 1796, ch. 43. [Expired.] See Act of 1793, ch. [19.] 63. Licenses necessary for Indian trade, to be granted by superintendent, &c. Bond and surety, on issuing license. Bond 1,000 dolls. penalty.

Condition.

President to prescribe rules of trade.

Licenses limited to two years. Proviso; as to trade without license.

Recall of license on transgression.

Bonds in suit, on breach. New licenses in cases of acquittal.

Unlicensed traders forfeit their goods, &c.

sary 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.*]

CHAP. 60. [33.] An act to regulate trade and intercourse with the Indian tribes.

§ 1. *Be it enacted, &c.* 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.

§ 2. 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.

§ 3. That every person who shall attempt to trade with the Indian tribes, or be found in the Indian country with such mer-

chandise 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.

Molesty to the prosecutor.

§ 4. 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.

Sales of lands by Indians, not valid, unless sanctioned by the U. States.

§ 5. 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.

Punishment for crimes and trespasses, committed on Indians, within the Indian territories.

§ 6. 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 recognising 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.

Proceedings against criminals, trespassers, &c. in the Indian territories.

§ 7. 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.]

Act of 1789, ch. 20.

Limitation of this act to 2d March, 1793.

CHAP. 61. [34.] An act making provision for the debt of the United States.

See act of 1792, ch. 38. Act of 1793, ch. [36.]

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:

70. Act of 1794, ch. 36. Act of 1795, ch. 78. Act of 1796, ch. 2. Act of 1797, ch. 79. Justice, &c. requires fulfilling of engagements. Reservations, &c.

§ 1. *Be it enacted, &c.* 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

Residue of moneys received, appropriated to payment of interest on debt and loans.

Proviso; as to former appropriations. New loans necessary, &c.

President may cause 12,000,000 dolls. to be borrowed: part to pay arrears, &c. of foreign debt.

Other contracts relating to foreign debt, authorized. Proviso; as to reimbursing loans in fifteen years. Provision to be made for domestic debt, &c.

Loan, to the amount of domestic debt, authorized, &c. on 1st October, 1790.

Sums subscribed payable in certificates of debt, &c.

Description of certificates re-

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 moneys, 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. 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:

§ 2. 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. 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:

§ 3. 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: Those issued by the register of the treasury.—Those issued

by the commissioners of loans in the several states, including certificates given pursuant to the act of congress of the 2d 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.

§ 4. 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.

§ 5. 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.

receivable for sums subscribed.

Persons subscribing, and paying in the principal of the domestic debt, entitled to a certificate for two-thirds the amount paid, with interest of six per cent. Redemption of new certificates, at the rate of 8 per cent. per ann. Another certificate, for 1-3d of the amount, with interest of six per cent. deferred to 1801. Redemption of the 1-3ds, at the rate of 8 per cent. per annum. *Proviso*; as to obligation of redemption.

Persons paying in the interest of the domestic debt entitled to certificates for the whole amount, with interest of three per cent. &c.

Commissioner
of loans.
His duty.

§ 6. 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 abovementioned 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.

Subject to di-
rections of the
secretary of
the treasury.

Stock transfer-
able only on
books of the
treasury, or of
the commis-
sioners; unless
the secretary,
by special war-
rant, &c. or-
ders it other-
wise.

§ 7. 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 the commissioner to those of another commissioner, or to those of the treasury, and from those of the treasury to those of a commissioner.

Interest paya-
ble quarterly,
&c.

§ 8. 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:

Payment to be
made where
the credit for
the stock
exists, &c.

Except, &c.

This act not to
impair the
rights of non-
subscribing
creditors.

§ 9. 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 :

§ 10. 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 hereinbefore 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, shall 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 transferable on the like principles with those directed to be issued on account of the subscriptions to the loan hereby proposed.

Interest, at the rate allowed to subscribing creditors, allowed to those not subscribing, during the year 1791, &c.

To entitle the holders of unliquidated certificates to the interest, their certificates must be renewed, in specie value, &c.

§ 11. 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.

Salaries of the commissioners of loans.

Salaries full compensation.

§ 12. 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,

Commissioners of loans to take an oath, and give bond, &c.

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.

Provision for
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 :

Loan to
amount of
21,500,000 dol-
lars in evi-
dences of state
debts, issued
prior to 1st
January, 1790;
except, &c.

§ 13. 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 hereinbefore 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.

Amount re-
ceivable in the
certificates of
each state.

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 dollars.—In those of South Carolina, four million dollars.—In those of Georgia, three hundred thousand dollars.

No state certi-
ficate receiva-
ble, unless is-
sued for de-
fence of the
United States.

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 some part thereof, during the same.

Proportion to
be allowed in
case of excess
of subscrip-
tions in certi-
ficates of any
one state, &c.

§ 14. 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, deposite with the commissioner the certificates or notes to be loaned by him.

Deposite of
certificates, &c.

§ 15. 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 certificates; 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.

§ 16. 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.

§ 17. 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 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 nonsubscribing 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 set-

Certificates for two-thirds of two-thirds subscribed in principal, &c. bearing six per cent. interest, and redeemable in the proportion of eight in the hundred per year.

Other certificates for one third of two-thirds of amount subscribed, with interest of six per cent. deferred till 1801: redeemable in the proportion of 8 dollars in the hundred per year. Certificates for remaining third, with interest of three per cent. &c.

Period of interest on the state certificates.

Interest on new stock to commence on the 1st January, 1792, &c.

In case the whole amount allowed to any state should not be subscribed, interest upon the residue to be paid to the state in trust, &c.

tlement of accounts between the United States and the individual states; and in case a balance shall then appear in favor of such state, until provision shall be made for the said balance.

State exchange certificates,

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 :

to be redeemed before payment of interest, &c.

§ 18. 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.

Each state debtor to the United States for amount subscribed, &c.

§ 19. That so much of the debt of each state as shall be subscribed to the said loan, and the moneys (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.

Pledge of revenue for payment of interest on stock.

§ 20. That the moneys 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 hereinbefore reserved and appropriated: and to the end that the said moneys 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.

Separate account of revenue pledged.

Faith of the United States pledged to provide additional funds, &c.

§ 21. 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.

Appropriation of proceeds of sales of western lands, to sink the public debts. Act of 1793, ch. 44.

§ 22. 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. 62. [35.] 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.

Repealed.
Act of 1799,
ch. 128.

§ 1. *Be it enacted, &c.* 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 :

Districts, &c.
for collection
of duties on
imports and
tonnage.

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 of New
Hampshire ; its
ports of entry
and delivery ;
collector, &c.

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 Passamaquoddy. 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

Districts in
Massachusetts ;
ports of entry
and delivery ;
collectors, &c.

Districts in
Massachusetts,
&c. &c. &c.

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 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, 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 Passamaquoddy shall be appointed a collector, to reside at the said ports of Machias and Passamaquoddy, 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. 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

Collectors of
districts in
Massachusetts

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.

eastward of New Hampshire, to agree upon a divisional line, &c. The secretary of the treasury to decide in case of disagreement.

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 Kinnimicut 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.

Districts in Rhode Island; ports of entry and delivery; collectors, &c.

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

Districts in Connecticut; ports of entry and delivery; collectors, &c.

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, 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 in
New York;
ports of entry
and delivery;
collectors, &c.

In the state of New York shall be two districts, to wit: Sagg Harbor, on Nassau or Long Island, and the city of New York, each of which shall be a port of entry. The district of Sagg 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 Sagg 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 Sagg 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 in
New Jersey;
ports of entry
and delivery;
collectors, &c.

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 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 Lambertton 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 survey-

or 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 hereinafter 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.

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.

District of Pennsylvania; port of entry, &c. collector, &c.

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.

District of Delaware; ports of entry and delivery; collector, &c.

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, Susquehannah, 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 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 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

Districts in Maryland; ports of entry and delivery; collectors, &c.

Districts in
Maryland, &c.

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 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 Potowmac within the jurisdiction of the state of Maryland, from Point Look Out to Pomonky Creek, inclusive; to which Nanjemoy, Saint Mary's, and Llewellynsburg, 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 Llewellynsburg; 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 Potowmac 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.

Districts in
Virginia; ports
of entry and
delivery; col-
lectors, &c.

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, 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 Mattaponi 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 Potowmac 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 Potowmac 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 Potowmac 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 Potowmac 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 Potowmac, from the last mentioned Cockpit Point, to the highest tide water of the said river. For the

Districts in
Virginia, &c.

district of Foley 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 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.

Now in the
state of Ken-
tucky.

Districts in
North Caro-
lina; ports of
entry and de-
livery; collec-
tors, &c.

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 Ocracock Inlet, inclusive, together with that part of Pamptico Sound, which lies southward and westward of the shoal projecting from the mouth of Pamptico 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 Pamptico 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 Camden, 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 Ocracock 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 in North Carolina, &c.

Proviso; as to vessels coming in at Ocracock Inlet.

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 in South Carolina; ports of entry and delivery; collectors, &c.

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 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 Jekyll 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 Jekyll island, exclusive, to Saint Mary's river, inclusive; and a collector for the said dis-

Districts in Georgia; ports of entry and delivery; collectors, &c.

strict 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.

Entry, &c. not allowed elsewhere than at the ports herein established.

Ports of entry to be ports of delivery. Proviso ; as to the ports at which foreign vessels may unlade, &c.

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

§ 2. 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 hereinbefore 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, Newcastle, and Port Penn, in the state of Delaware : Baltimore, Annapolis, Vienna, Oxford, Georgetown, on Potowmac, Chestertown, Town Creek, Nottingham, Cedar Point, Digges's Landing, Snowhill, and Carrolsburg, in the state of Maryland : Alexandria, Kinsale, Newport, Tappahannock, Port Royal, Fredericksburg, Urbanna, 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 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.

§ 3. 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 abovementioned, 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.

§ 4. 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, deposite 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, deposite 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, deposite 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, deposite with the collector of the port of Edenton, a like manifest. And the said surveyors and collectors, 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 if the master or commander of any ship or vessel, shall neglect or omit to deposite 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 hereinafter 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

Proviso ; as to entry in the district in which the vessel is owned or sailed from, &c.

Ports of delivery to which vessels may be bound, rendering it necessary first to come to at the ports of entry, &c.

Districts to which vessels may be bound, rendering it necessary to deposite manifests before passing certain ports, &c.

Surveyors and collectors to transmit manifests, &c.

Master to forfeit 500 dollars for neglect, &c.

Proviso ; as to previous delivery of manifests.

Proviso ; as to exemption of absent and foreign vessels, &c.

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.

Officers appointed pursuant to this act, to take an oath, &c.

Before a magistrate or collector, &c.

Forfeit of 200 dolls. on failure to take the oath.

Duties of the officers of customs.

Collectors.

Naval officers.

Surveyors.

§ 5. 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 an oath, *diligently and faithfully to execute the duties of their said offices, respectively, and to use their best endeavors 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.

§ 6. 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 moneys paid for duties, and take all bonds for securing the payment thereof; shall grant all permits for the unlading 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, storehouses 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 hereinbefore 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 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 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 moneys which they may respectively receive by virtue of this act (such moneys 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.

§ 7. 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.

§ 8. 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

Further duties of collectors and surveyors.

Collector may occasionally employ persons as surveyors, &c.

Collectors, naval officers, and surveyors, to attend in person, keep accounts, &c.

Books, &c. open to inspection. Collectors to pay over moneys received, and transmit accounts for settlement, &c.

Collectors, naval officers, and surveyors, may appoint deputies, &c.

Duties, &c. of collector, devolve on deputy, &c.

In defect of deputy, on naval officer.

If no naval officer, on the surveyor, &c.

In case of death, &c. collector may nominate a person as surveyor, &c.

Manifests indispensable to the introduction of goods from foreign ports, in vessels wholly or partly belonging to citizens; and what such manifests shall contain.

Forfeiture of amount of goods not described in manifests, &c.

Proviso; as to exemption from forfeiture, where manifests have been lost or mislaid, or the omission has been the effect of accident only, &c.

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.

§ 9. 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 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.

§ 10. 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 to 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.

§ 11. 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 hereinbefore 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, as 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 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

Manifests to be exhibited to officers of the customs first coming on board four leagues from the coast, &c.

Duty of officers of the customs first going on board, on exhibiting of manifests.

Manifests to be delivered to officers of the customs first going on board after the arrival of vessels, &c.

Duty of officers of the customs first going on board vessels on their arrival, &c.

Proviso; as to the number of manifests to be delivered.

Forfeiture of 500 dolls. for not producing manifest, &c.

Officers of the customs to forfeit 500 dolls. for refusal or neglect to certify manifests.

Forfeiture of 1,000 dolls. and the goods, for unloading without being authorized by the proper officer; except in case of unavoidable accident, &c. of which notice must be given, on oath.

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.

§ 12. 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 hereinbefore 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.

§ 13. 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 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 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.)

Oath before the collector, &c.

§ 14. 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.

Forfeiture of treble value, &c. for unloading contrary to law.

§ 15. 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 hereinafter 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.

Forfeiture of 400 dollars for departing, after arrival, before report or entry; unless, &c.

In case of unlawful departure, cutters may bring vessels back, &c.

Provided; as to departure occasioned by distress of weather, pursuit of enemies, &c.

§ 16. 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 re-

Report to be made within twenty-four hours after arrival.

Further report
in forty-eight
hours; unless,
&c.

Manifest to be
delivered at
the time of
making the
report.
Declaration
that nothing
has been unla-
den, &c. on
the passage;
except, &c.

Further decla-
ration to re-
port, &c.

Declaration,
&c. in writing,
on oath, &c.

Forfeiture of
1,000 dolla. for
neglect to
make declara-
tion, &c.

Not necessary
for ships of
war and pack-
ets to make re-
port and entry.

aides, 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, 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, hereinbefore 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.

§ 17. *Provided always*, 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 despatches, 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.

§ 18. 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 hereinafter directed to be given for obtaining drawbacks of duties. *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 appear in manner hereinafter prescribed.

§ 19. 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.

§ 20. 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 charge

Goods, &c. arriving in a district, reported to be destined for a foreign port, to proceed without duty, in the same vessel.

Proviso; as to bond and surety not to land the goods without entry and payment of duties.

Proviso; as to goods on board vessels putting in from necessity.

Vessels bringing foreign goods, &c. may proceed with them from district to district, paying duty only as they are landed.

Vessels bringing foreign goods, &c. to be unladen in different districts, to obtain copy of report, &c. to be delivered at the next district in twenty-four hours after arrival; except Georgia, where report is to be made in forty-eight hours.

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 hereinbefore specified, he shall forfeit and pay, for every such neglect or omission, five hundred dollars.

§ 21. 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 net 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

Proviso; as to bond on residue of goods at the first port of arrival, &c.

Bond to be cancelled on producing certificate of entry and delivery of the residue goods, &c.

Forfeit of 500 dolls. for neglect in obtaining and producing copy of report, certificate, &c.

Owners or consignees, &c. to make entry of goods imported, upon oath, within fifteen days after the master's report.

Original invoices, and bills of lading to be produced.

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 merchandise, 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 hereinbefore 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.

And in order to ascertain what articles ought to be exempted from duty, as the sea stores of a ship or vessel,

§ 22. 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.

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:

§ 23. 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

Declaration as to discovery of other goods.

Provido; as to entry, where the particulars of goods may be unknown.

Entry in writing and subscribed.

Sea stores exempt from duty.
Sea stores to be specified in report, &c.

Oath, as to sea stores.

Provido; as to excess of sea stores.

Duty payable on excess of sea stores.

Forfeiture of sea stores and treble value for landing sea stores for sale, &c.

Articles to be exempted from duty.

Due, but separate entry on clothes, books, &c. on oath.

Oath before collector.

Oath in writing, &c.

Bond and surety, on articles exempt from duty.

Permit for landing exempted articles.

Act of 1789, ch. 2.

Articles of the growth, &c. of the United States, exported and brought back, &c.

Repayment and remission of duties on articles of the growth, &c. of the United States, exported and brought back, &c.

Proviso; as to observance of regulations.

Identity of articles, &c.

Report and entry for the purpose of ascertaining identity, &c.

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 or 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 whereas, by the letter of the act, entitled "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:

§ 24. 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 hereinafter 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:

§ 25. 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.*

Certificate from the collector whence the articles were exported, &c.
Permit for landing.
Provide; as to bond and surety, where certificate cannot be immediately produced, &c.

§ 26. 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 reports or entries by collectors, &c.

In writing, subscribed, &c.

Collector, &c. to estimate duties, &c.

Permit to land goods, after entry, and securing duties, &c.

§ 27. 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

Goods to be unladen in open day; except, &c.

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.

Forfeit of 400
dolls. &c. for
unlawful unlading.
Names of of-
fenders to be
advertised.

Goods unlaw-
fully unladen,
forfeited, &c.

Goods remov-
ed before
weighing or
gauging, for-
feited, &c.

§ 28. 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 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 entered
without speci-
fication, to be
stored and esti-
mated.

§ 29. That all goods, wares, or merchandise, of which entry shall have been made, without specification of particulars, shall be conveyed to some warehouse, or storehouse, 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 [there] shall be a deficiency, by payment of such deficiency to the said collector.

Difference be-
tween estima-
ted and true
amount of du-
ties, to be
made good, or
otherwise.

Inspectors may
be put on board
vessels arriv-
ing, &c.

Duties of in-
spectors.

§ 30. 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

Provided; as to
inspectors from
one district to
another.

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.

Further duties of inspectors.

Wages of inspectors from district to district, &c.

§ 31. That it shall be lawful for all collectors, naval officers, surveyors, inspectors, and the officers of the revenue cutters hereinafter 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.

Officers of the customs may go on board vessels out of their districts, &c.

Duty of officers of the customs as to boxes, &c. found apart from the main cargo.

Forfeiture of 200 dolls. for boxes, &c. missing, &c.

Inspectors may secure hatches after sunset, &c.

Forfeiture of 200 dolls. for unlawfully opening hatches.

Accounts of delivery of goods, &c. to be compared with entries by owners, &c.

Difference and no difference, to be noted, &c.

Goods, &c. other than, &c. found on board fifteen working days after report.

Inspector to take possession, &c.

To be carefully kept, at risk of owners, for nine months: if then unclaimed, to be appraised and sold.

Provide; as to appraisement of goods duly entered, &c. Provide; as to vessels laden with salt or coal, and the wages of inspectors.

§ 32. 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.

§ 33. 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 appraisement 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, 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.

§ 34. 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.

§ 35. 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 draft 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.

§ 36. 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.

§ 37. That if any goods, wares, or merchandise, on which duties are payable, shall receive damage during the voyage, or

Forfeiture of 500 dolls. for missing packages, &c.

Proviso; as to not inflicting penalty, where the missing of part of the cargo is not the effect of fraud, &c.

Allowances for drafts and tare, &c.

Proviso; as to estimating tares according to invoice.

Allowance for leakage.

Duties according to appraisement, where goods,

&c. are damaged, or not accompanied with original invoice.

Abatement of duties on damaged articles.

Proviso; as to waiting for original invoice, &c.

Vessels from foreign ports, putting in by distress, on protest and report, allowed, upon certificate of wardens, &c. to unlade cargo, &c. and to sell part, first paying duties, to pay expenses, or such as may be perishable, &c.

Proviso; as to payment of duties, and relading remainder, &c.

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.

§ 38. 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 the 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 safekeeping of the said goods.

§ 39. 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.

Rule for estimating ad valorem rates of duty.

§ 40. 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 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.

Rates of foreign coins and currencies.

§ 41. 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 safekeeping 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

Duties on goods, &c. to be paid or secured to be paid, before landing, &c.

Conditions of bonds for payment of duties; credits, &c.

Sureties or deposits.

Proviso; as to future credit to delinquents, &c.

Teas from China may be deposited, or the duties be secured by bond, with a credit of twelve months, &c.

Teas may be sold at the expiration of 18 months.

Duties on tonnage to be paid within ten days after report.

Forfeiture of 500 dollars for leaving a district without paying duties. Mode of ascertaining the tonnage of any vessel: if double decked.

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.

§ 42. *Provided always*, 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 safekeeping, 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 hereinbefore directed for teas which shall hereafter be imported, notwithstanding the duties on such teas may have been already secured to be paid.

§ 43. 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.

§ 44. 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.

§ 45. 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, or any such bond, shall be first satisfied.

§ 46. 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.

§ 47. 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 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 pack-

if single deck-
ed.

Collectors to
prosecute
bonds for du-
ties.

In case of in-
solvency, the
United States
to be first sat-
isfied.

Goods not in-
voiced at ac-
tual cost, to
be forfeited.

Collectors sus-
pecting unfair
invoices, may
take custody
of goods, and
cause them to
be valued by
reputable mer-
chants, &c.

Proviso; as to
proof on trial.

Collectors, sus-
pecting fraud,
may examine
packages, &c.

Expense of ex-
amination on
agreement
with entries.
Forfeiture in
case of differ-
ing with en-
tries.

Proviso; as to difference being occasioned by accident, &c.

Officers of the customs may enter vessels, and search for goods subject to duty, &c.

They may also enter dwelling houses, stores, &c. in search, on oath and warrant, &c.

Goods, &c. concealed, forfeited.

Collector, &c. to have custody of goods seized, &c.

Forfeiture of double value for concealing or buying goods, &c. liable to seizure.

Officers to seize vessels, goods, &c. out of, as well as within, their districts.

In case of suit, &c. the general issue; this act in evidence, &c.

Double costs for defendant.

Onus probandi. Fine of 400 dollars for resisting officer, &c.

age 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.

§ 48. 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 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.

§ 49. 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.

§ 50. 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.

§ 51. 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 per-

son 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.

§ 52. 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.

§ 53. 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

Bonds of custom house officers ; viz.

Collectors.

Naval officers.

Surveyors.

Bonds to be filed, &c.

Provision as to customhouse officers in North Carolina and Rhode Island.

Fees and per centage :

To collectors.

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 stationary, 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 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 moneys by them

Moiety of fees to naval officers, &c.

Receipt of fees, &c.

Fees to surveyors.

The fees payable by the master or owner, &c.

Allowance per diem to inspectors.

Allowance to measurers, weighers, and gaugers.

Additional allowances to the collectors of New York and Philadelphia, &c.

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 moneys by them respectively received on the said account of duties.

And whereas the allowances aforesaid will not afford an adequate compensation to the officers hereinafter 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,

§ 54. 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 Marys, Oxford, Sagg Harbor, Passamaquoddy, 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.

§ 55. 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.

§ 56. That 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 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; 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.

§ 57. 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,

Allowances to certain officers not adequate, &c.

Additional allowances to the officers of the districts herein mentioned.

Table of fees to be kept in a conspicuous place, &c.

Forfeiture of 200 dolls. for demanding unlawful fees.

Duties payable in gold or silver coin, at the rates mentioned.

Drawbacks on imported goods, &c.

- 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.
- § 58. *Provided always*, 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 consist, 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, and 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 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. *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 mer-
- Allowances on pickled fish, &c. exported, &c.
- Twenty-four hours' notice of lading goods for drawback, &c.
- Proof of importation, identity, &c.
- Proof in case of allowances on fish, &c. exported.
- Collector to inspect goods, &c. notified for drawback, &c.
- Permit to load.
- Exporters to make oath, as to place of destination, &c.
- Bond and surety not to reland.
- Drawbacks not payable for six months after exportation; proof, &c.

chants 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 farther proof as the nature of the case may demand. *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.

§ 59. 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.

§ 60. 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, 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: And for measuring, weighing, or gauging, goods for exportation, the same fees shall be allowed as in like cases upon the importation thereof.

§ 61. 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 hereinbefore 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,

§ 62. 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

Protest, &c. in lieu of other proof, where vessels have been cast away.

No drawback unless the duties amount to 20 dolls.; exported in same casks, &c.

Sums allowed on pickled fish, &c. must amount to 3 dolls. &c.

Forfeiture of goods, vessels, &c. for landing, &c.

Imprisonment of persons concerned.

Power of officers for discovery of frauds, &c.

Credit on bonds due for amount of drawback, &c.

Cutters, not exceeding ten, to be built, &c.

thousand dollars, which 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.

Officers and
crew of cutters.

Compensation
to officers, &c.

§ 63. 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.

Officers of cut-
ters, &c. ap-
pointed by the
president.
Powers of off-
icers of cutters.

§ 64. 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 hereinbefore 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.

Collectors,
with approba-
tion of the se-
cretary of the
treasury, may
employ row
boats, &c.

§ 65. 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.

Forfeiture,
from 200 to
2,000 dollars,
for receiving
bribes, &c.

§ 66. 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

And for giving
or offering
bribes, &c.

Fine, not ex-
ceeding 1,000
dolls. and im-
prisonment,
not exceeding
12 months, for
false swearing.

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.

§ 67. 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 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 favor 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

Suits for penalties; recovery, &c.

Trial of facts within judicial district, &c.

Judicial proceedings.

Notice of seizure and libel.

Proclamation.

Judgment, where no claimant.

Bond to defend, &c.

Delivery of vessel, goods, &c. on prayer, appraisement, and bond, to claimant, &c.

Bond to be cancelled on judgment for claimant. Suit on bond in case of judgment against claimant.

No costs for claimant when there is reasonable cause for seizure, &c.

Restoration of vessel, &c. after judgment.

Commencement of actions within three years.

Sale of vessels, goods, &c. condemned by virtue of this act, &c.

Distribution of fines and forfeitures.

Half a moiety to informers, other than naval officer or surveyor, &c.

Forfeiture of vessels, goods, &c. brought into the United States in any other manner than herein prescribed.

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.

§ 68. 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.

§ 69. 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.

§ 70. 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 Louis-

ville, 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.

Proviso; as to household furniture, &c.

§ 71. 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.

Deputy collectors empowered, &c.

§ 72. That wherever an oath is required by this act, persons conscientiously scrupulous shall be permitted to affirm.

Scrupulous persons may affirm. Clearance for a foreign port on delivery of manifest, &c.

§ 73. 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 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.

Forfeiture of 200 dolls. for sailing without clearance.

§ 74. That after the first day of October next, the 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," 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, 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," it was declared, that the ruble of Russia should be rated at one hundred cents, and by the act, entitled "An act to explain and amend an act, entitled 'an act for registering and

Former acts repealed. Act of 1789, ch. 5.

Exceptions; as to continuance of officers; duties, &c.

Repeal of the rate of the ruble of Russia, &c.

Act of 1789, ch. 5. § 18.

Act of 1789, ch. 23.

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 :

Operative as to prior duties. § 75. *Therefore, 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.*]

Expired. CHAP. 63. [36.] An act to continue in force, for a limited time, an act, entitled "An act for the temporary establishment of the post office."

Act of Sept. 22, 1789, continued until 4th March, 1791. § 1. *Be it enacted, &c.* That the act passed the last session of congress, entitled "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.*]

Act of 1789, ch. 16.

Expired. CHAP. 65. [38.] An act to provide more effectually for the settlement of the accounts between the United States and the individual states.

Board of three commissioners established, &c. § 1. *Be it enacted, &c.* 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.

See act of 1789, ch. 6. act of 1792, ch. 106. act of 1793, ch. [16.] 60. § 2. That the said commissioners shall, respectively, take an oath, or affirmation, before the chief justice of the 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.

Salary of 2,250 dolls. each.

Duties and rules of proceeding of the commissioners. § 3. 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.

Debits and credits to be liquidated, &c. § 4. 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.

§ 5. 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 hereinafter 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.

Debit and credit of each state.

Aggregate of balances to be apportioned.

Debit and credit in new account.

§ 6. That the rule for apportioning to the states the aggregate of the balances first abovementioned, 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.

Rule for apportioning aggregate of balances.

§ 7. 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.

§ 8. 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 commissioners' clerks.

§ 9. 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. [*Approved, August 5, 1790.*]

Powers of commissioners to continue till July 1, 1792; unless, &c.

CHAP. 66. [39.] An act making further provision for the payment of the debts of the United States.

[Obsolete.]

Whereas, by an act, entitled "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:

Act of 1789, ch. 2.

Increase of duties for payment of debts, &c.

§ 1. *Be it enacted, &c.* 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

Duties laid by act of 4th July, 1789, to cease after the 31st Dec. 1790.

Act of 1791, ch. 13 [37]. act of 1792, ch. 27. act of 1794, 66. act of 1804, ch. 172, ch. 48. act of 1819, ch.

ch. 51, ch. 54. act of 1795, ch. 82. act of 1797, ch. 64. act of 1797, ch. 15. act of 1800, ch. 46, ch. 57. act of 1807, ch. 75. act of 1808, ch. 28. act of 1812, ch. 112. act of 1813, act of 1816, ch. 10, ch. 107. act of 1817, ch. 224. act of 1818, ch. 93, ch. 98, ch. 102. 305. act of 1824, ch. 136.

Specific duties. 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 hundred and twelve pounds, one hundred cents ; untarred cordage and yarn, per one hundred and twelve pounds, one hundred and fifty cents ; twine and packthread, 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 galoshes, 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 ex-

Articles to pay
twelve and an
half per cent.
ad valorem.

cepted) 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 dying, 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, gunpowder, 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 dying, carpets and carpeting, all velvets, velvetts, 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 tutenag, iron and brass wire, copper in plates, sulphetre, plaster of Paris, wool, dying woods and dying 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.

Other articles to pay ten per cent. ad valorem.

Articles to pay seven and an half per cent. ad valorem.

On India goods, &c. twelve and an half per cent. ad valorem. On coaches, &c. fifteen and an half per cent. ad valorem. On all other goods, five per cent. ad valorem; except, &c.

§ 2. 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 hereinbefore specially laid on any goods, wares, or merchandises, which shall be imported in such ships or vessels.

Additional duty of ten per cent. on goods, &c. imported in foreign vessels; except, &c.

§ 3. 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 cal-

Return of duties on goods exported within twelve months; except one per cent. &c.

endar 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.

Bounty, in lieu of drawback, on dried and pickled fish, and salted provisions, &c.

§ 4. That there shall be allowed and 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 and drawbacks in proportion to quantity.

§ 5. 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 under the act of 4th July, 1789, between certain times, remitted, &c. Act of 1789, ch. 2.

§ 6. That all the duties which, by virtue of the act, entitled "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.

Duties imposed by this act, to continue till debts are paid, &c. Provide; as to substitution of other duties, &c.

§ 7. 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.]

Act of 1794, ch. 62.

CHAP. 67. [40.] 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.

Act of 17th July, 1788, repealed.

§ 1. *Be it enacted, &c.* 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. 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 southeasterly 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 southeasterly side of the said river, and the aggregate of what is due

Lands originally assigned, insufficient.

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 :

§ 2. 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, noncommissioned 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.

Other lands assigned, &c.

Secretary of war to make return to the executive of Virginia, of those entitled to bounty lands, &c.

§ 3. 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.

A sufficient number of acres to be located between the Sciota and Little Miami.

§ 4. 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, noncommissioned 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.

Agents to enter in a book the bounds of each location, &c.

Act of 1794 ch. 62.

§ 5. 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 endorsed 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.

President to cause letters patent to be made out, &c.

§ 6. That it shall be the duty of the secretary of state, as soon as may be after the letters patent shall be so completed and entered of record, 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.

Secretary of state to transmit patents to the executive of Virginia, &c.

No fees for issuing patents.

§ 7. 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.*]

Obsolete.

CHAP. 69. [42.] 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.

Circuit courts.

In South Carolina.

In Georgia.

Act of 1789, ch. 20.
Except, &c.

Return of process, &c.
Act of 1794, ch. 64. act of 1797, ch. 81.

Part of a former act repealed.

Act of 1789, ch. 20.
District court of Pennsylvania, in future at Philadelphia.
Act of 1792, ch. 10. act of 1796, ch. 26.
Consent of congress to the acts herein mentioned.

§ 1. *Be it enacted, &c.* 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 17th 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.

§ 2. 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 York Town, 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.*]

CHAP. 70. [43.] An act declaring the assent of congress to certain acts of the states of Maryland, Georgia, and Rhode Island and Providence Plantations.

§ 1. *Be it enacted, &c.* That the consent of congress be, and is hereby, declared, to the operation of the acts of the several states, hereinafter 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, entitled "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, entitled "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, entitled "A supplement to the act, entitled "an act for appointing wardens for the port of Bal-

timore 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.*]

CHAP. 74. [47.] An act making provision for the reduction of the public debt.

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 :

§ 1. *Be it enacted, &c.* 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.

§ 2. 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 fulfil 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, entitled “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.

§ 3. That accounts of the application of the said moneys 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

Reduction of the public debt desirable, &c. See act of 1791, ch. [25.] 99. Act of 1792, ch. 38.

Surplus of product of duties on goods and tonnage to Dec. 31, 1790, to be applied to the purchase of the public debt, &c.

Under whose direction purchases are to be made.

Provido; as to the manner.

Provido; as to reservations of surplus to pay interest in 1791.

Accounts of purchases of debt, to be settled as other public accounts, &c.

Report of proceedings to be laid before congress, &c.

same may be made, shall be laid before congress, within the first fourteen days of each session which may ensue the present, during the execution of their said trust.

President authorized to borrow two millions of dollars, at an interest not exceeding five per cent. to purchase debt. Proviso; as to appropriation towards repayment of the 2,000,000 dollars to be borrowed.

§ 4. 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.*]

RESOLUTION.

All treaties made and promulgated to be published with the laws.

No. 2. *Resolved, &c.* 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.*]

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 6th December, 1790, and ended on the 3d of March, 1791.

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

CHAP. 75. [1.] An act supplementary to the act, entitled "An act making further provision for the payment of the debts of the United States." Obsolete.

Whereas no express provision has been made for extending 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," 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: Therefore, *Be it enacted, &c.* 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," doth and shall extend to, and be in force for the collection of, the duties specified and laid in and by the act, entitled "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. [Approved, December 27, 1790.]

Act of 1790,
ch. [35.] 62.
Act of 1790,
ch. [39.] 67.

Provisions of
the act for col-
lection of duties,
extended to the act mak-
ing further pro-
vision for the
payment of the
debts of the
United States.

CHAP. 76. [2.] An act to provide for the unloading of ships or vessels, in cases of obstruction by ice. Obsolete.

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:

Vessels ob-
structed by
ice, &c. See
act of 1799,
ch. 128, § 85.

§ 1. *Be it enacted, &c.* 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,

In cases of ob-
struction by
ice, collector
may receive
entry, and per-
mit unloading at
any place
within his dis-
trict.

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.

Report and entry subject to same restrictions as in other cases, &c.

§ 2. 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. [*Approved, January 7, 1791.*]

Expired.
Act of 1790,
ch. [43.] 70.

CHAP. 77. [3.] An act to continue an act, entitled "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.

Act continued,
as to Georgia
and Rhode Isl-
and, for another
year, &c.

See act of
1792, ch. 10.

§ 1. *Be it enacted, &c.* That the act, passed the last session of congress, entitled "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. [*Approved, January 10, 1791.*]

CHAP. 78. [4.] 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.

Reference to
an act of the
legislature of
Virginia, as-
senting to the
erection of
Kentucky into
a state &c.

Congress peti-
tioned to con-
sent, &c.

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:"

Congress con-
sent that Ken-
tucky shall be-
come a state
on the 1st
June, 1792, &c.

§ 1. *Be it enacted, &c.* 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.

And be admit-
ted into the
Union, &c.

§ 2. 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 admit-

ted into this union, as a new and entire member of the United States of America. [*Approved, February 4, 1791.*]

CHAP. 79. [5.] An act declaring the consent of congress to a certain act of the state of Maryland. Expired.

§ 1. *Be it enacted, &c.* 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, entitled "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. [*Approved, February 9, 1791.*]

Consent of congress to the act of Maryland herein mentioned. See act of 1792, ch. 10.

CHAP. 81. [7.] An act for the admission of the state of Vermont into this Union.

The state of Vermont having petitioned the congress to be admitted a member of the United States, *Be it enacted, &c.* 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. [*Approved, February 18, 1791.*]

Vermont has petitioned, &c. Admitted on the 4th March, 1791, &c.

CHAP. 82. [8.] 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."

Repealed. Act of 1789, ch. 21. See act of 1792, ch. 36, § 8. The act herein referred to, declared to be in force, until the 8th of May, 1792.

§ 1. *Be it enacted, &c.* That an act, passed on the twenty-ninth day of September, in the year one thousand seven hundred and eighty-nine, entitled "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. [*Approved, February 18, 1791.*]

CHAP. 83. [9.] An act regulating the number of representatives to be chosen by the states of Kentucky and Vermont.

Obsolete. Act of 1792, ch. 23. Until apportionment upon census, Vermont and Kentucky entitled to two representatives each. Expired.

§ 1. *Be it enacted, &c.* 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. [*Approved, February 25, 1791.*]

CHAP. 84. [10.] An act to incorporate the subscribers to the bank of the United States.

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,

A bank for the United States, conducive to the successful conducting of the national finances, &c. See act of 1791, ch. [11.] 85.

Bank to be established.
Capital ten millions, &c.

President to appoint persons to receive subscriptions, &c.

What persons may lawfully subscribe, &c.

Proportions, of gold and silver, and of the public debt, payable on subscription, &c.

Subscribers to be a body politic.
By what name, &c.

To continue till the 4th March, 1811.
Powers and liabilities.

Limitation of property.

To make a seal, &c.

To establish bye laws, &c.

§ 1. *Be it enacted, &c.* 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, towards constituting the said stock, shall, on the first Monday of April next, be opened at the city of Philadelphia, under the superintendence 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.

§ 2. That it shall be lawful for any person, copartnership, 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.

§ 3. 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 *The president, directors, and company, of the bank of the United States*; 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, alien 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 bye 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 hereinafter 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, hereinafter prescribed and declared.

§ 4. That for the well ordering of the affairs of the said cor-

poration, 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 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.

Twenty-five directors; their election, &c.

Choice of president.

§ 5. 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.

Proviso; as to notice, on receipt of 400,000 dols. in gold and silver, to proceed to election, &c.

The first directors.

Bank to commence operations. Proviso; as to failure in choosing directors, &c.

New choice in case of vacancy.

§ 6. 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.

Directors empowered to appoint officers, &c.

§ 7. That the following rules, restrictions, limitations, and provisions, shall form and be fundamental articles of the constitution of the said corporation, viz.

Fundamental articles of the corporation.

1. 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

Votes, according to shares.

Limitation of votes. 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, copartnership, 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.

Resident stockholders only to vote by proxy. Three-fourths of the directors only may be re-elected ; except, &c.

Citizen stockholders only eligible. No emolument ; except, &c.

2. 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.

3. None but a stockholder, being a citizen of the United States, shall be eligible as a director.

4. No director shall be entitled to any emolument, unless the same 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.

Not less than seven directors to a board, &c.

President may nominate to supply his place, &c. Number of stockholders empowered to call a meeting, &c.

5. 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.

6. 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 or treasurer to give bond, &c.

7. 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.

Description of property which the corporation may hold, &c.

8. 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.

Debts not to exceed a certain sum, &c. unless, &c.

9. 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 moneys 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 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 liable in private capacities, &c.

Exception in favor of absentees, &c. at time of excess.

10. 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.

Corporation may sell public debt, its stock; but not purchase, &c.

Six per cent. for loans, &c.

11. 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 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 by a law of the United States.

Limitation of amount of loans to the United States, to states, &c.

12. 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.

Stock of the corporation assignable, &c.

13. 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 endorsement 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,

Bills, &c. assignable.

Bank notes bind the corporation, &c.

Bills assignable by endorsement; and by delivery.
Half yearly dividends.

Statement of debts; and
Surplus of profit.

Establishment of offices of discount and deposit.

Officer at the head of the treasury to be furnished with statements, &c.

Proviso; as to accounts of private individuals.

Forfeiture of treble value of goods for corporation's trading.

A moiety to the informer.

Forfeiture of treble value for unlawful loans.

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 endorsement, 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.

14. Half yearly dividends shall be made of so much of the profits of the bank as shall appear to the directors adviseable; 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, copartnership, 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.

15. 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.

16. 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 moneys 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: *Provided*, That this shall not be construed to imply a right of inspecting the account of any private individual, or individuals, with the bank.

§ 8. 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 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.

§ 9. 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.

One-fifth to informer.

§ 10. 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.

Bills or notes receivable by the United States.

Repealed, by act of 19th March, 1812, ch. 43. President to cause subscription not exceeding 2,000,000 dollars, &c.

§ 11. 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 moneys 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 moneys 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.

Act of 1790, ch. [34.] 61. Act of 1790, ch. [47.] 74.

§ 12. 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.*]

No other bank to be established during the continuance of this corporation.

CHAP. 85. [11.] An act supplementary to the act, entitled "An act to incorporate the subscribers to the bank of the United States."

Obsolete.

§ 1. *Be it enacted, &c.* That the subscriptions to the stock of the bank of the United States, as provided by the act, entitled "An act to incorporate the subscribers to the bank of the United States," shall not be opened until the first Monday in July next.

Subscriptions not to be opened till July, 1791.

§ 2. 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.

Part of the first payment deferred till January, 1792.

§ 3. 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.

Restriction of subscriptions.

§ 4. That every subscriber shall, at the time of subscribing, pay into the hands of the persons who shall be appointed to re-

Specie payments at time of subscribing.

Future payments, &c.

Three per cent. stock in public debt, receivable in payment for bank stock, &c.

Laws of the United States to have effect in Vermont.

Act of 1789, ch. 20.

Vermont to be one district; to have a district court, and judge.

Repealed. Act of 1802, ch. 31, § 28.

See act of 1799, ch. 127.

Annexed to the eastern circuit, and to have a circuit court annually, &c. See act of 1796, ch. 34.

Salary of the district judge.

Act for enumerating inhabitants, applicable, with exceptions, to Vermont.

ceive 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.

§ 5. 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.]

CHAP. 86. [12.] An act giving effect to the laws of the United States within the state of Vermont.

§ 1. *Be it enacted, &c.* 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, entitled "An act to establish the judicial courts of the United States," may be duly administered within the said state of Vermont,

§ 2. 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.

§ 3. 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.

§ 4. 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.

§ 5. 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, entitled "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.

§ 6. 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.

Enumeration to commence in April, 1791.

§ 7. 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.

Compensation of the marshal.

And 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 and vessels," may be carried into effect in the said state of Vermont :

Act of 1790, ch. 35. [62.]

§ 8. 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.

One collection district in Vermont. Collector, port of entry and delivery, &c.

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.]

Section of a specified act, applicable to Allburgh.

CHAP. 87. [13.] An act to explain and amend an act, entitled "An act making further provision for the payment of the debts of the United States."

Obsolete. Act of 1790, ch. [39.] 66.

§ 1. *Be it enacted, &c.* 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 bar 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.

Duty laid on bar lead extended to manufactures of lead.

§ 2. That the duty of seven and a half per cent. ad valorem, laid by the act aforesaid, on chintzes, and colored calicoes, shall be deemed and taken to extend to all printed, stained, and colored 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.]

Duty laid on chintzes, &c. extended to manufactures of colored cotton or linen, &c. *Provido* ; as to this act affecting the construction of the act of Aug. 10, 1790.

CHAP. 88. [14.] An act fixing the time for the next annual meeting of congress.

Obsolete.

§ 1. *Be it enacted, &c.* 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.]

Congress to meet on the 4th Monday of Oct. 1791.

Obsolete.

CHAP. 89. [15.] 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.

Duties laid by act of 10th August, 1790, to cease the 30th June, 1791.
Act of 1790, ch. [39.] 66.

Specific duties on distilled spirits imported.
See act of 1792, ch. 27.

Collection of the duties.

Duties, not exceeding 50 dolls. to be paid.

If above 50 dollars, and not more than 500 dollars, to be paid or secured, &c.

If above 500 dollars, &c.

Sureties, &c.

Deposite of spirits as security, &c.

Spirits to be sold on failure to pay bond, &c.

§ 1. *Be it enacted, &c.* That after the last day of June next, the duties laid upon distilled spirits, by the act, entitled "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 Dycas'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.

§ 2. 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 hereinbefore imposed, except as to the alterations contained in this act.

§ 3. 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 deposite 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 deposite shall have been made, or to his, her, or their representatives.

Overplus to the person depositing.

§ 4. In order to a due collection of the duties imposed by this act, *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.

Fourteen collection districts, and each state one, &c.

Districts may be subdivided into surveys of inspection.

Supervisors for districts, and inspectors for surveys, &c.

Officers of the customs may be inspectors, &c.

Supervisors may be inspectors.

President may appoint inspectors in the recess, &c.

§ 5. 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 moneys 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 moneys 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.

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 moneys they receive; and settle their accounts quarterly.

§ 6. That all officers and persons to be appointed pursuant to this act, before they enter on the duties of their respective offi-

Persons to be appointed under this act to

take an oath, before a magistrate, &c.

and transmit it to the comptroller, &c. 200 dollars forfeit for failing to make oath, &c. Offices of inspection to be established, &c.

Sign of office.

100 dollars forfeiture for false sign. Vessels arriving with spirits, to report within forty-eight hours, to inspectors, &c. on pain of forfeiting 500 dollars.

Collectors to certify and transmit entry of spirits to inspectors, &c. Act of 1790, ch. [35.] 66.

Importers, &c. to deliver two manifests, &c.

Permits for landing spirits, to be exhibited to officer of inspection; inspector to endorse, &c.

ces, shall take an oath or affirmation, *diligently and faithfully to execute the duties of their said offices, respectively, and to use their best endeavors 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.

§ 7. 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.

§ 8. 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.

§ 9. 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, entitled "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 "In-

spected," 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.

§ 10. 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 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.

§ 11. 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.

§ 12. 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,

500 dollars forfeiture for landing without endorsement on permit.

Inspector to furnish, to masters of vessels proceeding from one port to another, certificate of the quantity of spirits landed, &c.

Master to deliver the certificate to inspector at the port of destination, &c.

500 dollars and the spirits forfeited for neglect.

Imported spirits to be landed under view of inspectors, &c. on pain of forfeiture, &c.

Inspectors to mark casks, &c. with progressive numbers, &c.

Inspector to keep a book, enter names of vessels, &c.

Inferior, to report to the chief, inspector, &c.

Chief officers of inspection to furnish certificate of quantity of spirits landed, &c.

A like certificate to accompany each cask, &c. as evidence of its lawful importation.

Entries of spirits for which certificates are granted, &c. Certificate to be delivered on sale, &c. or forfeiture of 50 dollars for each cask, &c.

Duties on spirits distilled within the United States from foreign materials.

Duties on spirits distilled within the United States.

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.

§ 13. 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.

§ 14. 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 Dycas'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.

§ 15. 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 ci-

ty, 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 Dycas'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.

from articles of the growth or produce of the United States.

§ 16. That the said duties on spirits distilled within the United States, shall be collected under the management of the supervisors of the revenue.

Supervisors to collect duties.

§ 17. 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 superintendence 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 to be paid or secured before removal from distillery.

Abatement for prompt payment.

Condition of bond for paying duties.

§ 18. 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 survey distilleries, &c.

§ 19. 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 distil-

Casks to be gauged and branded before removal from distillery, &c.

Certificate for each cask, &c.

Entry in a book of spirits distilled, &c.

Forfeiture for removing spirits without brand and certificate.

lery, 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 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 tacklings, 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.

Spirits forfeited, if removed at night; except, &c.

§ 20. 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.

Duty of sixty cents per gallon, on country stills, using materials of the growth, &c. of the United States.

§ 21. 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.

Evidence of the employment of stills, &c.

§ 22. 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.

Supervisor to manage the collection of duties, &c.

§ 23. 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.

Mode of collecting duties in case of refusal or neglect to pay.

Duties to be estimated, at the rate of 9 cents per gallon, upon the books, if kept by the proprietor, on oath, &c.

§ 24. 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 other-

wise 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.

Proviso; as to entry in books by others than proprietors, &c.

And the more effectually to prevent the evasion of the duties hereby imposed on spirits distilled within the United States:

To prevent evasions, &c.

§ 25. 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 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 ac-

Distillers to exhibit a sign on the outside of their distilleries, &c.

Distillers to enter an account of their buildings, &c. if within 10 miles of inspection office.

Forfeiture of 100 dolls. &c. for neglect, &c.

Proviso; as to time of making entry, &c.

Forfeiture of 100 dolls. &c. for neglect in making entry, &c.

Supervisors to inspect buildings, &c.

take an account of the spirits therein, and mark the casks;

an entry of which shall be made by the inspector,

and a certificate given to the distiller.

Entry to be made of distilled spirits in possession of importers, &c. certificates to be issued therefor, &c.

Certificates to accompany spirits when sold, &c.

50 dolls. forfeiture for neglect.

count 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.

§ 26. 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, 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 certificate 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.

§ 27. 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 impor-

ter, 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.

The spirits, and a sum of equal value, forfeited, if not entered by importers.

§ 28. 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.

Casks, &c. containing distilled spirits, unaccompanied with marks and certificates, liable to seizure, and to forfeiture, &c.

§ 29. That it shall be lawful for the officers of inspection of each survey, at all times in the day time, upon request, to enter into all and every the houses, storehouses, warehouses, 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.

Officers of inspection may enter houses, &c. in the day time, to examine spirits.

§ 30. 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.

100 dolls. forfeiture for defacing marks on casks, &c.

§ 31. 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.

100 dolls. forfeiture for using casks of old stock, for other spirits, &c.

§ 32. 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

Proviso; as to casks of the capacity of two hundred gallons.

Spirits fraudulently concealed, &c. to be forfeited.

Warrants to search for concealed spirits, &c.

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.

Forfeiture of ship, &c. for bringing spirits in casks under fifty gallons; except, &c.

Proviso; as to spirits for seamen.

Casks, &c. forfeited with the spirits.

Distillers to keep account of the kinds and quantity of spirits, &c.

Supervisors to furnish books to distillers, &c.

Truth of entries in books to be verified on oath.

Books open for inspection, &c.

Distillers neglecting to keep books, &c. forfeit 100 dollars.

§ 33. 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.

§ 34. 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.

§ 35. 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 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.

§ 36. 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.

Penalties imposed by this act, not to extend to persons keeping one still not exceeding fifty gallons.

§ 37. That the several kinds of proof hereinbefore 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.

Distinctions of proof, &c.

§ 38. 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 favor. 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.

Secretary of the treasury to provide instruments for ascertaining proofs, &c. In action against supervisor, &c. he must show probable cause, &c.

Trial to be by jury.

Damages for prejudice or waste, &c.

Provide; as to damages for want of certificate, &c.

Provide; as to waste from negligence, &c.

§ 39. 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.

Fine of 500 dolls. imprisonment, and loss of office, for extortion, &c.

§ 40. That no fee shall be taken for any certificate to be issued or granted pursuant to this act.

No fees for certificates.

Damages from officers neglecting duty, &c.

§ 41. 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.

Suits brought in virtue of this act, to commence within three months, &c.

§ 42. 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,

General issue; and this act, &c. in evidence.

Costs on verdict, &c. for defendant. Relief for penalties incurred without intention of fraud. District judge to inquire, &c.

§ 43. 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 enquiry, 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.

Facts to be stated, &c. And transmitted to the secretary of the treasury, who has power to remit, &c.

Moiety of penalties to person seizing, &c.

§ 44. 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 entitled 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

Recovery of penalties, &c.

District attorneys to bring information, &c.

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 entitled 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.

Proviso; as to benefit of forfeitures to officers, &c.

§ 45. That if any person or persons shall counterfeit or forge, or cause to be counterfeited or forged, any of the certificates hereinbefore 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 erased, every person so offending, shall, for each and every offence, forfeit and pay the sum of five hundred dollars.

Forfeiture of 500 dolls. for forging certificate, &c.

§ 46. 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.

Pains and penalties of corrupt perjury for false swearing.

§ 47. 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.

Forfeiture of 500 dolls. for offering a bribe, &c.

§ 48. 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.

Forfeiture of 200 dolls. for forcibly obstructing supervisor, &c.

§ 49. 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 pro-

Supervisors entering into collusion, false marking any casks or vessels, or embezzling public money, forfeit 1,000 dollars, office, &c.

visions, 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 oaths, &c. prescribed by this act.

If more than one supervisor in a district, a majority to execute, &c.

Provide; as to cases where the authority is several.

Export trade, &c.

Drawback on spirits exported.

Spirits from molasses, &c.

Provide; as to regulations.

Provide; as to spirits imported prior to July, 1791.

Regulations to be observed, in order to entitle exporters to the benefit of drawback.

§ 50. 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.

And, for the encouragement of the export trade of the United States:

§ 51. 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 hereinafter 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.

§ 52. That in order to entitle 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, to-

gether 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.

Brand for exportation, &c.

§ 53. 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 reloaded 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 the United States, or reloaded in any other part of the same, (shipwreck or other unavoidable accident excepted.)

Oath to be made of intention to export, &c.

Bond, &c. to export and not to reload, &c.

§ 54. 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 reloading the same.

Drawback payable six months after exportation. *Proviso; as to permit for reloading, when the ship does not intend to proceed.*

§ 55. 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 reloaded

Forfeiture of spirits, ship, &c. for unlawful reloading, &c.

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.

Drawback not allowed on exportations in vessels under thirty tons, &c.

Discharge of bonds in case of drawback, &c.

§ 56. 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.

§ 57. 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 enquiry, 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 discharged 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

Proviso; as to oath in case of death.
Proviso; as to persons before whom oaths are made.

Discharge of bonds on proof of capture of the spirits, perishing in the sea, &c.

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.

Other proof in case certificates cannot be obtained, &c.

Proofs referred to comptroller, &c.

Compensation to supervisors, inspectors, &c.

§ 58. 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.

Not to exceed 7 per cent.; nor to exceed 45,000 dollars annually.

§ 59. 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, except, &c. on the 1st July, 1791.

§ 60. That the nett product of the duties hereinbefore 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, entitled "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 moneys 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 moneys 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

Nett product of duties pledged for payment of interest of foreign and other loans.

Act of 1790, ch. [34.] § 61.

Reservation to meet appropriations.

Separate accounts to be kept, &c.

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.

Unappropriated surplus to be applied as directed by act of Aug. 12, 1790.

Act of 1790, ch. [34.] 61. ch. [47.] 74. Unless, &c.

Duties to be collected till obligations are fulfilled.

Proviso; as to substituting other duties, &c.

Act of 1790, ch. [28.] 55.

Part of the act of July 16, 1790, repealed.

President may locate below the Eastern Branch, &c. include Alexandria in the district, &c.

Proviso; as to erection of public buildings on the Maryland side.

Act of 1789, ch. 12.

Prohibitions and penalties extended to all the clerks of the treasury. Act of 1792, ch. 37.

§ 61. That the unappropriated surplus, if any there shall be, of the revenue arising under this act, at the end 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, entitled "An act making provision for the reduction of the public debt;" and provided by the act, entitled "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.

§ 62. 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.*]

CHAP. 91. [17.] An act to amend "An act, for establishing the temporary and permanent seat of the government of the United States."

§ 1. *Be it enacted, &c.* That so much of the act, entitled "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 Potowmac, 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 Potowmac, as required by the aforesaid act. [*Approved, March 3, 1791.*]

CHAP. 92. [18.] An act supplemental to the act "establishing the treasury department," and for a farther compensation to certain officers.

§ 1. *Be it enacted, &c.* That the eighth section of the act, entitled "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.

§ 2. 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, &c.

§ 3. 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 in public offices may apportion clerks' salaries.

Proviso; as to amount of salaries.

§ 4. 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. [*Approved, March 3, 1791.*]

Additional allowance for one year to register, auditor, comptroller, and attorney general.

CHAP. 93. [19.] An act relative to the rix dollar of Denmark.

§ 1. *Be it enacted, &c.* That so much 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," as hath rated the rix dollar of Denmark at one hundred cents, be, and the same 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.*]

Obsolete.

Act of 1790, ch. [35.] 62. Part of the act, rating the rix dollar of Denmark, at 100 cents, repealed. See act of 1799, ch. 128. § 61.

CHAP. 94. [20.] An act in addition to an act, entitled "An act for establishing the salaries of the executive officers of government, with their assistants and clerks."

§ 1. *Be it enacted, &c.* 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, entitled "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

Additional allowance of 200 dolls. to chief clerk of the auditor, &c. Act of 1789, ch. 13.

quarterly payments, and from like appropriations as may be assigned for the payment of the other salaries mentioned in the above recited act.

Allowance of clerks' expenses in removing from New York to Philadelphia, &c. See act of 1799, ch. 146. 400 dols. additional allowed to assistant secretary of the treasury, &c.
Repeated. See act of 1792, ch. 36. § 8.

Compensations to officers of the judicial courts, &c.

District attorney.

District clerk.

Clerk of the supreme court.
Marshals.

Grand and petit jurors.

Officers, jurors, &c. entitled from time of appointment, &c.

Expense for fuel, candles, &c. allowed.

Marshals to pay jurors.

§ 2. 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.

§ 3. 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.]

CHAP. 96. [22.] An act providing compensations for the officers of the judicial courts of the United States, and for jurors and witnesses, and for other purposes.

§ 1. *Be it enacted, &c.* 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 entitled, 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.

Accounts to be paid at the treasury, &c.

Appropriation out of fines and forfeitures, &c.

§ 2. 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.

Alteration of the times for holding the courts herein mentioned.

§ 3. 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.

Circuit court of Virginia at Richmond only.

§ 4. That this act shall continue in force until the end of the next session of congress, and no longer. [*Approved, March 3, 1791.*]

This act limited, &c.

CHAP. 97. [23.] An act to continue in force for a limited time, an act, entitled "An act for the temporary establishment of the post office."

Repealed.

§ 1. *Be it enacted, &c.* That the act passed the first session of congress, entitled "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.

Act of 1789, ch. 16. act of 1792, ch. 7.

§ 2. 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.

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

§ 3. That the post master 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.*]

Mail from Albany to Bennington, &c.

CHAP. 98. [24.] 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 light houses, beacons, buoys, and public piers.

Act of 1790,
ch. [12.] 39.
See act of
1792, ch. 35.

§ 1. *Be it enacted, &c.* 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.

Pensions to in-
valids for one
year, from the
4th March,
1792, to be
paid out of the
treasury.

§ 2. 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.

Expenses from
1st July, 1791,
of all light
houses, &c. to
be defrayed by
the United
States, till Ju-
ly, 1792, &c.

§ 3. That all expenses which shall accrue from the first day of July next, inclusively, for the necessary support, maintenance, and repairs of all light houses, 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 light houses, 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.*]

Proviso; as to
the president's
power to par-
don.

Obsolete.

CHAP. 99. [25.] An act supplementary to the act making provision for the reduction of the public debt.

Act of 1790,
ch. 47.

Loan in Hol-
land of
3,000,000 flo-
rins, at 5 per
cent. per an-
num,

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 reimburseable 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 :

whereon the
charges are
four and a half
per cent.

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 ;

Declared to be
within the
meaning of the
act providing
for the reduc-
tion of the pub-
lic debt, &c.

§ 1. *Be it enacted, &c.* That the loan aforesaid shall be deemed and construed to be within the true intent and meaning of the said act, entitled "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 in-

terest 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.*]

CHAP. 100. [26.] 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.

Obsolete.

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 ;

Regulations concerning teas.

§ 1. *Be it enacted, &c.* That in addition to the provisions contained in the fortieth and forty-first sections 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, 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 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*

See act of 1799, ch. 128.

Act of 1790, ch. [35.] 62.

Importers may give bond, payable in 2 years, without surety, on depositing teas, &c.

Inspectors of revenue to superintend storing teas, &c.

No delivery of teas without a permit ; and no permit granted without the duties being first paid or secured by bond and surety, &c.

Time allowed for payment of

duties not to exceed two years.

Teas deposited, on which duties are not paid nor secured,

to be sold by the collector, and the overplus returned to the owner.

Bonds for moneys or duties to be taken in the name of the United States; unless, &c.
Bonds to be delivered to the collector of the district wherein the teas were landed, for collection.
Amount of permits to be deducted.

Teas imported after April, 1791, to be landed under care of the inspectors. Permits to be endorsed by inspectors.

Chests, &c. to be marked, &c.

Certificate for each chest, &c.

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.

§ 2. 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.

§ 3. That the bonds which have been or shall be directed to be given, by this or any other act, for moneys 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 moneys 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.

§ 4. 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 impor-

ter 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 Madeira 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;

§ 5. Therefore, That, for the payment of the duties on other than Madeira 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 Madeira wines. [*Approved, March 3, 1791.*]

Extension of time for paying duties on other than Madeira wines, &c.

Bond for payment of duties in 12 months.

CHAP. 101. [27.] 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 the same.

§ 1. *Be it enacted, &c.* 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.

See act of 1804, ch. 35, and act of 1807, ch. 92. act of 1818, ch. 123.

400 acres of land granted to each head of a family in 1783.

To be laid out at their expense.

§ 2. 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.

Heads of families in 1783, entitled notwithstanding removal. See act of 1793, ch. [10.] 54.

Proviso; as to occupation of the lands within five years.

§ 3. 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 formerly possessed by Piankeshaws, given to the actual possessors.

§ 4. 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

Confirmation of title to lands under certain grants, to those who have improved them, &c.

Act of 1806,
ch. 40.

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.

Appropriation
of commons
for the inhabit-
ants of Vincen-
nes, Cohos,
and Prairie du
Pont.

§ 5. 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 village as a common, be, and the same are hereby, appropriated to the use of the inhabitants of Vincennes, and of the said village, respectively, to be used by them as a common, until otherwise disposed of by law.

100 acres of
land to each
militia man of
August, 1790,
who has not
obtained a do-
nation.

§ 6. 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.

Proviso; as to
a tract appro-
priated to the
Kaskaskias.

Grant of two
lots to P. Gi-
bault; and a
tract to St.
Jam Beouvais.

§ 7. 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 ac-
cording to act
of congress of
June 20th,
1788.

§ 8. 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.*]

Repealed.
Act of 1795,
ch. 44.

CHAP. 102, [28.] 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.

An additional
regiment of
912 men.

§ 1. *Be it enacted, &c.* That there shall be raised an additional regiment of infantry, which, exclusive of the commissioned officers, shall consist of nine hundred and twelve noncommissioned officers, privates, and musicians.

Organization
of the regi-
ment.
Act of 1790,
ch. [10.] 54.

§ 2. That the said regiment shall be organized in the same manner as the regiment of infantry described in the act, entitled "An act for regulating the military establishment of the United States."

§ 3. 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 hereinafter mentioned, as are stipulated for the troops of the United States, in the beforementioned act.

Pay, allowances, regulations, term of service, &c.

§ 4. That each noncommissioned 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.

Bounty for enlistment.

§ 5. 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.

Officers to be appointed at the president's discretion.

Aids de camp, brigade majors, &c. *Provided*; as to term of pay of maj. and brig. generals.

§ 6. 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 entitled 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 allowances:

to major general:

to brigadier general:

to quartermaster:

to aid de camp:

to brigade major:

to chaplain.

§ 7. That if, in the opinion of the president, it shall 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.

President may employ militia, cavalry, &c.

§ 8. 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 per-

President may employ levies in addition, or in place of militia, &c. for a term not exceeding six months,

In case the regiment authorized cannot be completed in time, the president may supply the deficiency by levies and militia.

Organization, and commissioned officers of levies. Militia and levies subject to the rules and articles of war, &c.

Levies entitled to proportional quantity of clothing, &c.

3 dolls. bounty to each of the levies.

President may engage an additional number of surgeon's mates.

2 dolls. allowed for every recruit.

Appropriation for expenses to be incurred by this act :

Not exceeding \$12,696 dolls. 20 cents.

mit), a corps, not exceeding two thousand noncommissioned 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.

§ 9. 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.

§ 10. That the commissioned and noncommissioned 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.

§ 11. That the noncommissioned 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.

§ 12. That each of the noncommissioned officers, privates, and musicians, of the said levies, shall be entitled to receive three dollars as a bounty.

§ 13. 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.

§ 14. 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.

§ 15. 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 mo-

neys 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 farther provision for the payment of the debts of the United States."

Fund.

Act of 1791,
ch. 16.Act of 1790,
ch. 39.

And to the end that the public service may not be impeded for want of necessary means :

§ 16. 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 abovementioned 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.*]

President may borrow the sum appropriated, at an interest not exceeding six per cent.
Pledge of fund :
And of public faith.

RESOLUTIONS.

No. 3. *Resolved, &c.* That a mint shall be established, under such regulations as shall be directed by law.

A mint to be established.

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.*]

President to cause to be procured artists and apparatus, &c.

No. 5. 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 gaols, to receive and safe keep therein, all prisoners committed under the authority of the United States; in order, therefore, to ensure the administration of justice,

Resolved, 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 gaol, 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.*]

Marshals, under direction of district judges, to hire places for gaols, where states have not passed laws, &c.
See resolution of 23d Sept. 1789.

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 24th October, 1791, and ended on the 8th of May, 1792.

GEORGE WASHINGTON, President. JOHN ADAMS, Vice President, and President of the Senate. RICHARD HENRY LEE, President of the Senate, pro tempore, from the 21st of April. JONATHAN TRUMBULL, Speaker of the House of Representatives.

Expired, See act of 1800, ch. 22. and act of 1813, ch. 2. and ch. 34.

Allowance on the exportation of dried fish to cease after 10th June, 1792.

Annual payment to be made to owners of fishing vessels, by collectors, at a certain rate per ton, &c.

Allowance not to exceed 170 dolls.

Annual allowance of 1 doll. per ton on every fishing boat above 5 tons, &c.

CHAP. 108. [6.] An act concerning certain fisheries of the United States, and for the regulation and government of the fishermen employed therein.

§ 1. *Be it enacted, &c.* 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, 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 of November in every year, for each and every ton of such vessel's burden, according to her admeasurement, as licensed or enrolled, if of twenty tons and not exceeding thirty tons, one and an half dollar, 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.

§ 2. 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."

§ 3. 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 hereinbefore 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.

§ 4. 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

Proviso; as to actual employment in cod fishery, &c.

Further proviso; as to quantity of fish landed, &c.

Boat forfeited in case of fraud, &c.

Or owners forfeit 100 dollars, &c.

Act of 1790, ch. [35.] 61.

Owners of fishing vessels to produce original agreement, certificate, &c. previously to receiving allowance, &c.

Skippers or masters to make agreement in writing before proceeding on voyage, &c.

Particulars to be specified in agreement, &c.

Agreement to be endorsed by owner, &c. Penalties for desertion.

Act of 1790, ch. [29.] 56.

Vessels answerable, on sale of fish by owner, for skipper's and fishermen's share, &c.

Act of 1790, ch. [29.] 57.

Owner may offer his account for supplies, in bar, &c.

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 merchants' 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.

§ 5. 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, respec-

tively, and judgment shall be rendered upon such process, for the respective balances, which, upon such an enquiry, 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 favor 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 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.

Proviso; as to bond by owner to answer and pay; and discharge of vessel thereupon.

§ 6. 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.

Proviso; as to common law remedy for fishermen.

§ 7. That the moneys 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 moneys so appropriated shall be inadequate, the deficiency shall be supplied out of any moneys which, from time to time, shall be in the treasury of the United States, and not otherwise appropriated.

Drawback heretofore allowed, repealed.
Act of 1789, ch. 2.
Fund for defraying the allowances made by this act.

§ 8. 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 beforementioned, and to be in like manner sued for, recovered, and appropriated.

Penalty for false swearing.

§ 9. 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.*]

Limitation of this act to the 16th Feb. 1799, &c.

CHAP. [7.] An act to establish the post office, and post roads, within the United States.

Expired.
See act of 1794, ch. 23.
Post roads, after 1st June, 1792.

§ 1. *Be it enacted, &c.* 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 Courthouse, Richmond, Petersburg, Halifax, Tarborough, Smithfield, Fayetteville, New Bridge over Drowning Creek, Cheraw Courthouse,

Post roads, af-
ter 1st June,
1792.

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 Courthouse, 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 Courthouse, to Norfolk, in Virginia; and from Baltimore to Annapolis, Upper Marlborough, Piscatawa, Port Tobacco, Allen's Fresh, Newport, and Chaptico, to Leonard Town; and from Richmond, by Williamsburg, Yorktown, and Hampton, to Norfolk; and from Fredericksburg, by Port Royal, and Tappahannock, to Urbanna; and from thence, crossing Rappahannock, and proceeding by Northumberland Courthouse to Kinsale, on the river Yeocomico; thence, by Westmoreland Courthouse, through Leedstown, 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, Dailey's, to Plymouth; and from Edenton, by Hertford, Nixonton, Sawyer's Ferry, in Camden county, to Indian Town, in Currituck county; and from New York, by Albany, Bennington, Manchester, and Rutland, to Burlington, on Lake Champlain; and from Albany, by Schenectady, to Connajorharrie; from New York to Hartford, through White Plains, Northcastle, Salem, Poundridge, Ridgefield, Danbury, Newtown, New Milford, Litchfield, Harrington, and Farmington; from Newark, or Elizabethtown, by Morristown, to Sussex Courthouse; from Woodbridge to Amboy; from Alexan-

dria, by Salisbury, Leesburg, Shepherdstown, Martinsburg, Winchester, Stevensburg, Strasburg, Woodstock, and Rockingham Courthouse, to Staunton; and from Richmond, by Columbia, Charlottesville, Staunton, Lexington, Fincastle, Montgomery Courthouse, Wythe Courthouse, Abingdon, and Hawkin's Courthouse, in the territory south of the river Ohio, to Danville, in Kentucky; and from Baltimore, by Fredericktown, and Sharpsburg, to Hagerstown; 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.

§ 2. 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 authorise 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.

§ 3. 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.

§ 4. 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 en-

Mail routes not to be altered till existing contracts are determined.

The postmaster general may enter into contracts for extending the line of posts, &c.

Proviso; as to contracts affecting the revenue; and duplicates for comptroller's office.

A general post office at the seat of government.

Postmaster general, assistant, deputies, &c.

Duties and powers of the postmaster general, &c.

Postmaster general to adjust accounts every three months, and pay balance into the treasury quarterly.

Postmaster general, &c. to take and subscribe an oath, &c.

Certificate of oath to be filed. Form of the oath.

Fine of 100 dolls. for obstructing the mail. Ferryman delaying the mail to forfeit 10 dolls. for each half hour.

The postmaster general to give notice of intended contracts, in the newspapers, &c.

Particulars of the notice.

Contract to be lodged in the comptroller's office.

Deputy postmasters to keep an office, &c. Letters brought half an hour before closing of the mail, to be forwarded.

Salary of postmaster general 2,000 dollars per annum. His assistant, 1,000 dolls. No fees or perquisites to either.

Rates of postage and conveyance of letters and packets, after the 1st of June, 1792.

titled 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 intrusted, 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.*"

§ 5. 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.

§ 6. 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 nonperformance 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.

§ 7. 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.

§ 8. 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.

§ 9. 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 hereinafter 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.

Double and triple letters, and packets by weight, &c.

§ 10. 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.

Charges for letters conveyed in public vessels: and

in private vessels. Addition of usual postage if further conveyed.

§ 11. 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.

100 dolls. forfeit for demanding or receiving unlawful postage, &c.

§ 12. That no ship or vessel arriving at any port within the United States, where a post office is established, shall be permitted to report, or 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 of such ship or vessel, an oath or affirmation, purporting that *he has delivered all such letters, except as aforesaid.*

No vessel allowed to enter till the master delivers letters to postmaster

Except letters directed to the owner or consignee.

The vessel being bound to another port, letters not to be delivered at port of entry. Collector to require an oath of delivery of letters.

§ 13. 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 num-

Postmasters to pay two cents for every ship letter, except, &c.

Certificate from the per-

son delivering letters, &c.

ber 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.

Forfeiture of 200 dolls. for unauthorized persons undertaking the conveyance of letters for hire, &c.

§ 14. That if any person, other than the postmaster general or his deputies, or persons by them employed, shall take up, receive, order, despatch, 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.

Proviso; as to letters or packets by special messengers.

Deputy postmasters, &c. accountable for way letters. 100 dollars forfeit for neglecting to account.

§ 15. That the deputy postmasters, or agents of the postmaster general, shall duly account and answer to him for all by 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.

Fine of 300 dolls. and imprisonment, for delaying, opening, or embezzling letters, &c.

§ 16. 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 intrusted, 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, intrusted to him, as aforesaid, and which shall not contain any security for, or assurance relating to, money, as hereinafter 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 intrusted, 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, draught, 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

The punishment of death for secreting, embezzling, or destroying letters, &c. having bank notes, bills of exchange, &c. &c.

The punishment of death for stealing bank notes, &c. out of letters. Forfeit of 500 dolls. for destroy-

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.

§ 17. 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.

§ 18. 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.

§ 19. 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 of war, the commissioners for settling the accounts between the United States and individual states, the postmaster general, and his 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

tion of the mail by the person having charge of it. Mail carriers forfeit 50 dollars, for unlawful conveyance of letters.

The punishment of death for stealing or robbing the mail, and for stealing letters therefrom, or out of any post office.

List of remaining letters to be published every three months.

Dead letters to be sent to the general post office, opened and inspected. Valuable papers found in dead letters to be notified in a newspaper, &c. preserved, &c.

Specification of letters which are to be conveyed free of postage.

Proviso; as to franking and enclosing letters for others; the franking by certain officers of the treasury; and the return to the post office of letters

enclosed and not entitled to frank.

100 dollars, forfeit for counterfeiting hand writing to evade postage.

Every printer of a newspaper may send one paper, free, to every other printer of a newspaper, &c. Regulations for the conveyance of newspapers; postage thereon, &c.

Fifty per cent. to deputy postmasters on newspapers. Unauthorized enclosures in newspapers makes them chargeable as letters.

Fifty dols. forfeit for detention, &c. of newspapers. Proviso; as to allowing contractors to carry newspapers, &c.

Postmaster general authorized to allow deputies commission, &c. Proviso; as to amount of commission.

Farther allowance to postmaster where European packets arrive, &c.

Proviso; compensation not to exceed 1,800 dols. per annum to any one postmaster. Suits to be commenced against persons neglecting to account, &c. quarterly.

place from whence it came by post, and the usual postage shall be charged thereon.

§ 20. 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.

§ 21. 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.

§ 22. 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 intrusted, 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.

§ 23. That the postmaster general be, and he is hereby, authorized to allow the deputy postmasters, respectively, such commission, on the moneys 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 despatch 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.

§ 24. 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 neglect-

ing 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.

Postmaster general chargeable with balances for neglecting to commence suit.

§ 25. 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.

A moiety of penalties, &c. to informers, &c.

§ 26. 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.

Postmaster general to provide for receiving and forwarding letters, &c. to foreign ports, &c.

§ 27. That the deputy postmasters, and the persons employed in the transportation of the mail, shall be exempt from military duties, or any fine or penalty for neglect thereof.

Deputy postmasters, &c. exempt from military duties.

§ 28. 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.

Appropriation of surplus revenue.

§ 29. That the act passed the last session of congress, entitled "An act to continue in force, for a limited time, an act entitled "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.

Act of 1791, ch. [23.] 97.

§ 30. That this act shall be in force for the term of two years, from the said first day of June next, and no longer. [*Approved, February 20, 1792.*]

This act limited to 1st June, 1794.

CHAP. [8.] 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.

See act of 1804, ch. 50.

§ 1. *Be it enacted, &c.* That, except in case of an election of a president and vice president of the United States, prior to the ordinary period, as hereinafter 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 presi-

Electors to be appointed in each state, within 34 days preceding the first Wednesday in December, &c.

Proviso; as to want of new apportionment of representatives.

Electors to meet and vote, &c.

Proceedings of electors: certificates of votes, &c.

A certificate of the votes to be delivered to the president of the senate by special messenger, and another by mail.

Another certificate to the district judge.

Lists of the names of electors to be annexed to the lists of votes.

Two lists failing to arrive, the secretary of state to send a special messenger to the district judge, &c.

Congress to be in session on the 2d Wednesday in February, &c. votes counted, &c.

List of votes to be delivered to the secretary of state in the absence of the president of the senate, &c.

Allowance of 25 cents per mile to persons conveying lists of votes to the president of the senate, &c.

1,000 dols. forfeit for ne-

dent, 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.

§ 2. 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 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.

§ 3. 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.

§ 4. 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.

§ 5. 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.

§ 6. That, in case there shall be no president of the senate at the seat of government on the arrival of the persons intrusted 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.

§ 7. 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.

§ 8. 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.

§ 9. That in case of a 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.

§ 10. 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.

§ 11. 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.

§ 12. 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. [*Approved, March 1, 1792.*]

CHAP. [9.] An act for making farther and more effectual provision for the protection of the frontiers of the United States.

§ 1. *Be it enacted, &c.* 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 noncommissioned officers, privates, and musicians, each.

§ 2. That there shall be raised, for a term not exceeding three years, three additional regiments, each of which, exclusively of

electing to deliver list of votes, &c.

President of the senate, or speaker of the house of representatives, to act as president, in case, &c.

In case of vacancy in the offices of president and vice president, the secretary of state to cause notification thereof to executive of every state, &c. *Provido*; as to two months' notice prior to the first Wednesday in December, &c.

A declaration in writing, &c. the only evidence of refusal to accept, or resignation of, the office of president, &c. Term of four years to commence on the 4th March, &c.

Repealed. Act of 1795, ch. 44. The battalion of artillery, and two regiments of infantry, to be completed.

Three additional regiments to be

raised, for three years, &c. Each to consist of 960, &c. One to be organized as mentioned.

A squadron of light dragoons, &c.

Dragoons to serve dismounted. Organization of the squadron of light dragoons.

President may arm dragoons, &c.

President may organize as he may judge expedient, &c.

Three regiments to be discharged on peace with the Indians.

Term of enlistment three years, unless sooner discharged. \$ dolla. bounty. The same bounty to those already enlisted.

Allowance to recruiting officers, &c.

Monthly pay of the officers and privates.

the commissioned officers, shall consist of nine hundred and sixty noncommissioned 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 noncommissioned officers, privates, and musicians; and one squadron of light dragoons, which, exclusively of the commissioned officers, shall consist of three hundred and twenty noncommissioned 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.

§ 3. 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.

§ 4. That the noncommissioned officers, privates, and musicians, of the said three regiments, shall be enlisted for the term of three years, unless previously discharged.

§ 5. 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 noncommissioned officers, privates, and musicians, now in service, who have enlisted for three years, since the passing of the act, entitled "An act for regulating the military establishment of the United States."

§ 6. 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.

§ 7. That the monthly pay of the commissioned officers, noncommissioned 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. 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 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. Serjeant 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.

§ 8. That the rations, or money in lieu thereof, for the commissioned, noncommissioned officers, privates, and musicians, of the additional troops herein mentioned, shall be the same as described in the aforesaid act, entitled "An act for regulating the military establishment of the United States," and in the act passed in the third session of the first congress, entitled "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."

§ 9. 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 beforementioned.

§ 10. That the allowance of clothing, for noncommissioned 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.

§ 11. That all the commissioned, and noncommissioned 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 compensations, as are described in the beforementioned act, entitled "An act for regulating the military establishment of the United States."

§ 12. 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.

§ 13. 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 noncommissioned 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.

Rations for officers and privates, &c.

Act of 1790, ch. [10.] 37. act of 1791, ch. 102.

Forage to additional regiments.

Clothing for the infantry as by law established. Clothing to be provided for the cavalry, &c.

Oaths, regulations, and compensations, according to the act mentioned. Act of 1790, ch. 10.

President may forbear to raise, &c. any part, or the whole, of the three regiments, &c. President may, from time to time, call cavalry into service, &c. Pay of cavalry: finding horses, &c. pay in lieu of rations, &c.

President alone to appoint commissioned officers; number, rank, pay, &c.

§ 14. 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 may employ Indians, &c.

§ 15. 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. [*Approved, March 5, 1792.*]

Proviso; compensations to Indians not to exceed 20,000 dolls. Expired. Act of 1796, ch. 22.

CHAP. [10.] 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."

Consent of congress granted to the operation of the act mentioned.

§ 1. *Be it enacted, &c.* 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, entitled "An act empowering the wardens of the port of Baltimore to levy and collect the duty therein mentioned."

Act of 11th Aug. 1790, declared to be in force, &c. Act of 1790, ch. [43.] 70.

§ 2. That the act, entitled "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.

Limitation of this act to 1st of June, 1796.

§ 3. 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. [*Approved, March 19, 1792.*]

Obsolete. See act of 1793, ch. [17.] 61.

CHAP. [11.] 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.

Two resolutions, barring claims, &c. suspended for two years.

§ 1. *Be it enacted, &c.* That 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.

Officers, soldiers, seamen, &c. not having received commutation, disabled, &c. may be placed on the pension list, &c.

§ 2. That any commissioned officer, not having received the commutation of half pay, and any noncommissioned 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, labor, 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 of 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.

§ 3. 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.

§ 4. That the secretary of 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.

§ 5. That all noncommissioned officers, soldiers, and seamen,

To be allowed,
also, for arrears
of pension, &c.

Rules and re-
gulations con-
cerning appli-
cations, &c. for
pensions.

Clerks of dis-
trict courts to
publish this act
as directed,
&c.

District judge
authorized to
act where no
circuit court is
holden.

Judges of cir-
cuit courts to
remain five
days, to afford
opportunity for
applications,
&c.

Secretary of
war to file
proofs, and
place appli-
cant's name on
the pension
list, &c.
Proviso; dis-
cretionary
power in the
secretary,
where he sus-
pects imposi-
tion.

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.

Sale, &c. of pension, before it is due, not valid, &c.

Persons claiming pensions, &c. under power of attorney, &c. to make oath. See act of 1806, ch. 25.

§ 6. 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. [Approved, March 23, 1792.]

CHAP. [12.] An act providing for the settlement of the claims of persons under particular circumstances, barred by the limitations heretofore established.

The operation of two resolutions of congress, barring certain claims, suspended for two years.

Officers, soldiers, &c. exhibiting claims for liquidation within two years, entitled to adjustment, &c.

Provide; as to rations and subsistence money. Balances to be registered in the name of the original claimant, &c.

§ 1. *Be it enacted, &c.* 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.

§ 2. 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. [Approved, March 27, 1792.]

CHAP. [14.] An act supplemental to the act for making farther and more effectual provision for the protection of the frontiers of the United States.

Obsolete.
See act of 1795,
ch. 44.

§ 1. *Be it enacted, &c.* 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.]

The president
may appoint
four brigadier
generals.

CHAP. [15.] An act for finishing the lighthouse on Bald Head, at the mouth of Cape Fear River, in the State of North Carolina.

Obsolete.

§ 1. *Be it enacted, &c.* 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 adviseable, the lighthouse heretofore begun under the authority of the state of North Carolina, on Bald Head, 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 moneys heretofore appropriated, which may remain unexpended after satisfying the purposes for which they were appropriated, or out of any other moneys which may be in the treasury, not subject to any prior appropriation. [Approved, April 2, 1792.]

The secretary
of the treasury
to cause the
lighthouse on
Bald Head to
be finished,
&c.

4,000 dollrs. ap-
propriated for
the purpose.

CHAP. [16.] An act establishing a mint, and regulating the coins of the United States.

See act of
1793, ch. [3.]
46. act of 1794,
ch. 4. act of
1795, ch. 47.
act of 1800, ch.
34. act of 1801,
ch. 92.
Mint establish-
ed.

§ 1. *Be it enacted, &c.* 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.

§ 2. 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.

Director to
employ clerks,
workmen, &c.

§ 3. That the respective functions and duties of the officers abovementioned 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

Duties of the
director.

Duties of the
assayer.
Act of 1794,
ch. 4.

Duties of the
chief coiner.

Duties of the
engraver.
Chief coiner
and engraver
may be one
person.
Duties of the
treasurer.

them to the persons, respectively, to whom the same ought to be paid or delivered: He shall, moreover, receive and safely keep all moneys which shall be for the use, maintenance, and support, of the mint, and shall disburse the same upon warrants signed by the director.

Officers and clerks to take an oath, &c.

Assayer, chief coiner, and treasurer, to give bond, with sureties, &c.
Act of 1794, ch. 4.

Salaries to the officers of the mint.
Act of 1799, ch. 146.

§ 4. 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.*

§ 5. 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.

§ 6. 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.

Accounts of the officers, &c. of the mint, to be adjusted at the treasury, &c. Quarterly account for settlement, &c.

A report to congress once a year, &c.

§ 7. 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.

The president to cause buildings to be provided, &c.

Fund for defraying expenses designated.

§ 8. 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 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 hereinafter mentioned, shall be defrayed from the treasury of the United States, out of any moneys which, from time to time, shall be therein, not otherwise appropriated.

§ 9. 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 pennyweights of copper. Half cents: each to be of the value of half a cent, and to contain five pennyweights and a half a pennyweight of copper.

§ 10. 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.

§ 11. That the proportional value of gold to silver, in all coins which shall, by law, be current as money within 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,

Denominations, values, and descriptions of the coins.
Eagles.

Half eagles.

Quarter eagles.

Dollars.

Half dollars.

Quarter dollars.

Dimes.

Half dimes.

Cents, &c.

See act of 1792, ch. 39, act of 1793, ch. [2.] 46, act of 1795, ch. 47.

Devices and legends for the coins.

Proportional value of gold to silver coins current by law.

Standard for
gold coins.

Alloy, of sil-
ver and cop-
per, &c.

The director of
the mint to re-
port touching
the composi-
tion of the al-
loy, &c.

Standard for
silver coins,
&c.
Alloy, &c.

Alloy of silver
to be copper.

Gold and silver
bullion may be
brought to the
mint to be
coined, &c.
Act of 1795,
ch. 47.
Free of ex-
pense.

Coins, weight
for weight, in
lieu of bullion.
Act of 1800,
ch. 34.
Proviso; as to
immediate ex-
change of coins
for standard
bullion, &c.

Secretary of
the treasury to
furnish sums to
exchange for
bullion, &c.

with one pound weight of pure gold; and so in proportion, as to any greater or less quantities of the respective metals.

§ 12. 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.

§ 13. 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.

§ 14. 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 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 moneys 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.

§ 15. 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 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.

§ 16. 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 hereinbefore declared, and those of less than full weight at values proportional to their respective weights.

§ 17. That it shall be the duty of the respective officers of the said mint, carefully and faithfully to use their best endeavors, 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.

§ 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, hereinbefore 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.

§ 19. 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

Bullion to be coined, &c. in the order in which it is brought, without preference of persons, &c. Act of 1795, ch. 112. The officer giving preference to forfeit 1,000 dollars. Assayer, &c. to give memorandum of delivery of bullion, &c.

Gold and silver coins of the mint a legal tender, &c. Act of 1793, ch. [5.] 49.

Duty of the officers of the mint to make the coins conform to the standards and weights prescribed, &c.

The treasurer to reserve a certain number of pieces, not less than three, from every separate mass, to be assayed, &c. Act of 1801, ch. 92.

Act of 1793. ch. 49. [5.]

Degree of inferiority for which the officers of the mint are excusable, and otherwise, &c.

Willful debasement of the coin, or embazement of metals or coins, deemed felony, and punishable with death.

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.

Money of account to be expressed in dollars, &c.

Public accounts and judicial proceedings, according to regulation.

§ 20. That the money of account of the United States shall be expressed in dollars, or units; dimes, or tenths; cents, or hundredths; and milles, or thousandths; a dime being the tenth part of a dollar, a cent the hundredth part of a dollar, a mille the thousandth 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.]

Act of 1789, ch. 9.

Expenses accruing for lighthouses, &c. to be defrayed by the United States until 1st. July, 1793. See act of 1791, ch. [24.] 93. Act of 1793, ch. [27.] 71.

CHAP. [17.] An act supplementary to the act for the establishment and support of lighthouses, beacons, buoys, and public piers.

§ 1. *Be it enacted, &c.* 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 seacoast, 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.

The secretary of the treasury authorized to provide floating beacons, &c. near the harbor of Charleston, and in the Chesapeake bay, &c.

§ 2. 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 the Chesapeake; 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. [Approved, April 12, 1792.]

CHAP. [18.] An act to erect a lighthouse on Montauk Point, in the state of New York.

§ 1. *Be it enacted, &c.* That, as soon as the jurisdiction of such land on Montauk Point, in the state 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

The secretary of the treasury to contract for

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. [Approved, April 12, 1792.]

building a lighthouse on Montank Point, &c. President authorized to appoint a superintendent, &c.

CHAP. [19.] An act for ascertaining the bounds of a tract of land purchased by John Cleves Symmes.

§ 1. *Be it enacted, &c.* That the president of the United States be, 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 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.]

The president authorized to alter the contract made between the board of treasury and John Cleves Symmes, &c. See act of 1792, ch. 30.

Not to interfere with Indian boundary, &c. Reservation of lands near fort Washington, &c.

CHAP. [20.] An act for fixing the compensations of the doorkeepers of the senate and house of representatives in congress.

§ 1. *Be it enacted, &c.* 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. [Approved, April 12, 1792.]

Salary of doorkeepers and assistants, &c. Act of 1802, ch. 35.

Duty of the doorkeepers, &c.

CHAP. [21.] An act for altering the times of holding the circuit courts in certain districts of the United States, and for other purposes.

§ 1. *Be it enacted, &c.* That from and after the passing of this act, the circuit courts in the districts of North Carolina and

Obsolete.

The circuit courts for N. Carolina and

Georgia, to be held as mentioned.

Writs and recognisances returnable, &c. See act of 1790, ch. [17.] 44. act of 1797, ch. 81. act of 1802, ch. 31.

Sessions of circuit courts in the eastern circuit, &c. See act of 1802, ch. 31.

See act of 1790, ch. [21.] 43.

Judges of the supreme court to assign their circuits, &c. See act of 1802, ch. 31.

Proviso; as to a different arrangement, four judges consenting.

District court of Maine to be held as mentioned, &c. Act of 1789, ch. 20.

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 recognisances 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.

§ 2. 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 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.

§ 3. 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.

§ 4. That the district court for the district of Maine, which, by the act, entitled "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 recognisances 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.

§ 5. 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. [*Approved, April 13, 1792.*]

Writs and recognisances returnable, &c. Act of 1802, ch. 31.

Places of holding district courts for N. Carolina. Act of 1797, ch. 81.

CHAP. [23.] An act for apportioning representatives among the several states, according to the first enumeration.

Obsolete.

§ 1. *Be it enacted, &c.* 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. [*Approved, April 14, 1792.*]

After the 3d of March, 1793, one member for every 33,000 persons, &c.

CHAP. [24.] 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,

See act of 1797, ch. 12. act of 1803, ch. 62, act of 1810, ch. 61.

§ 1. *Be it enacted, &c.* 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 desert-

This section obsolete.

District judges to proceed in cases of wreck under the circumstances described, &c. See act of 1798, ch. 84. Officers of the customs to give notice of wrecks, &c. District judges competent under the 9th art. of the convention, &c.

ers from vessels of the French nation, according to the tenor of the said article.

Marshals to give aid according to the stipulations of the convention, &c.

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.

Commitments to gaol under the convention as in other cases.

And whenever commitments to the gaols of the country shall become necessary, in pursuance of any stipulation of the said convention, they shall be to such gaols, within the respective districts, as other commitments under the authority of the United States are by law made.

For direction of consuls of the United States, &c. Rights, jurisdiction, &c. of consuls.

And for the direction of the consuls and vice consuls of the United States in certain cases :

§ 2. 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 consulates, 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.

Copies of consular acts, evidence, &c.

Consuls to take possession of personal estates left by deceased citizens, &c.

Collect debts due, pay those that are owing, and transmit the balance of the estate to the treasury, &c.

To surrender effects to legal representative claiming, &c.

Consul to notify the person's death, inform the secretary of state thereof, and transmit an inventory of the effects, &c.

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.

§ 3. 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 of consuls with regard to stranded vessels of the U. States, &c.

Merchandise and effects saved, to be delivered to the owner, &c.

Proviso; consul not to take possession when the master, &c. is present.

Fees of office for consuls.

§ 4. 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:—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 hereinbefore 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. 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.

Consuls to give receipts for fees.

§ 5. 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.

President authorized to allow a salary to consuls in Barbary.

Act of 1797, ch. 12.

§ 6. 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 moneys, goods, and effects, which may come

Consuls to give bond, with sureties, to be approved by the secretary of state.

Bond to be lodged in the office of the secretary of the treasury.

into his possession by virtue of this act: and the said bond shall be lodged in the office of the secretary of the treasury.

This section repealed, by the 5th sec. of the act of 28th Feb. 1803; chap. 62.

Masters of vessels to convey mariners to ports in the U. States, free of charge, &c.

Mariners, if able, to do duty on board, &c. Proviso; not more than two men to every 100 tons, &c.

Forfeit of 30 dolls. for each mariner refused, &c.

Repealed, by act of 1803, ch. 62. § 5.

Powers of consuls of the U. States under this act, not to be construed in exclusion of others, &c.

Obsolete.

On the 1st July, 1792, the duties now in force on certain articles to cease, and others to be collected in their stead.

§ 7. 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.

§ 8. 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.

§ 9. 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. [Approved, April 14, 1792.]

CHAP. [27.] An act for raising a further sum of money for the protection of the frontiers, and for other purposes therein mentioned.

§ 1. *Be it enacted, &c.* That from and after the last day of June next, the duties now in force upon the articles hereinafter enumerated and described, at their importation into the United States, shall cease, and that, in lieu thereof, there shall be henceforth 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 Fayal, 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 galoshes, 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, coach-makers, and saddlers, and paper hangings ; painter’s colours, 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

Specific duties
on the articles
enumerated.
Act of 1800,
ch. 66.

Act of 1791,
ch. [15.] 89.

Duties, ad
valorem.

metals is the article of chief value, not being 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 dying; 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.

Articles referred to, and specified, exempted from duty. Act of 1790, ch. [39.] 66.

The bushel of salt to be computed at 56 lbs. if actually more, to be charged in proportion, &c.

Additional duty of two and an half per cent. on goods not enumerated, &c.

Additional duty of 10 per cent. to continue, &c.

Drawbacks not abolished, continued.

Drawbacks on provisions salted within the United States, &c.

§ 2. 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.

§ 3. 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.

§ 4. 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.

§ 5. 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 hereinbefore enumerated and described.

§ 6. 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 Ja-

bruary 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, 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.

Addition of 20 per cent. to the allowances to vessels employed in the fisheries, &c. Act of 1792, ch. 6.

§ 7. 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.

Duties, drawbacks, and allowances, to apply in proportion to quantity.

§ 8. 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 copartnership 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.

§ 9. That the act, entitled "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, 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," 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.

Provisions of the acts mentioned, applicable to this act. Act of 1790, ch. [35.] 61. Act of 1791, ch. [15.] 89.

§ 10. 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 hereinbefore enumerated and distinguished. And the said officer shall grant a certificate for each such pipe, butt, hogshead, cask, case, box, or package, specifying

Wines to be landed under the care of the inspector of the port, &c. Permits for landing wines to be produced to inspector, &c.

Inspector to make an entry of permits; pipes, &c. to be marked, &c.

A certificate for each pipe, &c.

Certificate to accompany the pipe, &c.

Pipes, &c. without marks and certificates, liable to seizure, &c.

Every person having in possession more than 150 galls. of wine for sale to make entry, &c. prior to 30th June, 1792, &c.

Officer of inspection to visit and inspect the wines reported, &c.

A certificate for each cask, &c.

Persons having wines in possession, and omitting to make entry, forfeit the value of the wines, &c.

And the wines forfeited.

Beer, ale, &c. not to be imported in casks of less capacity than forty galls. nor in packages of less than six dozen bottles, &c.

Duties to continue until the debts, &c. are paid and satisfied.

Pledge of so much as may be necessary, for the purposes mentioned, &c.

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.

§ 11. 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, 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.

§ 12. 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.

§ 13. 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.

§ 14. 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.

Additional duty of two and an half per cent, to continue for two years.

§ 15. 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, entitled "An act for making farther and more effectual provision for the protection of the frontiers of the United States."

673,500 dolls. out of the funds specified, appropriated towards carrying into execution the act mentioned.

Act of 1792, ch. 9.

§ 16. 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.

The president authorized to borrow 523,500 dolls. or any part of it.

§ 17. That so much of the act, entitled "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.

Loan to be reimbursed out of surplus of duties, &c. *Proviso*: rate of interest not to exceed five per cent, &c.

Rate of the *livre* *tournois* repealed. Act of 1790, ch. [35.] § 1. & 40.

§ 18. 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 moneys 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 moneys 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, entitled "An act to provide more effectually for the collection of duties imposed by law on goods,

Principal in bonds for duties, being insolvent or dead, the surety, &c. on making payment, to have advantage of priority, &c.

Act of 1790, ch. 35. [§ 1.]

Extent of the case of insolvency referred to in the section mentioned of the act of 4th Aug. 1790.

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 moneys 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.

The president authorized to appoint a port of entry and delivery in the district of Vermont.
Act of 1791, ch. [12.] 86.

§ 19. 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, entitled "An act giving effect to the laws of the United States within the state of Vermont," to the contrary notwithstanding. [Approved, May 2, 1792.]

Repealed.
Act of 1795, ch. 36.

The president may call forth the militia to repel invasions, and to suppress insurrections.

CHAP. [28.] An act to provide for calling forth the militia to execute the laws of the union, suppress insurrections, and repel invasions.

§ 1. *Be it enacted, &c.* 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.

The president, on notice from an associate justice, &c. may call forth militia to suppress combinations too powerful for the civil authority.

§ 2. 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 combination 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.

The militia of a state refusing, or being insufficient, the militia of other states may be called out by the president, if, &c.

§ 3. 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.

§ 4. 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, noncommissioned 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.

§ 5. That every officer, noncommissioned 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 noncommissioned 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.

§ 6. That courts martial for the trial of militia shall be composed of militia officers only.

§ 7. 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 noncommissioned 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.

§ 8. 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,

Whenever it may be necessary to use the military force, the president, by proclamation, to command the insurgents to disperse, &c. Militia to receive the same pay and allowances as the troops of the U. States, &c. Militia not compelled to serve more than three months in one year, &c. Officers and privates refusing to obey the orders of the president, to forfeit from one month's to one year's pay, &c.

Courts martial of militia officers only. President of the courts martial to certify fines to marshal of districts, &c.

The marshal, &c. to levy, &c.

There being no goods or chattels, the delinquent may be committed to gaol, &c.

Marshals, &c. to pay fines to supervisors of the revenue, &c. deducting five per cent. as compensation, &c.

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.

Marshals, &c.
to have the
same powers as
sheriffs, &c.

§ 9. 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.

Limitation of
this act to 3d
of March,
1795.

§ 10. 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. [*Approved, May 2, 1792.*]

CHAP. [29.] An act for the relief of persons imprisoned for debt. (a)

Persons impris-
oned on execu-
tions, &c. to
have the privi-
lege of gaol
yards, limits,
&c.

§ 1. *Be it enacted, &c.* 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.

Imprisoned
debtors may
have an oath,
&c. adminis-
tered by any
judge, &c.

§ 2. That any person imprisoned as aforesaid, may have the oath or affirmation, hereinafter 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*

Thirty days'
notice to the
creditor, &c.

Oath to be ad-
ministered, if
no sufficient
cause to the
contrary, &c.

Form of the
oath.

Judge to certi-
fy the oath
taken, &c. fix
a reasonable
allowance for
debtor, &c.
Creditor fail-
ing to pay al-
lowance, the
debtor to be
discharged, &c.
Judgment to
remain good,
&c.

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.

(a) Expired. See act of 1794, ch. 34. act of 1796, ch. 38. act of 1798, ch. 66. act of 1800, ch. 4.

§ 3. 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.

The pains and penalties of perjury for false swearing.

§ 4. 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.*]

Limitation of this act to the 9th June, 1794.

CHAP. 30. An act authorizing the grant and conveyance of certain lands to John Cleves Symmes and his associates.

Act of 1792, ch. 19. act of 1793, ch. 140.

§ 1. *Be it enacted, &c.* 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.

The president authorized to grant patents for the portion of land paid for, &c.

§ 2. 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.

The president authorized to convey another tract, &c.

See act of 1803, ch. 74.

§ 3. 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.

The president authorized to convey to John Cleves Symmes, &c. a township, in trust, for establishing an academy, &c. See act of 1803, ch. 74.

§ 4. 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." [*Approved, May 5, 1792.*]

The lands granted, to be located, &c. according to act of 12th April, 1792.

Obsolete.

CHAP. [31.] An act to alter the time for the next annual meeting of congress.

Congress to meet on the first Monday in Nov. 1792

[This act provides, that, after the adjournment of the present session, the next annual meeting of congress shall be on the first Monday in November, 1792. It was approved on the 5th of May, 1792.]

Repealed by act of 6th April 1802, ch. 19.

Existing duties, after the last day of June, 1792, to cease, &c.

CHAP. [32.] An act concerning the duties on spirits distilled within the United States.

§ 1. *Be it enacted, &c.* 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 :

Duties payable after June 30, 1792, upon spirits distilled from foreign materials,

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 :

Duties on spirits distilled from materials of domestic growth, &c.

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, 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.

Duty on stills.

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

Option to the proprietors of stills, &c.

Proprietors of stills to modify their election

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 hereinafter 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 of 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.

§ 2. 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.

§ 3. That every proprietor and possessor of a still shall be, jointly and severally, liable for the duty thereupon; 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.

to pay, in one of the modes prescribed, in writing, &c.

License, in case of election to pay monthly rate, &c.

In case of election to pay the monthly rate, the proprietor not at liberty to work the still at other times, without a further license.

Forfeit of 200 dolls. for working stills contrary to preceding provisions, &c.

Proprietors of stills not making election, to pay the yearly rate of 54 cents per gallon on the capacity, &c.

One office of inspection in each county, where stills are to be entered, &c.

Every entry of a still to describe the place where, the person in whose possession, &c.

Proprietors of stills jointly and severally liable for duties, &c.

Owner of land also liable; unless, &c.

Officers of inspection, to forbear, for a certain time each day, upon notice in writing from the proprietors, to visit distilleries of Geneva or sweet cordials.

§ 4. 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.

The secretary of the treasury to regulate the marks upon casks, forms of certificates, &c. Casks containing distilled spirits, on being emptied, may have the marks effaced, &c.

§ 5. 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.

Six, instead of twenty-four, hours' notice of intention to export, to entitle to drawback, &c. Abatement for leakage.

§ 6. 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.

§ 7. 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.

Stills, paying duty according to capacity, to be identified, and the duty to be a lien thereon.

§ 8. 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.

Distilled spirits in possession, &c. not marked or certified, to be reported, &c. Act of 1791, ch. 15.

§ 9. 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, 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," 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

Casks not marked and certified according to law, liable to seizure, &c.

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 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.

§ 10. 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.

§ 11. 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.

§ 12. 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.

§ 13. 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.

§ 14. 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, 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."

§ 15. 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, entitled "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.

§ 16. That the president of the United States be authorized to

Duty of officers of inspection to take measures for marking casks, and to furnish certificates, &c. But not incumbent on officers to mark casks that ought to have been previously marked. After April 30, 1793, distilled spirits, except, &c. not to be imported in casks, &c. of less capacity than 90 galls. No drawback on less quantity than 100 galls. After June 30, 1792, no importations of distilled spirits allowed in casks marked pursuant to any law of the United States, &c. Forfeit of 250 dolls. for neglect to enter stills, &c. Spirits imported after the last day of April, 1793, in casks of less capacity than 90 galls. &c. forfeited, &c. except, &c. Moiety of penalties to the first discoverer, &c. Continuance and pledge of duties, &c. Act of 1791, ch. [15.] 89.

Appropriation of the product of certain duties to make good deficiencies happening from reduction of duties, &c. Act of 1792, ch. 27.

The president authorized to

make allowances to supervisors, &c. Allowances and expenses of collection, not to exceed 7 and an half per cent. of the total product, &c.

Act of 1791, ch. [15.] 89.

Provisions of the act of 3d March, 1791, in force for collection of duties, &c. Act of 1791, ch. [15.] 89.

Act of 1814, ch. 139. act of 1820, ch. 97. act of 1821, ch. 151. See act of 1803, ch. 68. Every able bodied white male citizen, of the age of 18, and under 45 years, to be enrolled, &c. Duty of captains with respect to enrolling, &c.

Citizens enrolled, to provide themselves with arms and accoutrements in six months after enrolment, &c.

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, 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," 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.

§ 17. That the act, entitled "An act repealing, after the last day of June next, the duties heretofore laid on 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 hereinbefore 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. [*Approved, May 8, 1792.*]

CHAP. [33.] An act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States.

§ 1. *Be it enacted, &c.* 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 hereinafter 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 noncommissioned 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 esponentoon; 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 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.

§ 2. 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 customhouse 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.

§ 3. 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 quarter master, to rank as lieutenants; one paymaster; one surgeon, and one surgeon's mate; one sergeant major; one drum major, and one fife major.

§ 4. 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 di-

Militiamen to appear armed, &c. when called out to exercise, &c. except, &c.

Muskets to carry balls 18 to the pound. Arms, &c. free from distress, executions, &c.

Enumeration of officers, and persons, who are exempt from militia duty under this act.

Militia in each state to be arranged into divisions, brigades, &c. as the legislatures thereof may direct.

Organization of brigades, regiments, &c.

To be officered by the states in the manner prescribed.

Act of 1803, ch. 68. act of 1816, ch. 64.

One company of grenadiers, &c. to each battalion.

A company of artillery and troop of horse to each division.

Officers of the artillery, their arms, &c.

Arms of matrosses.

Officers of the cavalry, their horses, arms, &c.

Dragoons, their horses, arms, &c.

Artillery and troop of horse to be formed of volunteers, &c.

Colors to battalions and regiments, and by whom.

An adjutant general in each state, and his duties.

Act of 1803, ch. 68.

Rules of discipline, the same as in 1779; except, &c.

vision, 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, mail pillion, 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 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 color and fashion to be determined by the brigadier commanding the brigade to which they belong.

§ 5. That each battalion and regiment shall be provided with the state and regimental colors, 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.

§ 6. 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.

§ 7. 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.

Commanding officers to train militia according to the rules prescribed.

§ 8. 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.

Commissioned officers to take rank according to date, &c.

§ 9. 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.

Militiamen wounded and disabled in public service, to be provided for, &c.

§ 10. 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 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.

Duties of brigade inspectors.

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:

Act of 1803, ch. 68.

§ 11. 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.*]

Existing corps to retain their accustomed privileges; subject, &c. Obsolete. See act of 1799, ch. 129. Additional allowance, from the 1st July, 1792, to the surveyors, &c. mentioned.

CHAP. [34.] An act relative to the compensations to certain officers employed in the collection of the duties of impost and tonnage.

§ 1. *Be it enacted, &c.* 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, Saint 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, Llewellynburg, 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 Harbor, 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 Harbor, 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 moneys 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 Harbor, Wilmington, in Delaware, Oxford, Vienna, Snow Hill, Annapolis, 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 moneys by them, respectively, received on account of the duties aforesaid.

Allowance to the collectors at Philadelphia and New York changed to one half of one per cent.

§ 2. 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 moneys 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 moneys by them respectively received.

§ 3. That, from and after the last day of June next, 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, shall be paid, three-fourths by the said collectors, and the other fourth by the respective naval officers in those districts.

§ 4. 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. [*Approved, May 8, 1792.*]

Office rent, stationery, &c. at Salem, Boston, &c. to be paid, three-fourths by the collectors, the remainder by the naval officers.

Commissions due to a deceased collector, to be equally divided between his representative, and his successor, &c.

CHAP. [35.] An act to continue in force the act, entitled "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.

Obsolete.

Act of 1790, ch. 12.

§ 1. *Be it enacted, &c.* 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 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.

The act of 26th May, 1790, continued until the 8th of May, 1795.

§ 2. 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. [*Approved, May 8, 1792.*]

Pensions to invalids to be paid for one year from the 4th of March, 1792, out of the treasury.

CHAP. [36.] 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.

See act of 1793, ch. [20.] 64, act of 1821, ch. 189.

§ 1. *Be it enacted, &c.* That all writs and processes issuing from the supreme or a circuit court, shall bear teste 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 teste 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.

Teste of writs, &c.

§ 2. 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

The seals of court to be provided at the public expense.

Forms of writs, executions, and other process, &c.

Act of 1789,
ch. 21.

Act of 1789,
ch. 20.

Proviso; as to
plaintiff's elec-
tion, where dif-
ferent kinds of
execution are
issuable in suc-
cession.

Fees and com-
pensations to
marshals.

This section is
repealed by
act of 1793,
ch. 125. § 9.

Proviso; as to
fee for travel,
in case of one
or more per-
sons.

Proviso; as to
fees for sum-
moning jurors
in those states
where jurors
are, by the law
of the state,
drawn by con-
stables, &c.
lot, &c.
Compensation
to marshals for
attending
courts.
For levying
executions, &c.
Fees of the
clerk of the su-
preme court.

To the clerks
of district and
circuit courts,
such fees, &c.

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.

§ 3. 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 services shall be rendered: 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 allow-

ed 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.

§ 4. 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.

§ 5. 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

Allowance, by court, to clerks for services not performed by clerks in courts of a state, &c.

Compensation to grand and petit jurors, &c.

Act of 1796, ch. 48. act of 1826, ch. 74.

Marshal to have custody of vessels and goods seized, &c. and be allowed amount of contingent expenses of holding courts, &c.

Compensations to jurors, witnesses, &c. to be included in the account of the marshal, &c.

The charges in the marshal's account having been examined and certified by the court, &c. to be passed at, and paid out of, the treasury, and the money paid over by the marshal, &c. Rules concerning costs.

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 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.

See act of
1813, ch. 14.

Fees recoverable as in the states, respectively.

Fine or imprisonment for wilfully and corruptly demanding unlawful fees.

Repeal of the acts mentioned.

Act of 1791,
ch. [8.] 82.

Act of 1791,
ch. [22.] 96.

Writs of error to be issued by clerks of circuit court according to the form transmitted by the clerk of the supreme court, &c.

Act of 1789,
ch. 20.

Clerks of district and circuit courts, in the absence of the judge, authorized to take recognisance of special bail, &c.
Act of 1812,
ch. 25.

Where judges of district courts have been concerned

§ 6. That the fees and compensations to the several officers and persons, hereinbefore 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.

§ 7. That if any officer hereinbefore mentioned, or his deputy, shall, by reason or color of his office, wilfully 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.

§ 8. 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.

§ 9. 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, entitled "An act to establish the judicial courts of the United States."

§ 10. 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 recognisances 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.

§ 11. That in all suits and actions in 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 applica-

tion 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.

§ 12. 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. [Approved, May 8, 1792.]

as counsel, &c. in suits, the fact, on application, to be entered on the minutes, and certified to the next circuit court, where the action may be tried as if originally commenced therein.

Records, &c. of former court of appeals, to be deposited in the office of the clerk of supreme court, who is authorized to give copies, &c.

CHAP. [37.] An act making alterations in the treasury and war departments.

§ 1. *Be it enacted, &c.* That there 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.

See act of 1798, ch. 102. Act of 1789, ch. 12. act of 1791, ch. [18.] 92.

An accountant for the department of war. His duties.

Act of 1796, ch. 33.

Salary of the accountant, 1,200 dolls.

§ 2. That the treasurer of the United States shall disburse all such moneys 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 of war, countersigned by the accountant.

Treasurer of the U. States to disburse moneys for the use of the department of war.

Act of 1822, ch. 90.

A paymaster to reside near head quarters. His duties; bond; oath, &c.

§ 3. That there be a paymaster, to reside near the headquarters of the troops of the United States. That it shall be the duty of the said paymaster to receive, from the treasurer, all the moneys which shall be intrusted 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, accu-

ately, 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.

Act of 1802,
ch. 9.

Assignment of
pay, invalid,
&c.
Contracts for
supplying the
army, &c.
Act of 1793,
ch. 102.

Superinten-
dence of col-
lection of du-
ties, &c. office
of assistant
secretary abo-
lished, &c.
Act of 1789,
ch. 12. act of
1793, ch. 31.
act of 1802, ch.
19. § 2.

The office of
commissioner
of the revenue
discontinued.

Commissioner,
&c. to adjust
claims decided
upon by the
comptroller as
auditor.

In case of
death, absence
from the seat of
government, or
sickness, of
chief and other
officers of the
departments
mentioned, the
president may
authorize a
person or per-
sons to dis-
charge the du-
ties, &c.
Act of 1795, ch.
21.

The treasury

§ 4. That no assignment of pay made after the first day of June next, by a noncommissioned officer or private, shall be valid.

§ 5. That all purchases and contracts, for supplying the army with provisions, clothing, supplies in the quarter master'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.

§ 6. 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.

§ 7. 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.

§ 8. 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.

§ 9. That the forms of keeping and rendering all public accounts whatsoever, shall be prescribed by the department of the treasury.

department to prescribe the forms of keeping accounts.

§ 10. 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.

Additional compensations to the officers mentioned. Act of 1789, ch. 13. Act of 1789, ch. 18.

§ 11. 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.

The secretary of the treasury to have two principal clerks, with a salary of 800 dolls. each, &c.

§ 12. 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, entitled "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. [Approved, May 8, 1792.]

Certain restrictions on the clerks of the treasury, abolished. Act of 1789, ch. 12, act of 1791, ch. 18. Restriction extended to the commissioner of the revenue, commissioners of loans, &c. Privilege of franking extended to the commissioner of the revenue. Act of 1789, ch. 12, act of 1792, ch. 7.

CHAP. [38.] An act supplementary to the act making provision for the debt of the United States.

Act of 1790, ch. 34.

§ 1. *Be it enacted, &c.* That the term 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, entitled "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 subscriptions, 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.

Term for receiving on loan that part of the domestic debt not subscribed, extended to the 1st of March, 1793.

Books for receiving subscriptions, to be opened at the treasury, &c. Act of 1797, ch. [26.] 70.

§ 2. 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 prin-

Creditors not subscribing, to receive a rate per centum, according to

the act mentioned, &c.

Term enlarged to 1st March, 1793, for receiving on loan state debts, &c.

Books to be opened at the treasury, &c.

Certificates issued by Patrick Travers, and the commissioners, &c. at Warrenton, excluded. The president to cause to be discharged the principal and interest of debts due to foreign officers, &c. out of moneys obtained on loan, &c.

The president of the senate, chief justice, secretary of state, secretary of the treasury, and attorney general, constituted commissioners for purchasing the debt of the U. States, &c. Fund for purchasing, &c.

The commissioners to render an account annually, of the public debt redeemed, &c.

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.

§ 3. 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.

§ 4. *Provided, &c.* 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.

§ 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 moneys 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 moneys are, in and by the said act, authorized to be borrowed.

§ 6. 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 moneys 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.

§ 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.

§ 8. 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.

§ 9. 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 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. [*Approved, May 8, 1792.*]

Fund appropriated for the gradual reduction of the public debt.

The fund appropriated to be applied under the direction of the president of the senate, chief justice, &c.

Rules prescribed for the purchase of the stocks constituting the public debt, &c.

Time of purchase.

Purchase by a known agent, &c.

Purchases of public debt at the lowest price, open, or by sealed proposals.

Quarterly accounts of the application of fund appropriated to be rendered for settlement. Report of the commissioners' proceedings, &c. to be laid before congress at each session.

See act of 1800, ch. 34.

The director of the mint to purchase not exceeding 150 tons of copper, to be coined into cents, &c. Act of 1792, ch. 16.

The cents, &c. to be paid into the treasury as they are coined, &c.

Six months after the payment of 50,000 dollars, worth of cents, &c. into the treasury, to be announced by advertisement, no other copper coins to pass current as money, &c. Forfeit of the amount and ten dollars for attempting to pass other copper coin after the time notified, &c.

CHAP. [39.] An act to provide for a copper coinage.

§ 1. *Be it enacted, &c.* 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, 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.

§ 2. 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.]

CHAP. [42.] An act respecting the government of the territories of the United States northwest and south of the river Ohio.

Laws of the territory northwest of the river Ohio, to be printed, &c. 200 copies, and 10 sets of the laws of the United States, to be delivered, &c.

Governor and judges of the territory northwest of the Ohio authorized to repeal their laws, &c.

Official duties of secretaries under the control of territorial laws.

One supreme or superior judge may hold court, in the absence of the others.

§ 1. *Be it enacted, &c.* That the laws of the territory northwest of the 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 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.

§ 2. 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.

§ 3. 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.

§ 4. 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.

§ 5. That the secretary of state provide proper seals for the several and respective public offices in the said territories.

§ 6. 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.

§ 7. 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.*]

The secretary of state to provide seals for the territorial offices. The limitation act passed by the governor and judges disapproved. Expenses incurred by John C. Symmes and George Turner, in sending an express, &c. to be liquidated and paid.

RESOLUTION.

No. 1. *Resolved, &c.* 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 benefitted by any improvements, or new ideas, which may occur to them in practice. [*Approved, May 8, 1792.*]

The secretary of the treasury to cause to be provided printed clearances for the collectors, with an account, on the back, of the methods which have been found to answer for obtaining fresh from salt water, &c.

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 5th November, 1792, and ended on the 2d of March, 1793.

GEORGE WASHINGTON, President. JOHN ADAMS, Vice President, and President of the Senate. JOHN LANGDON, President of the Senate, pro tempore, on the 2d of March. JONATHAN TRUMBULL, Speaker of the House of Representatives.

CHAP. 45. [1.] An act concerning the registering and recording of ships or vessels.

No ships or vessels, except those registered as mentioned, to be considered ships or vessels of the U. States, &c. See act 1789, ch. 11.

Proviso; no longer vessels of the U. States if not wholly owned, &c.

Vessels built within the U. States, before or after the 4th of July, 1776, and belonging wholly to citizens, or not built in the U. States, but belonging to citizens on the 16th May, 1789, &c. vessels prize of war, or forfeited, may be registered, &c. Proviso; as to foreign residence of owners, &c.

§ 1. *Be it enacted, &c.* That ships or vessels, which shall have been registered by virtue of the act, entitled "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.

§ 2. 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 hereinafter 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 copartnership, 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.

§ 3. That every ship or vessel, hereafter to be registered, (except as is hereinafter 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 giving the information thereof, the other half to the use of the United States.

§ 4. 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,

Proviso; as to ownership of vessels built in the U. States prior to 16th May, 1789, &c. Act of 1797, ch. 5. act of 1804, ch. 52.

Ships or vessels to be registered by collectors, &c.

Ship or vessel deemed to belong to that port at or near which the owner, &c. resides.

The name and port of the ship or vessel to be painted on the stern, &c.

50 dolls. forfeit for neglect to paint, &c. a moiety to the informer.

Oath or affirmation to be taken in order to registry, &c.

Before the officer making registry, &c. Particulars of the oath.

Ship, &c. forfeited for false swearing, &c.

Masters, &c. being within the district, &c. to make oath instead of the owners, touching their citizenship, &c. Master, &c. swearing falsely, to forfeit 1,000 dollars.

Oath, &c. may be varied to suit the truth of the case mentioned, &c. A like oath to be taken and transmitted by other owners, if any, than the applicant, &c. within 90 days, &c.

Oath, &c. before collector or judge.

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 copartnership 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 beforementioned, the oath or affirmation, hereby required, shall and may be varied according to the truth of the case, as often as it shall be requisite to grant a new register for such ship or vessel.

§ 5. 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 hereinbefore 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.

§ 6. 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, 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." 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.

§ 7. 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

Certificate of registry forfeited if the oath, &c. is not transmitted. Ships or vessels to be measured, before registry, by a surveyor, &c.

Officer making admeasurement to furnish a certificate, &c.

Certificate to be countersigned by owner, &c.

Not necessary to measure anew vessels that have been registered; except, &c.

Bond, with sureties, for the proper use and delivering up of certificate of registry, &c.

Condition of the bond, &c.

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.

Certificates of registry delivered up, to be transmitted to the register of the treasury and cancelled, &c.

A certificate from the master carpenter, &c. necessary in order to the registry of a vessel built after the 31st March, 1793, &c.

Carpenter's certificate sufficient to authorize the removal of a new vessel to an adjoining state, &c.

Collector to keep a record or registry,

and grant certificate thereof.

Act of 1803, ch. 71. Act of 1810, ch. 37. Act of 1813, ch. 192. Form of certificate of registry.

§ 8. 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.

§ 9. That the several matters hereinbefore 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 :

"In pursuance of an act of the congress of the United States of America, entitled "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 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, 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.

§ 10. 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.

§ 11. 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 hereinbefore prescribed in order to the registry of ships or vessels : And the oath or affirmation which is required to be taken, may,

Proviso; as to the wording of the certificate in case of the master's making oath.
In case of a new certificate, reference to be made to the old one for the admeasurement.

The secretary of the treasury to cause to be prepared and transmitted, to the collectors, forms of certificate of registry, &c.
Certificates to be signed, &c. by the collectors, and countersigned by the naval officers, or surveyors, &c.
A copy to be transmitted to the register of the treasury, &c.
Act of 1813, ch. 192.
Citizens purchasing vessels out of their proper district, entitled to have them re-

gistered in the district where they may be, &c.

Option to the owner, as to the collector before whom he will take the necessary oath, &c.

Proviso; as to surrender and renewal of certificate of registry, on the arrival of the vessel in the district comprehending the port to which she may belong.

The certificate delivered up to be returned to the collector who granted it.

Forfeit of 100 dolls. for not delivering up certificate of registry as prescribed, &c.

Forfeit of ship or vessel, or value, for false swearing, &c.

The master, being present, is to make oath as to his being a citizen; and forfeit of 1,000 dolls. for swearing falsely in that particular.

Registry of vessels purchased by agents, &c. in a district more than fifty miles distant, &c.

Tenor of the oath of agent or attorney in

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 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.

§ 12. 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 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.

§ 13. 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,*

order to registry, &c:

Certificates of registry obtained by agent or attorney, to be delivered upon the arrival of the vessel within the district to which she belongs; a new one granted, &c.

Certificate given up to be transmitted to the collector who granted it: Forfeit of 100 dolls. for not delivering up certificate of registry as prescribed, &c. Forfeiture of vessel, &c. for false swearing, &c.

The master, if present, to swear to his citizenship, &c. instead of the agent; and forfeit of 1,000 dolls. for false swearing in that particular, &c.

Oath to be made in case of the loss or destruction of certificate, &c.

Form of the oath.

Oath to be subscribed, and a new register granted, &c.

Register to be delivered up and renewed, if granted in a district other than that where the vessel belongs, &c.
100 dollars, forfeit for neglect to deliver up register, as prescribed, &c.
Vessels, when sold, &c. to be registered anew.

Former certificate of registry to be delivered up and cancelled.
Act of 1797, ch. 61.
In case of sale or transfer, there must be an instrument of writing in nature of a bill of sale, reciting the certificate of registry at length, &c.

Forfeit of 500 dollars, for not delivering up certificate as prescribed, &c.
Owner, &c. to report to the collector when the master of a ship or vessel is changed, &c.

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 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.

§ 14. 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 hereinbefore 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 registry 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.

§ 15. 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.

§ 16. 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 hereinbefore 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.

§ 17. 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 to be made that the new master is a citizen, &c. Collector to endorse the change of master on the certificate of registry, &c.

Collector of the district by whom the certificate of registry was granted, to make a memorandum, and transmit a copy to the register of the treasury, &c.

Registry void, &c. if the change is not reported, &c. Ships or vessels of the United States, transferred, &c. to foreigners, and the fact not made known, to be forfeited, tackle, apparel, &c.

Proviso; saving the interest of citizens, owners in part, ignorant of the sale, &c. to foreigners.

On entry of the ship or vessel at the port where the owners reside, &c. oath to be made that the register contains the names of all the owners, &c.

The master to make oath where the owners do not reside at the port of entry, &c. Owners or masters refusing to swear, the vessel not entitled to privileges, &c.

Upon the register's being delivered up, the bond to be cancelled; if to the collector who granted it, forthwith; if to another collector, upon his acknowledgment, &c.

Collectors to number the certificates issued, &c. and transmit copies, quarterly, to the register of the treasury, &c.

Ships or vessels built in the U. States after the 15th August, 1789, belonging to foreigners, in order to become entitled to the benefits of a ship or vessel of the United States, to be recorded as prescribed, &c. Form of oath necessary to recording.

Oath to be subscribed and recorded in a book.

The collector to cause the ship or vessel to be surveyed, &c.

Act of 1790, ch. [35.] § 61. This section is repealed. Act of 1799, ch. 128. § 64. The certificate of the person

§ 18. 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.

§ 19. 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.

§ 20. 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.

§ 21. 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, 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;" 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.

§ 22. 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, entitled "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.

§ 23. 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.

measuring to be countersigned by the builder, &c.

A certificate of the record to be granted to the master, &c.
Form of certificate.

Certificate to be recorded by the collector, and a duplicate transmitted to the register of the treasury, &c.

Change of master or name of the ship, to be endorsed on the certificate of record, &c.

Vessel not considered recorded under this act without the endorsement prescribed,

Certificate of record to be produced on entry, &c. On failure to produce certificate, the vessel not entitled to privileges, &c. *Provido*; vessels recorded pursuant to the provisions of the act mentioned need not be recorded a second time, &c. Fees, &c. for the services to be performed pursuant to this act, and the distribution thereof.

Fees to be received and accounted for by the collector or naval officer, &c. To be divided between the officers mentioned, &c.

Provido; reasonable compensation to person ascertaining tonnage, out of fees, &c.

A table of fees under this act, to be kept in a conspicuous place, &c.

Forfeit of 1,000 dolls. &c. for making false registers, or other false documents, &c. for receiving unlawful fees, &c.

§ 24. 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.

§ 25. 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, 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.

§ 26. 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 descrip-

tion 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.

Persons wilfully neglecting their duty, as prescribed by this act, to forfeit 500 dollars, for the first offence, &c.

§ 27. 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.

Forfeiture of ship or vessel, &c for fraudulent use of certificate, &c.

§ 28. 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.

The pains and penalties of perjury for false swearing, &c.

500 dollars, forfeit for falsifying documents authorized by this act.

§ 29. 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, 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," 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.

Prosecution and recovery of penalties according to the act mentioned. Act of 1790, ch. 35.

Proviso; officers entitled to a part of penalties may be witnesses, but, in that case, they lose their shares, &c.

§ 30. 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, entitled "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. [*Approved, December 31, 1792.*]

This act to take effect on the 1st of April, 1793, &c. Act of 1789, ch. 35. Part of the act of 1st Sept. 1789, repealed.

CHAP. 46. [2.] An act to amend an act, entitled "An act establishing a mint, and regulating the coins of the United States," so far as respects the coinage of copper.

Weight of cents and of half cents fixed. Act of 1792, ch. 16.

§ 1. *Be it enacted, &c.* 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, entitled "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. [Approved, January 14, 1793.]

CHAP. 48. [4.] An act to continue in force, for a limited time, and to amend the act, entitled "An act providing the means of intercourse between the United States and foreign nations."

The act of 1st July, 1790, continued until the 10th June, 1794. Act of 1790, ch. [23.] 49.

§ 1. *Be it enacted, &c.* That the act, entitled "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 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.

The president to cause the accounts of expenditures of money for foreign intercourse, &c. to be duly settled at the treasury, in the manner prescribed. See act of 1794, ch. 7. act of 1796, ch. 41. Certificates, in certain cases, a sufficient voucher.

§ 2. 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.]

Act of 1798, ch. 28. act of 1799, ch. 128. § 61. § 74. Rates of foreign coins from and after the 1st of July, 1793.

CHAP. 49. [5.] An act regulating foreign coins, and for other purposes.

§ 1. *Be it enacted, &c.* 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 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.

§ 2. 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.

§ 3. That all foreign gold and silver coins, (except Spanish milled dollars, and parts of such dollars) which shall be received in payment for moneys 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."

§ 4. 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.

§ 5. 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. [*Approved, February 9, 1793.*]

CHAP. 50, [6.] An act relative to claims against the United States, not barred by any act of limitation, and which have not been already adjusted.

§ 1. *Be it enacted, &c.* 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 effect loan office certificates, certificates of final settlement, indents of interest, balances entered in the

No foreign coin issued after the 1st Jan. 1792, to be a tender, until assayed, and notice by proclamation, &c.

Three years after the commencement of the coinage of gold and silver at the mint, to be announced by the president's proclamation, all foreign gold and silver coins, except Spanish milled dolls,

&c. to cease to be a legal tender.

Act of 1792, ch. 16.

Foreign gold and silver coins received in payment to the United States, after the time mentioned, to be coined anew, &c.

Repeal of the section of the act mentioned, after the 1st July, 1793.

Act of 1790, ch. [35.] 61. Assay, in the act mentioned, to commence on the second Monday of February, annually.

Act of 1792, ch. 16.

Obsolete.

Claims originating prior to 4th March, 1789, and not already barred, to be forever barred if not presented at the treasury before the first of May, 1794, &c.

proviso; this act not to affect loan office and other cer-

ificates, foreign loans, &c.
Act of 1790, ch. [34.] 60.
Proviso; as to demand, by proper officers of the treasury, of accounts for moneys advanced, and credits for expenditures thereof.

The auditor to receive claims, &c. and cause the names of claimants, &c. to be recorded.

The record the only evidence of the time of presenting the claims.

Accounting officers of treasury to report to congress claims deemed invalid according to the forms of the treasury.

Fugitives from justice, to be arrested and secured on demand from the executive authority of one state, &c. by that of another, &c.

Copy of indictment, or affidavit charging the party with the crime, to be produced, &c.

Notice of the arrest to be given to the executive authority demanding, &c.
Fugitive to be delivered to executive agent, &c.

No executive agent appearing within six months, the prisoner to be discharged.
Costs, &c. of apprehending, &c. to be paid by the state or

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, entitled "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 moneys 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.

§ 2. That it shall be the duty of the auditor of the treasury to receive all such claims aforesaid, as have 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.

§ 3. 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.*]

CHAP. 51. [7.] An act respecting fugitives from justice, and persons escaping from the service of their masters.

§ 1. *Be it enacted, &c.* 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.

§ 2. 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.

§ 3. That when a person held to labor 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 labor or service may be due, his agent or attorney, is hereby empowered to seize or arrest such fugitive from labor, and to take him or her before 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 testimony 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 labor to the person claiming him or her, it shall be the duty of such 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 labor, to the state or territory from which he or she fled.

§ 4. 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 labor, 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 labor, 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 labor or service, his right of action for, or on account of, the said injuries, or either of them. [*Approved, February 12, 1793.*]

CHAP. 52. [8.] An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same.

§ 1. *Be it enacted, &c.* 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 hereinafter 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.

§ 2. That from and after the last day of May next, in order for the enrolment of any ship or vessel, she shall possess the

territory demanding. The agent receiving the fugitive, empowered to transport him whence he fled. 500 dolls. fine, and imprisonment, for rescuing fugitive from the executive agent. Fugitive slaves, &c. escaping from one state, &c. into another, may be arrested, and, upon proof, as prescribed, may be removed to the state or territory whence they fled.

Forfeit of 500 dolls. with right of action to the party injured, for obstructing the arrest, rescuing, or concealing, of fugitive slaves, &c.

Penalty recoverable by action of debt, &c.

Act of 1812, ch. 40. Ships or vessels enrolled under the act of 1st Sept. 1789, and those enrolled under this act, &c. only, deemed ships or vessels of the U. States entitled to the privileges of the coasting trade or fisheries. Act of 1789, ch. 11. The same qualifications, &c. requisite to en-

rolment as prescribed by the act mentioned, &c.

Act of 1792, ch. 1.
The same duties and authorities in relation to enrolment, &c. as by the act mentioned, &c.

The record of the enrolment, &c. in the form here prescribed.

Form of enrolment.

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, entitled "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 requisites 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, entitled "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.]"

Act of 1798, ch. 94.

Registered vessels may be enrolled and licensed on giving up registry,

§ 3. 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.

§ 4. 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]."

"In pursuance of an act of the congress of the United States of America, entitled "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

and enrolled and licensed vessels may be registered on giving up enrolment, &c. Vessels being in other districts than those to which they belong entitled to exchange license or register, the master conforming to what is prescribed.

In every such case of exchange, the collector must transmit the register or license to the register of the treasury. The register or license, granted in lieu, &c. to be delivered up on arrival of the vessel in the district to which she belongs, to be cancelled, &c. Bonds, in order to the licensing ships or vessels for carrying on the coasting trade or fisheries, &c. Penalties of the bond according to tonnage.

If above 60 tons, 1,000 dolls. in case the vessel has been employed in a fraudulent trade, &c. The master to swear that he is a citizen, &c.

If less than 20 tons, the owner to swear as prescribed, &c. Duty of 6 cents per ton to be paid to the collector before he grants a license. Form of the license.

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 [insert 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]."

License in force no longer than the vessel is owned, and of the description set forth in the license, &c.

Vessel, &c. forfeited, for using a forged license, or one granted to another ship, &c. Vessels of the kind and tonnage mentioned, trading as described, and laden with domestic productions, to pay fees as a foreign vessel; and, if they have on board any foreign articles, as specified, forfeited, &c.

Proviso; as to expiration of license whilst at sea.

The collectors to number the licenses they grant, &c. make a record thereof, and,

§ 5. 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.

§ 6. 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 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 only 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.

§ 7. 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.

§ 8. 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.

§ 9. 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.

§ 10. 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

quarterly, transmit copies, &c. to the register of the treasury, &c. Ships or vessels licensed, enrolled, or registered, anew, &c. to be licensed, &c. by their former names.

Enrolled or licensed vessels proceeding on foreign voyages without giving up their licenses, &c. and being duly registered, liable to forfeiture, &c.

Proviso: as to delivery of enrolment and license, and certificate of the fact, in case of ships or vessels proceeding on foreign voyages from ports not in the district in which they have been enrolled, &c. Times of giving up licenses upon their expiration, sale of the vessels, &c.

50 dolls. forfeit for neglect or refusal to deliver up the license.

The forfeit not incurred in case a certificate is produced, or oath made of loss or mislaying, &c. as prescribed.

A new license authorized, upon oath, &c. if a former one be lost, &c. before the expiration of the time for which it was granted. Licenses may be returned and cancelled within the year for which

they were granted, and; new ones obtained.

An abatement of tonnage duty in proportion to the unexpired time of the license, &c.

Licensed ships or vessels to have their names, and that of the port to which they belong, painted on the stern.

Act of 1792, ch. 45.

Change of master of licensed ships or vessels to be reported to the collector.

Oath to be made that the new master is a citizen, and that the vessel shall be properly employed, &c.

Change of the master to be endorsed on license, &c.

Change of master not being reported, &c. ships and vessels liable to pay the like fees and tonnage as registered vessels, &c. besides a forfeit of 10 dolls. by the new master.

Officers concerned in the collection of the revenue, may, at all times, inspect enrolments or licenses, &c. 100 dolls. fine for refusal, by the master, to exhibit license, &c.

Masters of vessels, licensed for carrying on the coasting trade, destined from one district to another in the same, or

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 hereinbefore 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.

§ 11. 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.

§ 12. 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.

§ 13. 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.

§ 14. 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 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.

§ 15. 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 hereinbefore 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

an adjoining, state, &c. having on board the articles, and in the quantities, specified, to make out and subscribe duplicate manifests, &c. Act of 1819, ch. 172. Manifests to be delivered to the collector or surveyor, &c. Master to swear or affirm, as to legal importation of the goods, &c. Collector, &c. to certify on the manifests, &c. permit, &c. Fine of 100 dolls. for departing without making and subscribing duplicate manifests, &c. Masters of vessels, licensed for carrying on the coasting trade, having on board the articles, and in the quantities, specified, to deliver to the collector or surveyor, at the port of arrival, the certified manifest, or duplicates, as prescribed, to which they are to swear or affirm. Act of 1819, ch. 172.

Goods taken on board, &c. after departure, to be particularized, &c.

The master may proceed to discharge the lading, if there is no collector or surveyor, &c. The master to deliver manifest at the next port of arrival.

100 dollars fine for neglect or refusal to deliver manifests.

Masters of licensed ships or vessels, bound to a district other than one in the same, or an adjoining state, to deliver duplicate manifests to the collector or surveyor, &c.
Act of 1819, ch. 172.
If no cargo, &c.

Marks, &c. of casks, &c. to be specified in manifests, &c.

Master to swear or affirm to the truth of specification of articles, shipper, consignee, &c. and as to the legal importation of foreign goods on board, &c.
The collector, &c. to certify on the manifests, &c. grant a permit, &c.

Forfeit of 100 or of 50, dollars.

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 unlading 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 unladed, to the truth of which, before the said last mentioned collector 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.

§ 16. 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.

§ 17. 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 unloading 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 the district from whence she last sailed, as aforesaid, that such is the case: Whereupon such collector or surveyor shall grant a permit for unloading 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.

§ 18. 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,

for not complying with what is required, &c.

Master, &c. arriving at a district, from a district other than one in the same, or an adjoining state, to deliver to the collector or surveyor, manifest, &c. Within 24 or 48 hours, &c. Act of 1819, ch. 172.

Master to make oath or affirmation, &c.

If no cargo, the collector's certificate must be produced, &c. Collector, &c. to grant a permit, &c. In case of landing only a part of the cargo, the collector or surveyor to endorse the fact, &c.

The master neglecting or refusing to deliver manifest or certificate, &c. to forfeit 100 dolls. &c. Goods, &c. not certified, forfeited, &c. Ship, &c. forfeited, if the goods, &c. amount to 800 dollars. Masters of vessels, licensed for carrying on the coasting trade, and bound from a district in one,

to a district in an adjoining state, &c. having on board the articles, and in the quantities, described, not required to deliver manifest, &c.
Act of 1819, ch. 172.

But the master to be provided with a manifest of the lading at the time of departure, &c.

The master to exhibit the manifest of lading to officers of the revenue, when required, &c.

Forfeit of 20 dolls. for not being provided with manifest, &c. if the lading consists of domestic produce or manufacture, except, &c.

Forfeit of 40 dolls. if there be distilled spirits, or foreign goods, &c. on board, &c. except, &c.

100 dolls. for refusing to answer the interrogatories prescribed, &c.

Foreign goods and domestic distilled spirits, &c.

The collector of Pennsylvania may grant permits for the transporting foreign goods across N. Jersey to N. York, or across Delaware to Maryland or Virginia.

The collectors of N. York, &c. may grant like permits, &c.
Provide; every

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 not be included in the manifest exhibited by such master, shall be forfeited.

§ 19. 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.

§ 20. 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.

§ 21. 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 same time, and under the same penalty, as by the laws of the United States are provided for ships or vessels

permit to express the name of the owner, consignee, marks, numbers, &c. The owner, &c. to swear to the legal importation, &c. The owner to report, at the place of arrival, within 24 hours, &c.

Owner or consignee not making due entry, the goods liable to forfeiture, &c. 50 dollars. forfeit for every 24 hours' detention of permit after the time limited, &c. *Proviso*; permit, &c. not necessary, where the goods, &c. are of less value than 800 dollars.

Registered vessels, employed in going from district to district, subject to the regulations, &c. provided by the 16th and 17th sections of this act in the case of licensed vessels, &c.

Proviso; as to registered vessels, having foreign goods on board, imported in such vessels, &c.

Vessels licensed for carrying on the fisheries, intending to touch at a foreign port, must obtain permission, &c. Vessels licensed for the fisheries, trading to foreign ports, to deliver like manifests, make

like entries, &c. as other ships or vessels arriving from foreign ports. Vessels, &c. forfeited, if found within three leagues of the coast, with foreign goods, &c.

Masters of vessels employed in transporting goods from district to district, to report, on putting into ports other than those to which they are bound, within 24 hours, &c. 20 dolls. for neglect or refusal. The collector to take bond for duties, in case of foreign goods, or distilled spirits, where the manifest or permit has been lost or mislaid, &c.

Proviso: the bond to be cancelled on the master's producing a certificate, &c.

Masters of foreign vessels, bound from district to district, to deliver duplicate manifests to collector previously to departure, &c.

Masters of foreign vessels, on arriving at one district from another, to deliver manifests within 48 hours, &c.

Masters to swear to the truth of manifests, &c.

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 the goods, wares, or merchandise, of foreign growth or manufacture, imported therein, shall be subject to seizure and forfeiture.

§ 22. 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.

§ 23. 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.

§ 24. 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 unlading 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 nothing 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.

§ 25. 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.

§ 26. 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.

§ 27. 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.

§ 28. 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.

§ 29. 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

The permit to be also delivered. 100 dols. forfeit for neglect or refusal.

Proviso; nothing herein to affect the payment of tonnage, &c.

Naval officers to sign enrolments, &c.

Surveyors to make monthly returns to collectors of certified manifests, &c.

Vessels between five, and twenty, tons burthen, to be admeasured, &c.

Vessels already admeasured need not be admeasured anew in order to procure another enrolment, &c. except, &c.

Revenue officers may go on board vessels out of, as well as within, their districts, to search, and may make seizures, &c.

In case of seizures, the names of the owners, consignees, &c. to be inserted in the advertisement, &c.

Forfeit of 500 dols. and incapacity for office for making unlawful record, taking

greater fees than allowed, delivering false descriptions of vessels, &c.

Persons in office, under this act, refusing or neglecting to do their duty, forfeit 500 dolls, become incapable, &c.

The pains and penalties of corrupt perjury for false swearing, &c.

500 dolls. forfeit for forging or counterfeit-ing documents, &c.

500 dolls. forfeit for obstructing officers in the execution of this act, &c.

Licensed vessels transferred to aliens, or employed in unlicensed trade, or found with a forged or altered license, &c. forfeited, &c.

Lading on board vessels liable to forfeiture, belonging to others than the owner, master, &c. the duties having been paid or secured, exempted, &c.

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 thence forward, be rendered incapable of holding any office of trust or profit under the United States.

§ 30. 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.

§ 31. 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.

§ 32. 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.

§ 33. *Provided, &c.* 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.

§ 34. 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 :—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.

Fees and allowances for services to be performed under this act, &c.

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.

Receipt of fees, and distribution thereof among the officers of the customs.

Persons to be paid for ascertaining tonnage out of the fees before distribution, &c.

Table of fees, in a conspicuous place.

Penalties to be sued for, &c. according to the provisions of the act mentioned. Act of 1790, ch. [35.] 61.

Proviso; officers entitled to a share of penalty may be witnesses, but in that case are not to receive the share, &c.

This act to take effect on the 1st of June, 1793; and thenceforth the acts mentioned are to cease, &c. except, &c. Act of 1789, ch. 11. act of 1789, ch. 22. Registers, enrolments, &c. under former acts, valid, &c.

§ 35. 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, entitled "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.

§ 36. That this act shall commence and take effect from and after the last day of May next, and thenceforth the act, entitled "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes," and also the act, entitled "An act to explain and amend an act, entitled "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.

§ 37. That nothing in this act shall be 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.*]

CHAP. 53. [9.] An act providing compensation to the president and vice president of the United States.

25,000 dolls. per ann. and use of furniture, &c. for the president.

5,000 dolls. per ann. for the vice president, &c.

§ 1. *Be it enacted, &c.* 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.*]

Act of 1800, ch. 25. act of 1819, ch. 143. Persons alleging new inventions, &c. and presenting a petition to the

CHAP. 55. [11.] An act to promote the progress of useful arts; and to repeal the act heretofore made for that purpose.

§ 1. *Be it enacted, &c.* That when any person or persons, being a citizen or citizens of the United States, shall 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 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 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.

§ 2. 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.

§ 3. 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 application 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;

secretary of state, &c. a patent may be granted, &c.

Teste and contents of the patent.

Term of the patent.

The attorney general to examine and certify the patents, &c.

Seal of the United States to be affixed, &c.

Inventors of improvements not entitled to the rights of first inventors, nor the latter to those of the former. Simply changing the form, &c. not a discovery.

Inventors to swear that they believe themselves, in each case, to be truly so, &c. Act of 1800, ch. 25.

A full, clear, and written description, of inventions, to be delivered, &c.

In the case of a machine, the principle to be explained, &c.

Drawings, written references, specimens, &c.

The description to be signed, attested by two witnesses, filed, &c.

Certified copies evidence, &c.

A model to be delivered, if deemed necessary by the secretary of state.

Inventors, &c. may assign title and interest, &c.

Assignee, after record of the assignment, to stand in the place of the inventor, &c.

Forfeit of treble price &c.

The forfeiture may be recovered in an action on the case, &c.

This section is repealed.

Act of 1800, ch. 25. § 4.

Defendants may plead the general issue, and give this act, &c. in evidence, &c.

Judgment, &c. for defendant, and patent void, in the cases mentioned.

Exclusive rights to inventions, granted by any state, prior to its adoption of the constitution, precludes a patent under this act, unless relinquished, &c.

Persons having applications for patents depending under the act mentioned, on complying, &c. may pursue their claims. Act of 1790, ch. [7.] 34.

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.

§ 4. 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.

§ 5. 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.

§ 6. 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.

§ 7. 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.

§ 8. That the persons whose applications for patents were, at the time of passing this act, depending before the secretary of state, secretary of war, and attorney general, according to the act, passed the second session of the first congress, entitled "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.

§ 9. 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 choose 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.

Interfering applications to be submitted to arbitration, &c.
Award of arbitrators final, as to issuing patent, &c.
Either party failing to choose an arbitrator, &c.
If more than two interfering applications, &c.

§ 10. 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.

Upon oath, &c., that a patent was obtained surreptitiously, &c. and motion made within three years, the judge may grant a rule to show cause, &c.

The rule absolute and patent repealed, unless sufficient cause be shown, &c.

In case of judgment against the party complaining, costs for the defendant, &c.

§ 11. 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 to pay 30 dolls. before petition, taking duplicate receipts, &c.
One receipt to accompany the petition, &c.

Fees for copies of papers and drawings.

Account of the payment of fees to be rendered annually, &c.

§ 12. That the act, passed the tenth day of April, in the year

The act mentioned repealed. Act of 1790, ch. [7.] 34. Proviso; nothing in this act to invalidate patents granted under former act, &c.

one thousand seven hundred and ninety, entitled "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. [Approved, February, 21, 1793.]

Obsolete. Act of 1799, ch. 128. § 94.

CHAP. 59. [15.] 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.

Impost laws, deemed to impose a duty on useful beasts imported for breed, repealed.

§ 1. *Be it enacted, &c.* 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.]

Obsolete.

CHAP. 61. [17.] An act to regulate the claims to invalid pensions.

Former act inadequate, &c.

Whereas the act, passed at the last session of congress, entitled "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,

The sections of the act mentioned repealed, and claims to pensions regulated. Evidence relative to invalids to be on oath, &c. The evidence must prove disability to have been the effect of known wounds, &c. and must be the affidavit of the commanding officer, &c. Every claimant must be examined on oath, &c.

§ 1. *Be it enacted, &c.* 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.—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

Each claimant to produce evidence of the time of his leaving the service, &c.

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, labor, 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.

§ 2. 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.

§ 3. 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, entitled "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 of 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.

§ 4. 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. [Approved, February 28, 1793.]

CHAP. 63. [19.] An act to regulate trade and intercourse with the Indian tribes.

§ 1. *Be it enacted, &c.* 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 pe-

Claimant to produce evidence of continuance of disability, &c.

Each claimant to show cause why he did not previously apply, &c.

No evidence to be admitted in relation to examined and rejected claims, &c.

The district judge to transmit a list of claims, and the evidence, to the secretary of war, &c.

The secretary of war to make a statement to congress, &c.

Persons not on the pension list prior to the 23d of March, 1792, not entitled to a pension without complying with the provisions of this act; saving, &c.

See act of 23d March, 1792, ch. 11.

Measures to be taken by the secretary of war and attorney general, to obtain an adjudication of the supreme court on the validity of rights claimed, &c.

No claim allowed, unless, &c.

Repealed. Act of 1796, ch. 30.

Trade with the Indians prohibited without a license, &c.

Superintendents to issue licenses, &c. Bond, in case of license.

Condition of the bond.

Superintendents, &c. to be governed by regulations prescribed by the president.

Persons granting licenses may recall them, &c.

And put bonds in suit, &c.

Persons trading without license forfeit their merchandise, and liable to a fine, imprisonment, &c.

Proviso; citizens travelling may purchase by exchange, &c.

Citizens or inhabitants of the U. States, &c. committing murder, &c. in Indian towns, subject to the same punishment as if committed against a citizen, &c.

Citizens settling on, or surveying Indian lands, &c. forfeit not exceeding 1,000 dollars, &c. imprisonment, &c.

The president may remove citizens or inhabitants from Indian lands, &c.

Horses not to be purchased of Indians, &c.

nal 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.

§ 2. 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.

§ 3. 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.

§ 4. 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.

§ 5. 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.

§ 6. That no person shall be permitted to purchase any horse of an Indian, or of any white man in the Indian territory, with-

out 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.

§ 7. 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.

§ 8. 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, the Indians, the compensation to be made for their claims to lands within such state, which shall be extinguished by the treaty.

§ 9. 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

without license, &c. which the superintendent may grant, &c.

Proviso ; persons purchasing horses of Indians, before exposing them to sale, &c. to make return, &c.

Forfeit of from 30 to 100 dollars, for purchasing a horse in the Indian country, without license, &c.

Purchasers knowing horses to have been procured without license, to forfeit, &c.

A moiety for the informer. Persons authorized to grant licenses not to be concerned in trade, &c. Persons offending to forfeit 1,000 dollars, and suffer imprisonment, &c.

No purchase of lands from the Indians, within the bounds of the U. States, valid, unless effected pursuant to the constitution, &c. Fine not exceeding 1,000 dollars, and imprisonment, for unauthorized treating for lands with the Indians, &c. Proviso ; making it lawful for the agents of a state to act, with the approbation of a commissioner of the United States, &c. The president may cause the Indians to be

furnished with useful domestic animals, &c.

Proviso; the whole amount of presents, &c. not to exceed \$20,000 dolls. per ann. Superior territorial courts, circuit and other courts, invested with power to hear and determine offences, &c.

The president, &c. may cause offenders to be apprehended, &c.

Where the punishment is death, the governor, &c. may issue a commission of oyer and terminer, &c.

A moiety of fines and forfeitures to informant; except, &c.

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.

§ 10. 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.

§ 11. 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.

§ 12. 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.

§ 13. 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.

Nothing in this act to prevent trade, &c.

§ 14. That all and every other act and acts, coming within the purview of this act, shall be, and are hereby, repealed.

Acts coming within the purview of this act, repealed. Limitation of this act to the 1st June, 1796.

§ 15. 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.*]

CHAP. 64. [20.] An act to ascertain the fees in admiralty proceedings in the district courts of the United States, and for other purposes.

Expired. See act of 1796, ch. 11. act of 1799, ch. 125. Fees in the district courts in cases of admiralty proceedings after the 1st May, 1793.

§ 1. *Be it enacted, &c.* 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 hereinafter specified; that is to say:

Fees of the counsellor, or attorney, in the district court, in admiralty and maritime proceedings.

Attorney's fees.

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.

§ 2. *Fees of the clerk of the district court, in admiralty and maritime causes.*

Clerk's fees.

For drawing every stipulation, process, monition, or subpoena, 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 :—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.

Marshal's fees.

§ 3. *Fees of the marshal, in the district court, in admiralty and maritime causes.*

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.

Allowance of compensation to parties obtaining judgments in the supreme, circuit, and district courts, for their travel, &c. except, &c. Limitation of this act to the 3d of March, 1795.

§ 4. That there be allowed and taxed in the supreme, circuit, and district, courts of the United States, in favor of the parties obtaining judgments therein, such compensation for their travel and attendance, and for attorneys' 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.

§ 5. 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. [*Approved, March 1, 1793.*]

Act of 1789, ch. 20.

CHAP. 66. [22.] An act in addition to the act, entitled "An act to establish the judicial courts of the United States.

Attendance of one justice of the supreme court at a circuit court deemed sufficient. The supreme court may, in special cases, assign two justices, &c. The circuit court may, in the cases mentioned, consist of a judge of the supreme court alone. Act of 1802, ch. 31. The judge of the supreme court and the district judge being divided in opinion, in the cases mentioned, a continuance to take place; the district judge adhering, the

§ 1. *Be it enacted, &c.* 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 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.

§ 2. 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.

opinion of the presiding judge to prevail, &c.

§ 3. 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 recognisances, 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.

§ 4. 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 beforenamed 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.

§ 5. 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; but 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

The supreme court, or a justice thereof, &c. may direct special sessions of the circuit court, for the trial of criminal causes, at places nearer, &c.

Special sessions may be adjourned, &c.

District courts of Maine and Kentucky empowered to hold special sessions for the trial of criminal causes, &c.

Bail, for appearance in criminal causes, &c. may be taken by any judge of the U. States, chancellor, judge of a superior state court, &c.

Circuit courts, or district courts of Maine and Kentucky, may authorize discreet persons, &c. to take bail, &c. *Provided*; nothing herein to extend to taking bail where the punishment is death, &c.

Writs of ne exeat and of injunction, may be granted by any judge, &c. Act of 1807, ch. 68. [50.] No writ of ne exeat, &c.

No writ of injunction to stay proceedings in a state court, nor in any case without reasonable notice, &c. Subpœnas may run from one district to another; provided, &c. The courts may, from time to time, make rules, &c.

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.

§ 6. That subpœnas 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.

§ 7. 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.

§ 8. 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. [*Approved, March 2, 1793.*]

Appraisers appointed under the authority of a state, to appraise goods taken on a fieri facias out of any court of the U. States, &c. The marshal to summon appraisers, &c.

Appraisers entitled to like fees, &c. Appraisers failing to attend, the marshal may proceed to sell, &c.

Obsolete. Act of 1797, ch. 81.

The spring circuit courts of the eastern district to be held as mentioned.

CHAP. 67. [23.] 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.

§ 1. *Be it enacted, &c.* 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 courts, respectively, shall commence and be holden on the day following. And all causes now pending in the said

Appeals, processes, recog-

courts, and all appeals, processes, and recognisances, returned, or returnable, to the same, and all officers, jurors, parties, and witnesses, shall be conformable to this act.

§ 2. 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.

§ 3. 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, abovementioned; 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 abovementioned: 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.*]

nisances, &c. to be returned, &c. conformable to this act.

Stated sessions of the circuit court temporarily at Wake courthouse; permanently at Raleigh, &c.

In consequence of want of a quorum at November term, process to be issued for summoning, &c. for June term, in like manner as had been issued for November term, &c.

The marshal to execute process, jurymen to attend, &c.

Suits, &c. to be proceeded on, &c.

CHAP. 68. [24.] 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."

Repealed, act of 1799, ch. 128.

§ 1. *Be it enacted, &c.* That there shall be in the state of Georgia a district, to be called the district of Hardwicke, to

Hardwicke, in Georgia, to be a district.

Hardwicke the only port of entry; a collector, &c.

Lake Champlain, within the state of N. York, to be a district, &c.

The president to appoint the port of entry and delivery, &c. collector, &c.

The exception relative to Louisville applicable to the district of Champlain.

100 dolls. additional yearly allowance to the collectors of Vermont and Champlain.

Allowance to the collectors mentioned, diminished.

Officers of the customs not to own vessels, nor to act as agents, &c.

Officers of the customs not to be concerned in the importation of goods, &c. under a penalty of 500 dollars.

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 Hardwicke shall be the only port of entry, and a collector for said district shall be appointed, to reside at Hardwicke; 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.

§ 2. 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 the 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 abovementioned, relative to the district of Louisville, shall be, and hereby is, extended to the district of Champlain.

§ 3. 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.

§ 4. 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 moneys 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 moneys by them respectively received.

§ 5. 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 per-

son, so offending and being thereof convicted, shall forfeit the sum of five hundred dollars.

§ 6. 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.

§ 7. 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 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.*]

CHAP. 70. [26.] 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.

§ 1. *Be it enacted, &c.* 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 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, 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.

§ 2. 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

Restriction on the officers of the customs from dealing in the funds, repealed to the extent mentioned. Act of 1792, ch. 37.

The president may increase the complement of mariners to the revenue cutters, &c. Compensation to the officers and mariners of the revenue cutters, &c.

The secretary of the treasury to contract for the supply of rations, &c.

Expired. See act of 30th May, 1794, ch. 36.

The term for receiving on loan that part of the debt not subscribed, &c. extended to the 30th June, 1794, &c. Act of 1792, ch. 38.

Act of 1790, ch. 34. Books to be opened only at the treasury, &c. Creditors not subscribing, to receive a rate per centum, &c.

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.*]

Act of 1789, ch. 9, act of 1791, ch. [24.] 98.

act of 1792, ch. 17, act of 1795, ch. 40, act of 1796, ch. 43.

Expenses accruing for the necessary support of lighthouses, &c. to continue to be defrayed until the 1st of July, 1794, notwithstanding, &c. Further time allowed to the states to make cessions.

The secretary of the treasury to place a floating beacon, or buoy, on Smith's Point shoal, &c. and a beacon, &c. at the southwest straddle, &c.

Act of 1799, ch. 144.

Additional annual allowances to the auditor, the register, the comptroller of the treasury, &c.

CHAP. 71. [27.] An act supplementary to the act for the establishment and support of lighthouses, beacons, buoys, and public piers.

§ 1. *Be it enacted, &c.* 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.

§ 2. 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 Chesapeake bay, and a beacon, or floating buoy, at the southwest straddle, on the Royal Shoal, near Ocracock Inlet, in North Carolina. [*Approved, March 2, 1793.*]

CHAP. 75. [31.] An act making addition to the compensation of certain public officers.

§ 1. *Be it enacted, &c.* 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.*]

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 2d December, 1793, and ended on the 9th of June, 1794.

GEORGE WASHINGTON, President. JOHN ADAMS, Vice President, and President of the Senate. RALPH IZARD, President of the Senate, pro tempore, from the 4th of June. FREDERICK AUGUSTUS MUHLENBERG, Speaker of the House of Representatives.

CHAP. [1.] An act making an alteration in the flag of the United States.

§ 1. *Be it enacted, &c.* 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. [Approved, January 13, 1794.]

After the 1st of May, 1795, the flag of the United States to consist of 15 stripes, &c. 15 stars, &c.

CHAP. [4.] An act in alteration of the act establishing a mint, and regulating the coins of the United States.

§ 1. *Be it enacted, &c.* That from and after the passing of 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.

Act of 1792, ch. 16.

The treasurer of the mint to receive and give receipts for all metals, &c.
A number of grains from every parcel to be delivered to the assayer, &c.

§ 2. 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.

Treasurer to deliver metals to the chief coiner, &c.
Assayer and chief coiner to give bond in the sums mentioned, &c.

§ 3. 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. [Approved, March 3, 1794.]

Part of the act of 2d April, 1792, repealed.
Act of 1792, ch. 16.

Obsolete.
Act of 1790,
ch. [22.] 49.

1,000,000dolls.
additional ap-
propriated, &c.

The president,
if necessary,
may borrow
the money, &c.

The act, &c.
mentioned,
continued until
the 20th
March, 1795,
&c.

Act of 1790,
ch. [22.] 49.
Act of 1793,
ch. [4.] 48.

CHAP. [7.] 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, entitled "An act providing the means of intercourse between the United States and foreign nations."

§ 1. *Be it enacted, &c.* 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 moneys 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.

§ 2. That the act, entitled "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, entitled "An act to continue in force, for a limited time, and to amend the act, entitled "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. [*Approved, March 20, 1794.*]

CHAP. [9.] An act to provide for the defence of certain ports and harbors in the United States.

The harbors
mentioned to
be fortified un-
der the direc-
tion of the pre-
sident, &c.
See act of
1794, ch. 25.

§ 1. *Be it enacted, &c.* That the following ports and harbors be fortified, under the direction of the president 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.

The president
may employ
the troops of
the U. States
as garrisons,
&c.
Cause cannon,
shot, &c. to be
provided, &c.

§ 2. 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 calibre, each, to carry a ball of thirty-two pounds weight, and one hundred other cannon, of a calibre, 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.

The president
so receive con-

§ 3. 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.*]

sions of, or to purchase, lands, &c.

CHAP. [11.] An act to prohibit the carrying on the slave trade, from the United States to any foreign place or country.

Act of 1793, ch. 45, § 7.

§ 1. *Be it enacted, &c.* That no citizen or citizens of the United States, or foreigner, or any other person coming 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 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.

No citizens or others to build or fit out vessels, &c. to carry on the slave trade to foreign countries, &c.

See act of 1800, ch. 51. act of 1803, ch. 63. act of 1807, ch. 67.

Vessels fitted out, &c. to carry on the slave trade, to be forfeited, &c.

See act of 1804, ch. 83, § 10.

§ 2. 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.

2,000 dolls. forfeit for persons fitting out vessels, or aiding, &c.

§ 3. 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.

Owners, &c. of foreign vessels, suspected of intention to trade in slaves, &c. to give bond, &c.

§ 4. 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,

Forfeit of 200 dolls. by citizens, for every person received on board for the purpose

of being sold
as a slave, &c.

A moiety to
the person
suing, &c.

Obsolete.
See act of
1796, ch. 14.
Depredations
committed by
Algerine cor-
sairs, &c.
The president
authorized to
provide 4 ships
of 44, and 2 of
36, guns, &c.
Officers for the
ships of 44
guns.
Officers for the
ships of 36
guns.

Warrant offi-
cers, to be ap-
pointed by the
president, &c.

Petty officers,
&c.

Number and
composition of
the crews.

The president
may provide a
naval force, in
lieu of that
prescribed, so
that, &c.

Pay and sub-
sistence of
commissioned
and warrant
officers.

he or they shall forfeit and pay, for each and every person so re-
ceived 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.
[Approved, March 22, 1794.]

CHAP. [12.] An act to provide a naval armament.

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 :

§ 1. *Be it enacted, &c.* 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.

§ 2. That there shall be employed, on board each of the said
ships of forty-four guns, one captain, four lieutenants, one lieu-
tenant 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.

§ 3. 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 sailmaker, one carpen-
ter, 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 addi-
tional quarter gunners, two carpenter's mates, one armorer, one
steward, one cooper, one master at arms, and one cook.

§ 4. 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.

§ 5. That the president of the United States be, and he is
hereby, empowered, to provide, by purchase, or otherwise, 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.

§ 6. That the pay and subsistence of the respective commis-
sioned 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.

§ 7. 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.

The president to fix the pay to petty officers, &c. provided, &c.

§ 8. 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 the ration.

Spirits, or beer, to the ration.

§ 9. That if a peace shall take place between the United States and the regency of Algiers, that no farther proceeding be had under this act. [*Approved, March 27, 1794.*]

No further proceedings under this act, in case of peace with Algiers.

CHAP. [14.] An act to provide for the erecting and repairing of arsenals and magazines, and for other purposes.

§ 1. *Be it enacted, &c.* 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.

Three or four arsenals, with magazines, to be established, under the direction of the president, &c. Act of 1798, ch. 55. act of 1803, ch. 85. *Provido*; arsenals not to be erected until the land is purchased, &c. A national armory at each of the arsenals, &c. Act of 1800, ch. 46.

§ 2. That there shall be established, at each of the aforesaid arsenals, a national armory, in which shall be employed, one superintendent, and one master armorer, (who shall be appointed

Compensation to superintendents and master armorers, &c.

An officer to superintend the receiving, &c. of military stores, &c.

His compensation; and to be appointed by the president. Not exceeding 59,000 dolls. appropriated for erecting and repairing arsenals, &c. and not exceeding 22,865 dolls. for armories, &c. 340,000 dolls. to be applied, under the president's direction, in the purchase of arms, &c. Annual account of expenses of armories, &c. to be laid before congress.

Expired.

Actions pending in the district court of New Hampshire to be removed to next circuit court, &c.

The circuit court vested with cognizance, &c. Judge of the supreme court authorized to perform duties of district judge; except, &c.

Judges, &c. Act of 1793, ch. [17.] 61. Duties enjoined on district judge. This act to continue until, &c.

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 armories, shall not exceed one hundred. And the said superintendents shall, each, receive, as a compensation, seventy dollars per month, and the said master armorers, each, fifty dollars per month.

§ 3. 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.

§ 4. 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 armories, 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.

§ 5. That an annual account of the expenses of the national armories 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. [16.] 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.

§ 1. *Be it enacted, &c.* That all actions commenced, or pending, in the district court of New Hampshire, be removed to the next circuit court to be holden in that district, there to be tried and determined, in the same manner as if the cognizance of such actions had been originally given to the said circuit court: And the said circuit court is hereby vested with the cognizance of all actions, crimes, and offences, by the laws now in force cognizable in the said district court, and with all the powers and authorities of the said district court; and any judge of the supreme court of the United States is authorized to do and perform all the duties, by any law of the United States enjoined upon the said district judge, except as is hereinafter provided; the fees to be the same as in the district court, in all such cases.

§ 2. 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.

§ 3. 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.*]

CHAP. [17.] An act to authorize the president of the United States, in certain cases, to alter the place for holding a session of congress.

§ 1. *Be it enacted, &c.* 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.*]

In case of contagious sickness, or other danger, the president may convene congress at such place as he may judge proper, &c.

CHAP. [18.] An act to provide for placing buoys on certain rocks off the harbor of New London, and in Providence river, and other places.

§ 1. *Be it enacted, &c.* That the secretary of the treasury be authorized and directed to cause to be placed buoys on the rocks called Black Ledge, or South West Ledge, Goshen Reef, Bartlett'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.

The secretary of the treasury authorized to place buoys on the rocks mentioned, &c. Expense not to exceed 1,200 dolls.

A beacon and two buoys in Portsmouth harbor; expense not to exceed 300 dolls.

Buoys in Providence and Savannah rivers; not to exceed 500 dolls. each. 2,500 dolls. appropriated for the purposes of this act.

§ 2. That there be appropriated and paid, out of the moneys arising from the duties on imports and tonnage, the sum of two thousand five hundred dollars, for the purpose aforesaid. [*Approved, April 5, 1794.*]

CHAP. [21.] An act limiting the time for presenting claims for destroyed certificates of certain descriptions.

Obsolete.

§ 1. *Be it enacted, &c.* That all claims for the renewal of certificates of the unsubscribed debt of the 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.

Claims for renewal of certificates of the unsubscribed debt, &c. barred unless presented on or before the 1st June, 1795.

§ 2. 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

No claim allowed for loan office certificates, &c. unless the destruction was advertised, &c.

No claim allowed for final settlement certificates; &c. unless the destruction was so far made public.

Advertisements to express the number, date, &c.

Claims, &c. receivable, with the evidence, by the auditor, &c.

The claimants entitled to receive certificates of registered debt, if, &c.

Repealed.

Established post roads after 1st June, 1794.
See act of 1797, ch. 73.
act of 1799, ch. 149.
act of 1810, ch. 48.
act of 1810, ch. 54.
act of 1816, ch. 43.
act of 1820, ch. 20.
act of 1821, ch. 171.
act of 1822, ch. 127.
act of 1823, ch. 161.
act of 1825, ch. 259.

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.

§ 3. 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.]

CHAP. [23.] An act to establish the post office and post roads within the United States.

§ 1. *Be it enacted, &c.* 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, Penobscot, 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, Greene, Monmouth, Winthrop, and Hollowell Courthouse, to Pittstown, on the river Kennebeck. From Ports-

mouth, by Exeter, Chester, Amherst, Keene, 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 Keene. 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 Northampton, 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, Harwinton, 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, Connojocharrie, and Whites-town, to Canandorquie; and from some convenient point in that line, through Cherry Valley, to the Courthouse in Cooperstown, 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, Sweedsborough, and Salem, to Bridgetown, in West New Jersey. From Philadelphia, by Norristown, Pottsgrove, Reading, Lebanon, and Harrisburgh, 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

Established
post roads af-
ter 1st June,
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the Ohio, to Limestone and Fort Washington. From Limestone, by Bourbon Town, 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, Daggsborough, Snowhill, Horntown, and Accomack Courthouse, to Northampton Courthouse; and thence, to Norfolk, Hampton, or Yorktown. From Philadelphia, by Wilmington, Middletown, Warwick, Georgetown Crossroads, Chestertown, Chester Mills, 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, Stevensburg, Strasburg, Woodstock, and Rockingham Courthouse, to Staunton. From Fredericksburg, by Port Royal, 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 Culpeper, and Orange Courthouses, to Charlottesville. From Richmond, by New Castle, Aylett's 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 Greenville, and Jefferson Courthouse, to Knoxville. From Staunton to Bath Courthouse; thence to the Sweet Springs; and thence to Greenbriar Courthouse. From Richmond, by Powhatan Courthouse, Cumberland Courthouse, Prince Edward Courthouse, Lynchburg, New London, and Liberty, to Fincastle. From Prince Edward Courthouse, by Charlotte Courthouse, Halifax Courthouse, and Pittsylvania Courthouse, to Martinsburg; and thence, to Bethania. From Martinsburg to Liberty. From Osborne's to Bermuda Hundred. From Petersburg, by Cabin Point, Smithfield, and Suffolk, to Portsmouth, and Norfolk. From Smithfield, by Southampton Courthouse, to Greenville Courthouse. From Petersburg to Halifax, in North Carolina.

From Goldson's, by Saint Tammany's, and Mecklenburg Courthouse, to Halifax Courthouse, in Virginia. From Suffolk, by Edenton, Plymouth, Washington, and Newbern, to Wilmington. From Plymouth to Windsor. From Edenton, by Hertford, Nixonton, Sawyer's Ferry, in Camden county, to Indian Town, in Currituck county. From Halifax to Princeton, and Murfreesborough, on Meherrin river; thence to Winton on Chowan river; and thence by the bridge on Bennet's Creek, to R. Mitchell's, which is on the post road from Suffolk to Edenton. From Halifax, by Blountsville, Williamston, and Dailey's, to Plymouth. From Halifax, by Warrenton, Oxford, Hillsborough, Martinville, and Salem, to Salisbury. From Salisbury, by Cabarras Courthouse, to Charlotte, to return by Iredell 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 Kinston, 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 Rockingham Courthouse, to Germantown. 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 Morgantown, in North Carolina; and from Morgantown, by Lincolnton, to Pinkney 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, Pinkney Courthouse, Spartan Courthouse, and Greenville Courthouse, to Washington Courthouse. From Washington Courthouse, by Pendleton Courthouse, to Hatton's Ford, on Tugeloo river; and thence, by Franklin Courthouse, Elberton, and Petersburg, to Washington, in Georgia. From Augusta to Washington, thence to Greenborough; and thence, by the great falls of Ogeechee, and Georgetown, to Augusta.

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.

§ 2. That it shall be lawful for the postmaster general to provide, by contract, for the carriage of a mail on any road on which

Established
post roads af-
ter 1st June,
1794.

The post road
from Abington,
to be continu-
ed until, &c.
If provision
cannot be
made in time,
the post road,
&c.

The postmaster
general may
provide for car-
rying a mail,

&c. the expense not exceeding the revenue.

The postmaster general may enter into contracts, &c. for extending the line of posts, &c. and authorize contractors to receive postage as a compensation, &c.

A duplicate of every contract to be lodged in the comptroller's office, &c.

A general post office at the seat of government, &c.

Postmaster general, assistant, deputies; and duties and powers of the postmaster general, &c.

The postmaster general to render to the secretary of the treasury a quarterly account of receipts and expenditures, &c.

The postmaster general, assistant, deputies, &c. to take an oath, &c.

Certificate of oath to be filed. Form of the oath.

a stage wagon, or other stage carriage, shall be established, on condition that the expense thereof shall not exceed the revenue thence arising.

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.

§ 3. 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.

§ 4. 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 intrusted, 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.*"

§ 5. 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.

100 dolls. fine for obstructing the mail, &c.

10 dolls. forfeit for every half hour the mail is delayed by ferrymen, &c.

§ 6. 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 nonperformance 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.

The postmaster general to give six weeks' public notice that contracts are intended to be made, &c.

Particulars of the notice, &c.

Contracts to be lodged in the office of the comptroller, &c.

Proviso; no contract for more than four years.

§ 7. 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.

Deputy postmasters to keep an office; persons to attend, &c.

Letters brought half an hour before making up the mail, to be forwarded, &c. except, &c.

§ 8. 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 abovementioned 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.

The postmaster general allowed at the rate of 2,400 dolls. per ann. His assistant, 1,200 dolls. Four clerks, &c.

Compensations out of the revenues of the post office. No fees, &c.

§ 9. That the deputy postmasters, and persons authorized by the postmaster general, shall demand and receive, for the conveyance of letters and packets, except such as are hereinafter excepted, the following rates of postage: For every single letter conveyed by land, not exceeding thirty miles, six cents; over thirty miles, and not exceeding sixty, eight cents; over sixty, and not exceeding one hundred, ten cents; over one hundred miles, and not exceeding one hundred and fifty, twelve cents and a half; over one hundred and fifty miles, and not exceeding

Rates of postage for the conveyance of letters and packets, &c.

Double rates for double letters, &c.
An ounce, &c. rated as four letters.
Rates of postage for letters passing by sea.

Additional postage on ship letters, to be delivered at places other than that of their arrival. 100 dols. forfeit and incapacity for office, for demanding or receiving other postage, &c. than is provided, &c.

Masters of vessels to deliver letters before report, entry, &c. except, &c.

Collectors to require an oath of masters, as to delivery of letters, &c.

Postmasters to pay to the master, &c. two cents for each letter, except, &c.

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.

§ 10. 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.

§ 11. 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.

§ 12. 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.

§ 13. 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.

§ 14. 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.

§ 15. 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.

§ 16. That if any person employed in any of the departments of the general post office, shall unlawfully detain, delay, or open,

50 dolls. forfeit for setting up unauthorized posts, &c. for the conveyance of letters, &c. except, &c.

Letters, &c. may be sent by special messengers.

Deputy postmasters, &c. to account for way letters, &c. Post riders, &c. to receive way letters, if, &c.

Postmasters to enter way letters, &c.

Postage on letters to persons living between post offices, &c.

Deputy postmasters, &c. neglecting to account, forfeit 50 dolls. &c.

Proviso; no deliveries at places not on the post road. Proviso; receipt and delivery of letters between post offices not required, &c. Fine of 300 dolls. and imprisonment for

detaining or opening letters, &c.

The punishment of death for secreting or embezzling letters, &c. with bank notes in them, &c. or stealing notes, &c. out of letters, &c.

500 dolls. forfeit for deserting the mail, &c.

50 dolls. forfeit for collecting, receiving, or carrying letters, contrary to this act.

Death for robbing the carrier of the mail, &c.

Fine of 300 dolls. and imprisonment, for stealing the mail, letters, &c. out of it, or for stealing letters, &c. out of the post office, &c. Postmasters to publish a list of letters remaining at the expiration of every three months, or, &c.

Dead letters to be sent to the general post office, &c.

any letter, packet, bag, or mail of letters, with which he shall be intrusted, 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 intrusted to him, as aforesaid, and which shall not contain any security for, or assurance relating to, money, as hereinafter 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 intrusted, 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 any bond or warrant, draught, 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.

§ 17. 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.

§ 18. 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.

§ 19. 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, comptroller, register, and auditor, of the treasury, the treasurer, the secretary of state, the secretary of 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 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 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 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: *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.

§ 20. That if any person shall counterfeit the handwriting 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.

§ 21. 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.

If valuable papers, &c. be found, the postmaster general to cause a descriptive list to be published, &c.

Dead letters, &c. not demanded in two years after advertisement, the contents to be applied to the use of the United States, until, &c.

The letters and packets mentioned to be received and conveyed free of postage, &c.

Two cents to deputy postmasters for each free letter, &c.

Proviso; no person to frank letters other than his own, &c. but public letters, &c. from the treasury department, &c. may, &c.

Each person allowed frank, &c. to return letters enclosed contrary to law, &c. Proviso; free letters of deputy postmasters, &c.

100 dollars, forfeit for counterfeiting to evade postage, &c.

Every printer of a newspaper may send one paper, &c.

Newspapers to be under cover, &c. carried in separate bags, &c.

Proviso; postage of a single newspaper from one place to another in a state, not to exceed a cent, &c.

Magazines and pamphlets, &c.

A separate account for newspapers, &c. 50 per cent. to deputy postmasters on the postage of newspapers, &c.

Letters enclosed in newspapers, or any memorandum written on them, subjects the whole packet to postage, &c. 50 cents. fine for printers, &c. concealing letters, &c. in newspapers. Forfeit not exceeding 50 dollars. for embezzling or destroying newspapers, &c.

Proviso; the postmaster general may authorize contractors, &c. to carry newspapers, &c. other than, &c. The postmaster general may allow deputies an adequate commission, &c.

Proviso; commission not to exceed 20 per cent. to any one deputy, &c. except at ports where European packets arrive, &c. and except, &c.

§ 22. 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: And if any letter, memorandum in writing, or other thing be enclosed 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 enclosed 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 intrusted, 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.

§ 23. That the postmaster general be, and he is hereby, authorized to allow to the deputy postmasters, respectively, such commission on the moneys 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 despatch 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 moneys 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 stationary, 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.

§ 24. 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 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.

§ 25. 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.

§ 26. 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, which shall be for the use of the postmasters, respectively, receiving the same. And the post-

Proviso ; compensation not to exceed 1,800 dolls. to any one postmaster, &c. except, &c.

Reasonable charges of deputy postmasters for stationary, &c. allowed, &c.

Additional allowance to the deputy postmaster at Philadelphia, &c.

Deputy postmasters, &c. neglecting to settle, and pay over, every three months, the postmaster general to cause suits to be commenced, &c.

The postmaster general answerable for balances, if, &c.

A moiety of penalties and forfeitures to informers, &c.

The postmaster general to make provision for the receipt of letters, &c. to be conveyed beyond sea, &c.

One cent postage for letters, &c. to be conveyed by sea, &c.
The postmas-

ter general may make arrangements with postmasters in foreign countries, &c. Deputy postmasters, &c. exempt from militia duties, &c.

Letter carriers to be employed, &c.

Two cents to the letter carrier for each letter, &c. Proviso; letters not to be delivered by the letter carrier, &c.

One cent to the deputy postmaster, &c. This act in force from the 1st of June, 1794.

Obsolete.

Act of 1802, ch. 9.

764 noncommissioned officers, privates, &c. to be raised for three years, &c.

Commissioned officers to be appointed, &c. To be incorporated with the corps of artillery, &c.

Entire number of the corps of artillerists and engineers to be 992, exclusively, &c.

Organization of the corps, as mentioned.

Officers and privates to receive the same pay, &c. as other troops, &c. to be governed by the same rules, &c. The secretary of war to pro-

master 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.

§ 27. 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.

§ 28. 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.

§ 29. That this act shall be in force from the first day of June next. [*Approved, May 8, 1794.*]

CHAP. [24.] An act providing for raising and organizing a corps of artillerists and engineers.

§ 1. *Be it enacted, &c.* That the number of seven hundred and sixty-four noncommissioned 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.

§ 2. That the aforesaid commissioned and noncommissioned 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.

§ 3. 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.

§ 4. That the additional commissioned officers, noncommissioned 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.

§ 5. 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.

vide books, apparatus, &c.

§ 6. 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.*]

The president to cause portions of the corps to serve as he may deem consistent, &c.

CHAP. [25.] An act supplementary to "An act to provide for the defence of certain ports and harbors in the United States."

Act of 1794, ch. 9.

§ 1. *Be it enacted, &c.* 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.*]

The port and harbor of Annapolis to be fortified, &c. The president may employ a garrison at Annapolis, &c. receive a cession of land, &c.

CHAP. [27.] An act directing a detachment from the militia of the United States.

Expired.

§ 1. *Be it enacted, &c.* 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.

The president authorized to require the executives of the states to hold in readiness, &c. their proportions of 80,000 militia, &c. Apportionment of militia to the states, respectively.

§ 2. That the detachments of militia aforesaid shall be offered out of the present militia officers, or others, at the option and discretion of the constitutional authority in each state, respectively.

The detachments to be offered from the present militia officers, or others, &c.

The president may authorize the executives to accept independent volunteer corps, &c. The militia not compelled to serve longer than three months, &c. Pay and allowances the same as the troops, &c. 1 dol. 66 cts. per month for clothing. The president requested to call on the executives to take effectual means to arm the whole militia, &c. Limitation of this act to 1st June, 1796.

§ 3. 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.

§ 4. 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, 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.

§ 5. 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.

§ 6. 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.]

CHAP. [28.] An act to erect a lighthouse on the head land of Cape Hatteras; and a lighted beacon on Shell Castle Island, in the harbor of Occacock, in the state of North Carolina.

The secretary of the treasury to provide for building a lighthouse on the head land of Cape Hatteras, as soon as, &c.

§ 1. *Be it enacted, &c.* 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.

The president authorized to appoint a superintendent, &c.

The secretary of the treasury to provide for building a lighted beacon on Shell Castle Island, &c.

§ 2. 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 Occacock, 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.

Proviso; no beacon to be erected until a cession of land, &c.

§ 3. That sufficient moneys be appropriated for the erecting and completing the buildings aforesaid, out of any moneys heretofore appropriated, which may remain unexpended after satisfying the purposes for which they were appropriated, or out of any moneys which may be in the treasury, not subject to any prior appropriation. [*Approved, May 13, 1794.*]

Sufficient moneys appropriated, &c.

CHAP. 31. 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.

§ 1. *Be it enacted, &c.* 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 Kennebec, 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.

The secretary of the treasury to contract for building a lighthouse on the island of Seguin, &c.

The president authorized to appoint a superintendent.

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

5,000 dolls. appropriated for the lighthouse on Seguin, &c.

§ 3. 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.*]

The secretary of the treasury to cause a beacon and three buoys, &c. at the entrance of St. Mary's river, &c. 300 dolls. appropriated for beacon and buoys, &c.

CHAP. 32. An act further to authorize the adjournment of circuit courts.

§ 1. *Be it enacted, &c.* 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.*]

A justice of the supreme court not attending for four days, the district judge, or the marshal, may adjourn, &c. See act of 1789, ch. 20. § 6.

CHAP. [33.] An act prohibiting, for a limited time, the exportation of arms and ammunition, and encouraging the importation of the same.

§ 1. *Be it enacted, &c.* That it shall not be lawful to export from the United States any cannon, muskets, pistols, bayonets, swords, cutlasses, musket balls, lead, bombs, grenadoes, gun-

Obsolete. See act of 1797, ch. 2. The exportation of the arms, &c. prohibited, &c.

powder, sulphur, or salt petre, but the exportation of all the aforesaid articles are hereby prohibited for and during the term of one year.

Forfeiture of the arms, &c. found on board for exportation, and of vessel, &c. where the value of the articles amounts to 400 dolls.

Proviso; nothing in this act to prohibit the transportation of articles from port to port, &c. in licensed vessels, on bond, &c.

In case any of the prohibited articles are exported, &c. the vessel, &c. liable to forfeiture, and the master to pay not exceeding 1,000 dolls. Customhouse officers, &c. to attend to the execution of this act. Forfeitures, &c. to be sued for, &c. Act of 1790, ch. [35.] 64.

Brass cannon, muskets, &c. may be imported free of duty for one year, &c.

§ 2. 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 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.

§ 3. 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.

§ 4. That it shall be the duty of the customhouse 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."

§ 5. 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.]

Repealed, act of 1792, ch. 29.

The act mentioned, continued, &c. Act of 1796, ch. 38.

CHAP. [34.] An act to continue in force the act for the relief of persons imprisoned for debt.

§ 1. *Be it enacted, &c.* 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.]

CHAP. [35.] An act to alter the time for the next annual meeting of congress. Obsolete.

[This act provides, that, after the adjournment of the present session of congress, the next annual meeting of congress should be on the first Monday in November, 1794. *[Approved, May 30, 1794.]* Congress to meet on the first Monday in Nov. 1794.

CHAP. [36.] An act further extending the time for receiving on loan the domestic debt of the United States.

Obsolete.
Act of 1795, ch. 13.
The term for receiving on loan that part of the domestic debt not subscribed, &c. extended to the 31st Dec. 1794, &c.
Act of 1790, ch. [34.] 60.

§ 1. *Be it enacted, &c.* 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, 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.

Proviso; the books to be opened only at the treasury.

§ 2. 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, 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, May 30, 1794.]*

Creditors not subscribing, to receive, during the year 1794, a rate per centum, &c.

Act of 1790, ch. [34.] 60.

CHAP. [37.] 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.

§ 1. *Be it enacted, &c.* 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.

Interest allowed on balances reported, &c. from 31st Dec. 1789, to 31st Dec. 1794, at the rate of 4 per cent.

§ 2. 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, entitled "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

Amount of interest to be placed to the credit of the states respectively, &c. to bear an interest of three per cent., &c. Interest on balances, &c. paid quarterly, at the times and places, mentioned, &c. Act of 1790, ch. [38.] 64.

Duties, &c.
arising, &c.
pledged for
payment of
interest, &c.

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 entitled 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. [Approved, May 31, 1794.]

Expired.

CHAP. [41.] An act to authorize the president of the United States to lay, regulate, and revoke, embargoes.

The president authorized to lay an embargo, when, in his opinion, the public safety may require it, &c.

§ 1. *Be it enacted, &c.* 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.

The president authorized to give orders to officers, &c. *Proviso*; the president not to exercise the authority given whilst congress is in session.

Embargo, &c. to cease in 15 days, &c. Limitation of this act to the 18th Nov. 1794. Obsolete.

§ 2. 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.]

CHAP. [42.] An act for extending the benefit of a drawback, and terms of credit, in certain cases, and for other purposes.

In cases where the term allowed for the exportation of goods with benefit of drawback, expired after the 31st of Jan. 1794, further time allowed till 31st of July, 1794. From Jan. 31, 1794, to May, 31, 1794, not to be considered as part of the time in case of

§ 1. *Be it enacted, &c.* 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.

§ 2. 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.

§ 3. 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. [Approved, June 4, 1794.]

bonds given on the articles mentioned, &c. *Proviso*; new bonds, &c. where the extension of credit is claimed, &c.

In cases where the certificates, &c. required on payment of drawback, cannot be procured, the exporter may offer other proof, &c.

Proviso; drawback not to be paid until duties are received.

CHAP. [45.] An act laying duties upon carriages for the conveyance of persons.

§ 1. *Be it enacted, &c.* That there shall be levied, collected, and paid, 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 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.

Repealed. Act of 1802, ch. 19.

Duties and rates to be levied on carriages, &c.

Proviso; no duty on carriages chiefly employed in husbandry, &c.

§ 2. 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.

The duties to be levied, collected, &c. by supervisors and inspectors of the revenue, &c.

§ 3. 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

Persons keeping carriages to make entry of them, &c. and pay the duty.

Entry to be in writing, &c.

The supervisor of the district, &c. to attend

to receive entries, &c.

Public notice to be given of the time and place of attendance. Persons neglecting to deliver a list of carriages, &c. forfeit the amount of the duty, in addition, &c.

Persons preferring to pay the duty at their habitations may do so, on the condition mentioned.

Persons electing to pay the duty at their habitations, to continue to pay the same, &c. as long as they possess the carriages, or until they give notice to the contrary, &c.

In default of payment the duty may be sued for, or may be levied by distress, &c.

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.

§ 4. 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 hereinbefore 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.

§ 5. 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.

§ 6. That if any person, by whom such election as aforesaid shall have been made, shall omit to notify, in manner hereinbefore 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 electing to pay at their habitations, omitting to notify carriages, to stand in the predicament of persons by whom no election has been made, &c. incur the same penalties, &c.

§ 7. 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.

Persons may revoke their election, by notice, in writing, &c.

§ 8. 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.

Supervisors empowered to examine officers employed, &c. on oath, &c.

§ 9. That if any person shall wilfully swear or affirm falsely, touching any matter hereinbefore 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.

The pains and penalties of corrupt perjury for false swearing, &c. and forfeiture of office, if, &c.

§ 10. 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.

Distribution of penalties, &c.

A moiety to the informer, &c.

Duties, fines, &c. to be sued for and recovered, &c.

§ 11. 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.]

Limitation of this act to the 3d of March, 1797. Act of 1795, ch. 45. § 20.

CHAP. [46.] 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.

§ 1. *Be it enacted, &c.* That the president of the United States be, and he is hereby authorized, during the recess of the pre-

The president authorized, &c. to cause not exceeding ten

vessels to be built or purchased, &c.
To be equipped as galleys, &c.

Pay and subsistence as in the navy.

Officers to be appointed by the president.
Galleys to be stationed, &c.

no,000 dolls.
appropriated for the purposes of this act, &c.

The president may take the money on loan, &c.

sent 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.

§ 2. 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.

§ 3. That there be appropriated, for the purpose aforesaid, the sum of eighty thousand dollars, to be paid out of the proceeds of any revenue of the United States, which now are, or hereafter, during the present session, shall be, provided, not being otherwise appropriated. And that the president of the United States be authorized to take on loan, of the bank of the United States, or of any other body politic or corporate, person or persons, the said sum of eighty thousand dollars, to be reimbursed, principal and interest, out of the said proceeds, appropriated as aforesaid, according to such contract or contracts, which shall be made concerning the same. [Approved, June 5, 1794.]

Repealed.
Act of 1802, ch. 19.

Persons selling wines, to be sent out of the house, in less quantity than 30 gallons at one time, except, &c. declared to be retail dealers, &c.

Persons selling foreign distilled spirituous liquors to be sent out of the house, &c. in less quantities than 20 gallons at one time, declared to be retail dealers, &c. *Provided*; nothing herein to extend to tavern keepers licensed under the laws of a state, nor to physicians, &c.

Retail dealers to apply for and obtain licenses, &c.

CHAP. [48.] An act laying duties on licenses for selling wines and foreign distilled spirituous liquors by retail.

§ 1. *Be it enacted, &c.* 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.

§ 2. 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 hereinafter 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 color 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.

§ 3. That it shall be the duty of the supervisors of the revenue, within their respective districts, to grant licenses for carrying on the said business, 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 despatch, the licenses whereof they shall respectively stand in need, it is hereby made the duty 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,

One license for retailing wines; and another for retailing foreign distilled spirits.

Licenses to be granted for one year, &c.
50 dolls. forfeit for selling without license, &c.

No license sufficient for selling at more than one place.

Forfeit of 50 dolls. for selling at more than one place with one license.

Supervisors to grant licenses.

Licenses to be stamped, signed, &c.

The supervisors to furnish officers of inspection with prepared licenses, &c.

Officers of inspection to issue licenses, &c.

Proviso; no license to persons prohibited by the laws of a state.

The duties to be received, collected, &c. under the superintendence of the treasury, &c.

Fines, penalties, &c. to be sued for, &c. in the name of the United States, or of the supervisor, &c.

A moiety to informers, &c. Where the cause of action accrues upwards of 50 miles from the nearest place for holding a district court, suit, &c. may be had before a court of the state.

The president may allow compensation to the officers of inspection employed, &c. not exceeding, &c.

Limitation of this act to the 3d of March, 1797.

Act of 1795, ch. 45. § 20.

Repealed.

Act of 1799, ch. 123. act of 1802, ch. 19.

The president authorized to erect new districts, and surveys, in new states, and in the territories, &c.

The president, with the advice, &c. of the senate, may appoint supervisors and inspectors, &c.

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.

§ 4. 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.

§ 5. 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.

§ 6. 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.

§ 7. 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. [49.] An act making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas.

§ 1. *Be it enacted, &c.* 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 inspectors 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.

§ 2. 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:

§ 3. 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.

§ 4. 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.

§ 5. 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.

§ 6. 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, entitled "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, 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," to which this is an amendment.

§ 7. 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

Proviso; if the appointments cannot be made during the present session, the president may appoint during the recess, &c. Spirits distilled in stills not previously entered, together with the stills, liable to forfeiture. Drawback not to be allowed on less than 150 gallons. Spirits, distilled within the United States, may be imported in the vessels in which they were exported, on payment of duties, &c.

On the sale of emptied casks, &c., the marks to be defaced, &c.

50 dolls. forfeit for selling or removing casks, &c. before the marks have been defaced, &c. Stills without heads, &c. to be entered as prescribed by the act mentioned, &c. Act of 1792, ch. 32. act of 1791, ch. [15.] 89.

100 dolls. forfeit for counterfeiting certificates for casks, &c. or the marks, &c. thereon. &c.

and for rubbing out, &c.

Owner of stills to make oath, &c. previous to the renewal of his license, &c.

The judicial courts of the several states, &c. may take cognizance of suits, &c. arising out of the laws for collecting a revenue, &c. accruing at a greater distance than 50 miles, &c. In case there is no office of inspection in a county, stills to be entered, &c. at some other office. Act of 1792, ch. 32. The president may provide offices of inspection in special cases, &c. Rectifiers of low wines, &c. to make entry prior to removal to the distillery, &c. under penalty, &c.

Supervisors and inspectors may appoint deputies at their own expense, &c.

The president authorized to make additional allowances, for one year, &c. to inspectors and collectors, &c. so as not to exceed, &c. Act of 1798, ch. 42.

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.

§ 8. That every owner, or worker, of 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.*

§ 9. That it shall and may be lawful for the judicial courts of the several states, and of the territory of the United States north-west 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.

§ 10. 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.

§ 11. 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, flavor, 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.

§ 12. 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.

§ 13. 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.

§ 14. 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.

§ 15. 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.

§ 16. 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, 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."

§ 17. 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, entitled "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.

§ 18. 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 dis-

After the 1st of Oct. 1794, supervisors, &c. not to be concerned in foreign trade, &c. Supervisors, &c. being concerned in foreign trade, &c. to be disqualified for 7 years, and forfeit not exceeding 100 dolls. for every month, &c. Proprietors of stills not exceeding 100 galls. permitted to enter them for less than a year, and not less than a month, &c. A personal demand, or notice in writing, of duties due, to have the effect, &c. Act of 1791, ch. [15.] 89.

Fines, penalties, &c. incurred by force of law, for laying duties, &c. other than those on goods, wares, and merchandise, may be mitigated or remitted according to the act mentioned, &c. Act of 1790, ch. [12.] 86.

The judicial courts of the several states to whom jurisdiction is given, may exercise powers, &c. for obtaining a mitigation or remission of fines, &c. The state courts, &c.

strict. prosecute for the United States in such court, that each may have an opportunity of showing cause against the mitigation or remission thereof.

The acts mentioned, in force for the execution of this act, &c.
Act of 1791, ch. [15.] 89.
Act of 1792, ch. 32.

§ 19. That 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;" and the act, entitled "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. [Approved, Jan. 5. 1794.]

Act of 1790, ch. [9.] 36.
Repealed.
Act of 1818, ch. 83.

Citizens accepting, &c. commissions, within the jurisdiction of the U. States, &c. to serve a foreign state in war, &c. to be fined and imprisoned, &c. Persons enlisting, or causing others to enlist, &c. in the service of a foreign state, as a soldier, &c. to be fined and imprisoned, &c. *Provido*: this restriction not to extend to the citizens or subjects of foreign states, transiently resident, &c.

CHAP. [50.] An act in addition to the "Act for the punishment of certain crimes against the United States."

§ 1. *Be it enacted, &c.* That if any citizen of the United States shall, within the territory or 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.

§ 2. 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.

Provido: persons enlisted making discovery, &c. on oath, &c. to be indemnified from the penalty, &c.

§ 3. 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.

Persons fitting out and arming vessels within the waters of the U. States, to cruise, &c. against the subjects, &c. of a state with whom the U. States are at peace, &c. or issuing or delivering commissions for that purpose, to be fined and imprisoned, and the vessels, arms, &c. forfeited, &c.

A moiety to informers, &c.

§ 4. 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.

Persons augmenting the force of vessels of war arriving within the U. States, in the service of a state in hostility with a power with whom the U. States are at peace, &c. subject to fine and imprisonment, &c.

§ 5. 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.

Persons beginning, or setting on foot, within the jurisdiction of the U. States, military expeditions, against the territories of a state with which the U. States are at peace, to suffer fine and imprisonment, &c.

§ 6. That the district courts shall take cognizance of complaints, by whomsoever instituted, in cases of captures made

District courts to take cognizance of com-

plaints, in cases of capture, &c. The president, &c. may employ the land or naval forces for the purpose of executing the provisions of this act, &c.

within the waters of the United States, or within a marine league of the coasts or shores thereof.

§ 7. 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.

The president, &c. may employ the land or naval forces, or militia, to enforce the departure of foreign vessels that ought not to remain, &c.

§ 8. 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.

Nothing in the act to prevent the punishment of treason, or piracy, &c. Limitation of this act, to the 3d March, 1797.

§ 9. 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.

Act of 1797, ch. 59. act of 1800, ch. 35.

§ 10. 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.]

CHAP. [51.] An act laying certain duties upon snuff and refined sugar.

Repealed, act of 1795, ch. 43. act of 1802, ch. 19.

§ 1. *Be it enacted, &c.* 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.

After the 30th Sept. 1794, a duty of 2 cts. per lb. upon refined sugar, &c.

§ 2. 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.

§ 3. That the duties aforesaid shall be levied, collected, and accounted for, by the same officers as are provided 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;" subject to the superintendence and control of the department of the treasury, according to the respective authorities and duties of the officers thereof.

The duties to be collected by the officers provided by the act mentioned, &c. subject, &c.
Act of 1791, ch. [15.] 89.

§ 4. 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 hereinbefore 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.

The manufacturers of snuff to make entry and report at the office of inspection, &c.

Manufacturers to give bond, &c. to render a true account of snuff, &c.

Manufacturers omitting to make entry, or give bond, forfeit their mills, &c. and 500 dolls. &c.

Refiners of sugar to make entry and report of buildings, &c.

Refiners of sugar to give bond, &c. with condition to render a true account of refined sugar sent out, &c.

Refiners omitting to make report or entry, &c. to forfeit pans, boilers, and 500 dolls.

Manufacturers of snuff to make oath yearly, on being required, &c.

Refiners of sugar to make oath yearly, on being required, &c.

Persons swearing falsely deemed guilty

§ 5. 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 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 or she 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 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 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.

§ 6. 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.*

§ 7. 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.*

§ 8. That if any person shall, knowingly and with design, falsely swear or affirm, touching any of the matters hereinbefore

required to be verified by oath or affirmation, he or she shall be deemed guilty of wilful and corrupt perjury.

§ 9. That every manufacturer of snuff, and every refiner of sugar, shall, at each time of rendering an account, as hereinbefore required, make a true and particular report of the engines, implements, and utensils, of the several descriptions hereinbefore 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.

§ 10. 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.

§ 11. 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.

§ 12. 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: Upon tobacco, four cents per pound: Upon snuff, twelve cents per pound: Upon refined sugar, four cents per pound: Which duties shall be collected in the same manner, by the same officers, under the like regulations, and subject to the like pains, penalties, and forfeitures, as now are collected the duties heretofore laid upon the said articles, respectively; the act and acts concerning which are hereby declared to be, and shall be, in as full force, for the collection of the additional duties hereby laid, as if the said act and acts were herein particularly recited and repeated.

§ 13. 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

of wilful and corrupt perjury, &c.
The manufacturers of snuff and refiners of sugar, to make report of engines, utensils, &c. on pain of forfeiting them, together with 500 dolls.

Snuff and refined sugar forfeited, &c. if the duties are not paid or secured, &c.

Deduction of 6 per cent. for prompt payment, or bond, with surety, for payment in nine months, &c.

Proviso; no further credit so long as bonds remain unpaid.

Additional duties on imported snuff, tobacco, and refined sugar.
Act of 1816, ch. 107. act of 1824, ch. 67.

The duties to be collected, &c. as other duties laid on the same articles, &c.

After the 31st Dec. 1794, no refined loaf or lump sugar to be imported in vessels of less burthen than 120 tons, &c.

on pain of forfeiture, &c.

After the 30th Sept. 1794, no drawback allowed on imported manufactured tobacco, snuff, or refined sugar, &c.

The duties laid by this act, on snuff and refined sugar, may be drawn back on exportation, &c. adding 3 cts. per pound to the drawback on sugar, &c. *Provido*; no drawback unless it amounts to 12 dols. Exporters in case of drawback, to give six hours' notice of intention, &c.

Officer to inspect packages, &c.

The inspection officer to certify to the collector, &c.

No allowance unless the exporters make oath, &c.

Exporters, in case of drawback, to give bond, &c.

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.

§ 14. 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.

§ 15. 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 sugar on board of any ship or vessel for exportation, give six hours' notice, at the least, to the proper officer 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.

§ 16. 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 reloaded 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.)

Condition of
the bond.

§ 17. 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.

Allowance not
to be paid un-
til nine months
after exportation,
&c.
Provido; per-
mit for reland-
ing on notice
that the vessel
will not pro-
ceed on the
voyage, &c.

§ 18. 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 of
the snuff or
sugar, vessels,
&c. for reland-
ing, contrary
to law, in the
United States,
&c.

Notice to the
principal officer
of the customs,
in case of
relanding from
distress, &c.

§ 19. 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

The bonds, in
case of draw-
back, to be dis-
charged, on
producing a
certificate of
the consul, &c.
of the delivery
of the snuff or
sugar at a fo-
reign port, &c.

The certificate
to be confirm-

ed by the oath of the master and mate, &c.

Proviso; in case of death, the oath of the party not necessary, &c. Proviso; oath, certified by the chief civil magistrate, &c. valid, &c.

The bonds may be discharged on proof that the snuff or sugar were taken or destroyed, &c. In case the certificates cannot be obtained, the exporters may offer other proof, &c.

Where the drawback amounts to 100 dolls. the proofs to be referred to the comptroller, &c.

Snuff or refined sugar may be exported direct from the manufactory, free from duty, provided, &c.

A moiety of penalties to discoverer or informer, &c.

Limitation of this act to the 31 of March, 1797.

Obsolete. Act of 1802, ch. 9. act of 1815, ch. 77.

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 inquiry, 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.

§ 20. That it shall be lawful to export, directly from any manufactory of snuff or 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 hereinbefore 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.

§ 21. 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.

§ 22. 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.]

CHAP. [52.] An act in addition to the "act for making further and more effectual provision for the protection of the frontiers of the United States."

§ 1. *Be it enacted, &c.* 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.

§ 2. That the army be in future paid in such manner that the arrears shall at no time exceed two months.

§ 3. 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.*]

Half pay for 5 years to the widows or orphans of commissioned officers dying in the service from wounds, &c.

Proviso; no greater allowance, in any case, than the half pay of lieutenant colonel.

Arrears of the army not to exceed 2 months.

The president may augment the rations of troops on the frontiers, under special circumstances, &c.

CHAP. [54.] An act laying additional duties on goods, wares, and merchandise, imported into the United States.

§ 1. *Be it enacted, &c.* 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 hereinafter mentioned, over and above the duties now payable by law; viz:—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 galoshes, per pair, five cents.—On shoes and slippers, for children, per pair, three cents.—On coal, per bushel, one half a cent.—On millinery ready made, artificial flowers, feathers, and other ornaments for women's head dresses, and on dolls, dressed and undressed, 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 vices, 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 dying.—On mats and floor cloths.—On hats, caps, and bounets, of every

Obsolete.

Act of 1816, ch. 107, act of 1824, ch. 67.

Additional duties on the articles mentioned, payable on their importation in ships or vessels of the U. States, &c. after the 30th June, 1794. Specific duties.

Articles to pay 5 per cent. ad valorem.

Articles to pay
5 per cent. ad
valorem.

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 odors, 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, anniseed, 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 colored,—five per cent. ad valorem.—On carriages, and parts of carriages, four and a half per cent. ad valorem.

Four and a half
per cent. on
carriages, &c.

Two and a half
per cent. addi-
tional on arti-
cles now
chargeable
with 7 and a
half per cent.
ad valorem,
&c. if, &c.

The 4th section
of the act men-
tioned continu-
ed until 1st
Jan. 1797.
Act of 1792,
ch. 27.

§ 2. 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.

§ 3. That the fourth section of the act, entitled “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 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.

An addition of
ten per cent. to
the rates of
duties, on
goods imported
in foreign ves-
sels.

Duties to be
returned on ex-
portation of
the goods to a
foreign port or
place, except
one per cent.
&c.

§ 4. 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.

§ 5. 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.

The act men-
tioned, in force
for collection
of the duties
laid by this
act, &c.
Act of 1790,
ch. [37.] 61.

§ 6. 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 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.

§ 7. That nothing in this act shall be construed to extend to, or affect, the act, entitled "An act prohibiting, for a limited time, the exportation of arms and ammunition, and encouraging the importation of the same."

§ 8. 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.]

CHAP. [57.] An act concerning invalids.

§ 1. *Be it enacted, &c.* 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, entitled "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.]

CHAP. [58.] An act supplementary to the act, entitled "Act to promote the progress of useful arts."

§ 1. *Be it enacted, &c.* 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, entitled "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, entitled 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

Nothing in this act to affect the act mentioned.

Act of 1794, ch. 33.

Limitation of this act to the 1st Jan. 1797. Act of 1795, ch. 45.

The secretary of war to place upon the list of invalid pensioners all persons who have been returned by the judges under the act mentioned, &c. who are found to come within the provisions of the act, &c. Act of 1793, ch. [37.] 71.

Persons placed on the list to receive the sums specified by the judges, &c.

Proviso; commissioned officers placed on the pension list for less than a full pension, to comply with the rule referred to.

Obsolete.

Act of 1793, ch. [11.] 55.

Suits, &c. set aside in consequence of the repeal of the act mentioned, may be restored and proceeded in, &c. Act of 1790, ch. [7.] 34.

Proviso; defendant or plaintiff, to be

brought into court by summons, &c.

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.*]

Obsolete.

Act of 1796, ch. 43.

The act mentioned, continued until 1st of July, 1795, so far, &c.
Act of 1793, ch. [27.] 54.

CHAP. [59.] 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.

§ 1. *Be it enacted, &c.* That the act, entitled "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.*]

Expired.

Act of 1796, ch. 23. act of

1798, ch. 39.

act of 1801, ch. 83. act of

1805, ch. 79.

The consent of congress granted to the act mentioned, so far, &c.

CHAP. [61.] 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.

§ 1. *Be it enacted, &c.* 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, entitled "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 to the 3d of March, 1795.

Act of 1790, ch. [40.] 67.

§ 2. That this act shall continue in force to the end of the next session of congress, and no longer. [*Approved, June 9, 1794.*]

CHAP. [62.] An act to amend the act, entitled "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."

Officers and soldiers of the Virginia line on continental establishment, entitled, &c. on producing warrant and survey, to receive a patent, &c.

§ 1. *Be it enacted, &c.* 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

Proviso: no patent for a greater quan-

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. (a) [Approved, June 9, 1794.]

quantity of land than is due, &c.
Secretary of war to endorse patents, &c.
Act of 1812, ch. 68.
Secretary of state to countersign, &c.

(a) See act of 1800, ch. 59. act of 1803, ch. 83. act of 1804, ch. 33. act of 1807, ch. 66. ch. 76. act of 1810, ch. 34. act of 1814, ch. 2. act of 1818, ch. 42. act of 1821, ch. 10. act of 1823, ch. 38.

CHAP. [64.] An act making certain alterations in the act for establishing the judicial courts, and altering the time and place of holding certain courts.

§ 1. *Be it enacted, &c.* 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.

District judges to appoint commissioners, before whom appraisers of ships or vessels, &c. may be sworn, &c.

§ 2. 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.

The stated terms of the district courts mentioned, changed, &c.

§ 3. 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

Time of holding the circuit court for Delaware, altered, &c.

North Carolina divided into three districts, &c.
District of Wilmington, &c.
District of Newbern, &c.
District of Edenton, &c.
Process, pleas, &c. returnable, &c.

The marshal for North Carolina to give

notice of the change, &c. Repealed, act of 1797, ch. 81.

Persons arrested in either of the districts, &c. in virtue of process from a district court where they do not reside, to be discharged, &c. Repealed, act of 1797, ch. 81.

Process, actions, &c. to be tried where first made returnable, &c. Repealed, act of 1797, ch. 81.

The clerk of the district court, &c. to keep a distinct docket and record of business, &c. Repealed, act of 1797, ch. 81.

Part of the act of 24th Sept. 1789, repealed. Act of 1789, ch. 20.

The supreme court to be attended only by the marshal of the district, &c.

District court for Kentucky to be held at Frankfort, &c.

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.

§ 4. 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.

§ 5. 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.

§ 6. 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.

§ 7. 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.

§ 8. 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.]

CHAP. [65.] An act laying duties on property sold at auction.

Repealed. Act of 1802, ch. 19.

Rates and duties upon sales by way of auction, as mentioned.

§ 1. *Be it enacted, &c.* 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 hereinafter 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 hereinafter excepted: The said respective rates and duties to be paid by the auctioneer, or person making such sales at auction, out of the moneys arising from each and every such sale. *Pro-*

Rates, &c. to be paid by the auctioneer, &c.

vided 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.

Proviso; as to what shall be exempted from the rate or duty.

§ 2. 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.

No person to exercise the business of an auctioneer without license, &c. on pain of forfeiting 400 dolls. and the duties, &c.

§ 3. 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 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

Proviso; no license required for the sale of property exempted, &c.

Auctioneers holding licenses under the law of a state, to give notice in writing to the office of inspection, &c.

Auctioneers to give bond, &c. Condition of the bond, &c.

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 moneys 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 color 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 authorized to retain duties out of amount of sales. Notice and bond, upon every renewal of license. Persons selling without giving bond, as prescribed, forfeit 400 dolls. and the duties.

Supervisors to grant licenses without fee, &c.

Proviso; no license until the person requesting, &c. becomes bound, &c.

Proviso; no license for auctioneers in any city, &c. in respect to which provision hath been made by the law of a state, &c. Persons having licenses from a supervisor, &c. may retain duties on estates, &c. sold.

§ 4. 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 hereinbefore 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.

§ 5. 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.

§ 6. 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.

§ 7. 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 hereinbefore 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.

§ 8. 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.

§ 9. 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.

§ 10. That it shall be lawful for the president of the United

Accounts to be rendered, and duties to be paid, to inspectors of the revenue, &c.

Auctioneers to make oath to the truth of accounts, &c.

Auctioneers to enter, from day to day, amount and particulars of sales, &c. Book or paper, of entries, to be submitted to the officer of inspection, on pain of forfeiting 500 dolls. &c.

The supervisor, being satisfied that the auctioneer hath acted agreeably to the provisions of this act, to deliver up the bond when expired.

The auctioneer not rendering account, or acting contrary to this act, the supervisor to cause the bond to be prosecuted, &c.

In case of verdict against defendant, &c. liable to penalties, &c.

Sale at auction of lands, &c. becoming void, &c. the supervisor to remit the duties, &c.

Auctioneers allowed a commission of one per cent. out of duties retained.

The president

empowered to make allowances to the officers of inspection for collecting duties, &c.

Pains and penalties of perjury for false swearing, &c.

If an officer, he forfeits his office, &c.

Fines, penalties, &c. to be recovered by bill, plaint, &c.

A moiety to officers discovering, or to informers, &c.

Where the cause of action arises more than fifty miles distant, &c. suit and recovery may be had before a competent state court.

Limitation of this act to the 3d March, 1797.

Act of 1795, ch. 45.

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 a half per centum of the total amount of the said duties collected.

§ 11. That if any person shall wilfully swear or affirm falsely, touching any matter hereinbefore 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 officer, shall forfeit his office, and be incapable of afterwards holding any office under the United States.

§ 12. 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.

§ 13. 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.]

RESOLUTIONS.

Obsolete.

An embargo, on ships and vessels bound to foreign ports, for thirty days.

No clearances, except, &c.

No. 2. *Resolved, &c.* 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.]

Obsolete.

Registered vessels, having goods on board, &c. not allowed to depart from one

No. 3. *Resolved, &c.* 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 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.]

port to another of the U. States before giving bond, &c.
Bond and certificate, &c. to be transmitted to the secretary of the treasury, &c.

Foreign armed vessels not liable to embargo; except, &c.

No. 4. *Resolved, &c.* 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.
The embargo continued until the 25th of May, 1794.

No. 5. *Resolved, &c.* 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 into 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.
The president authorized to direct clearances for vessels of citizens, loaded and bound beyond the cape of Good Hope, &c.
Proviso; owners to give security, &c.

No. 6. *Resolved, &c.* 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, entitled "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, entitled "An act to regulate claims to invalid pensions;" distinguishing those who have been placed on the pension list; and

Obsolete.
The secretary of war to make out a list of persons returned as invalids by the judges, &c. and transmit a copy to each judge, &c.
Act of 1792, ch. 11.

The secretary of war to return to each district judge a list of invalids under the act mentioned, &c.
Act of 1793, ch. [17.] 61.

The district
judges to pub-
lish the lists,
&c.

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.*]

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 3d November, 1794, and ended on the 3d of March, 1795.

GEORGE WASHINGTON, President. JOHN ADAMS, Vice President, and President of the Senate. HENRY TAZEWELL, President of the Senate, pro tempore, from the 25th of February. FREDERICK AUGUSTUS MUHLENBERG, Speaker of the House of Representatives.

CHAP. 66. 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. Obsolete.

§ 1. *Be it enacted, &c.* That a force, not exceeding two thousand and five hundred noncommissioned 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.

Not exceeding 2,500 of the militia, to be stationed in the four western counties of Pennsylvania, if, &c.

Provide; the term of service not to exceed three months, &c.

§ 2. 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. [*Approved, November 29, 1794.*]

The president authorized to direct voluntary enlistments, in lieu, &c.

CHAP. [68.] An act to amend and explain the twenty-second section of the "act establishing the judicial courts of the United States."

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:

Doubts as to the extent of security required by the 22d sec. of the act mentioned, &c. Act of 1789, ch. 20. § 22.

The security to be taken on signing a citation on a writ of error, &c. to be no greater in amount, &c.

§ 1. *Be it enacted, &c.* 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.]

CHAP. [74.] An act to regulate the pay of the noncommissioned officers, musicians, and privates, of the militia of the United States, when called into actual service, and for other purposes.

Monthly rate of pay of non-commissioned officers, privates, &c. of the militia, when called into actual service.

§ 1. *Be it enacted, &c.* 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 sergeant major and quartermaster sergeant, nine dollars; each drum and fife major, eight dollars and thirty-three cents; each sergeant, 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.

Allowances to cavalry for use, &c. of horses, &c. and in lieu of rations and forage, when, &c.

§ 2. That, in addition to the monthly pay, there shall be allowed to each officer, noncommissioned 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 noncommissioned officer, musician, and private, twenty-five cents per day, in lieu of rations and forage, when they shall provide the same.

Pay to commence from the time of appearing at rendezvous.

A day's pay, &c. for every 15 miles to the place of rendezvous, &c.

§ 3. 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 noncommissioned 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.

Pay in addition, &c. to the militia lately called forth into actual service, &c. Obsolete.

Proviso; the compensation made by any state to be included, &c. The states entitled to receive from the treasury the sums they have paid, &c.

§ 4. That, in addition to the pay heretofore authorized by law, there shall be allowed and paid to the noncommissioned 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 noncommissioned officers, musicians, and privates, over and above the pay heretofore allowed by law, and not exceeding the additional allowance granted by this act.

§ 5. That, for the completing and better supporting the military establishment of the United States, as provided by the act, entitled "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.

§ 6. 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.]

Additional pay to the troops enlisted, &c. Act of 1792, ch. 9.

Additional bounty to soldiers re-enlisting, &c. Obsolete.

The payment of 4 dolls. of the additional bounty deferred, &c. Additional allowance of provisions to those in the military service who are employed on the western frontiers, &c. Obsolete.

CHAP. [75.] An act authorizing the transfer of the stock standing to the credit of certain states.

§ 1. *Be it enacted, &c.* 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, entitled "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. [Approved, January 2, 1795.]

Obsolete. Act of 1797, ch. 14. Transfers of so much of the stock standing to the credit of any state as may be necessary, &c. authorized, at any time prior to the 2d Jan. 1797. Act of 1794, ch. 37.

Proviso; no transfer without consent, &c.

CHAP. [77.] An act for reviving certain suits and process which have been discontinued in the district court of Pennsylvania.

§ 1. *Be it enacted, &c.* 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,

Obsolete.

Suits and process pending in the district court of Pennsylvania in Nov. 1794, and discontinued by failure to hold that

court, revived, and day given in the next courts, &c.

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.]

Obsolete.
Act of 1796, ch. 2.

The term for receiving on loan the domestic debt not subscribed, &c. extended to the 31st December, 1795, &c.

Act of 1790, ch. [34.] 60.

Proviso; books to be opened only at the treasury. Creditors not subscribing to receive a rate per centum on the amount of their demands registered, &c.

CHAP. [78.] An act further extending the time for receiving on loan the domestic debt of the United States.

§ 1. *Be it enacted, &c.* 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.

§ 2. 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.]

Obsolete.
Act of 1816, ch. 107, act of 1824, ch. 67.

Difficulties have arisen, and further provisions necessary, &c. Duties, in lieu of present ones on the articles mentioned, after the 31st March, 1795.

CHAP. [82.] An act supplementary to the several acts imposing duties on goods, wares, and merchandise, imported into the United States.

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:

§ 1. *Be it enacted, &c.* 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 Champagne, forty cents, per gallon.

§ 2. 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.

Duties on imperial tea, &c. Part of an article imported, to pay in proportion to the whole.

§ 3. 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 ensurance, 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.

Valuation of goods, &c. subject to the payment of duties ad valorem, &c. Duty on wines, not less than 10 cts. per gall. Bottles, with liquor, to pay duty as empty bottles.

§ 4. 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.

Terms of credit for duties on goods, &c. Imported from the West Indies and from Europe, &c.

§ 5. 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 of 10 per cent. on importations in foreign vessels; except, &c.

§ 6. 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. [*Approved, January 29, 1795.*]

Duties to be collected, &c. as prescribed by law.

CHAP. [83.] 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 exported 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:

Repealed. Act of 1799, ch. 128.

Great loss and inconvenience experienced from the limitation of drawbacks, &c.

§ 1. *Be it enacted, &c.* 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

Imported goods may be exported, with benefit of drawback, from ports at which vessels from beyond the Cape of Good Hope are allowed to enter, &c.

Proviso: goods, &c. not entitled to drawback unless accompanied by a certificate, &c.

pay duties by weight or measure, the quantity in each; and, in all cases, the amount of the duties paid, or secured thereon.

An entry to be made out, specifying marks, &c. in order to certificate, &c.

§ 2. 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 unlading thereof.

The collector being satisfied, to grant a certificate, &c.

Importers of liquors, &c. may fill up casks, &c. out of others of the original importation, &c. or put them into new casks, in case, &c.

§ 3. 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.

Goods, &c. entered for exportation with benefit of drawback, from another district than the one, &c. to be entered, &c. as by law required when exported from the place of original importation. Debentures for drawbacks, &c. payable at the time the duties are to be paid, except, &c.

§ 4. 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 hereinbefore 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.

§ 5. 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,

The collector, where goods are exported from a district other than that of original importation, to grant a certificate, &c.

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.

§ 6. 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.

§ 7. That so much 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, 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. [Approved, January 29, 1795.]

The collector's certificate to entitle the possessor to a debenture, &c.

Proviso; the collector may refuse debenture in case of error or fraud, &c.

The collector to represent the case to the comptroller, if, &c.

Proviso; drawback to original importer not to be paid before duties are received. Bond to be given before debenture or certificate, &c.

Condition of the bond, to produce proof of the delivery of the goods without the United States.

Proviso; other testimony allowed, when made to appear, &c.

Proof to be referred to the comptroller, &c.

So much of the act mentioned, as extends credit on bonds, &c. repealed. Act of 1790, ch. 35, [61.]

Proviso; nothing herein to extend, &c.

Obsolete.
Act of 1795,
ch. 9.

The augmentation of bounty authorized by the act mentioned, to be allowed, &c. to recruits who enlisted after passing the act, or, &c.

Repealed. Act
of 1802, ch. 28.

Free white
aliens may be-
come citizens
on the condi-
tions mention-
ed.

The party to
declare, on
oath, in court,
three years be-
fore admission,
his intention to
become a citi-
zen, and to re-
nounce his al-
legiance, &c.

The party to de-
clare, on oath,
as to residence,
&c. to support
the constitu-
tion, &c. at
the time of ap-
plication, &c.

The court to be
satisfied as to
residence, and
of the party's
good behavior,
&c.

Titles of nobi-
lity to be re-
nounced in
court, &c.

CHAP. [84.] An act in addition to the act, entitled "An act to regulate the pay of the noncommissioned officers, musicians, and privates, of the militia of the United States, when called into actual service, and for other purposes."

§ 1. *Be it enacted, &c.* That the augmentation of bounty authorized by the fifth section of the act, entitled "An act to regulate the pay of the noncommissioned 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.]

CHAP. [85.] An act to establish a uniform rule of naturalization; and to repeal the act heretofore passed on that subject.

For carrying into complete effect the power given by the constitution to establish a uniform rule of naturalization throughout the United States:

§ 1. *Be it enacted, &c.* 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.

§ 2. *Provided, &c.* 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.

§ 3. 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.

§ 4. That the act, entitled "An act to establish an uniform rule of naturalization," passed the twenty-sixth day of March, one thousand seven hundred and ninety, be, and the same is hereby, repealed. [*Approved, January 29, 1795.*]

CHAP. [86.] An act to amend the act, entitled "An act making alterations in the treasury and war departments."

§ 1. *Be it enacted, &c.* 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,

Aliens now resident may become citizens on declaring what is prescribed, &c.

Proceedings to be recorded. Children of persons naturalized, dwelling, &c. under 21, and children of citizens born out of the limits, &c. Proviso; citizenship not to descend, where fathers have never been resident. Proviso; persons proscribed, or who joined the British army, &c. not to be admitted, &c. The act mentioned repealed.

Act of 1790, ch. 3. Act of 1792, ch. 37.

In case of vacancy in any of the offices mentioned, the president may authorize a person to perform the duties, until, &c.

Proviso; no vacancy to be thus supplied longer than six months.

Obsolete.
Act of 1799, ch. 128.
Allowance to collectors, in lieu of commissions heretofore established.

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. [*Approved, February 13, 1795.*]

CHAP. [88.] An act relative to the compensations of certain officers employed in the collection of the duties of impost and tonnage.

§ 1. *Be it enacted, &c.* 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 moneys 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, Edgartown, 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, Yorktown, 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.

Yearly allowances to the officers mentioned, in lieu of former ones.

§ 2. 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: To the collectors of the districts of York, Passamaquoddy, Oxford, Vienna, Nottingham, Hampton, Yorktown, 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, Bur-

lington, 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 Llewellynsburg, one hundred and twenty dollars, each : And to the surveyors of Ipswich, Portland, North Kingston, Pawhatuck, 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, Indian Town, Currituck Inlet, Savannah, and New Brunswick, in New Jersey, the sum of one hundred dollars, each.

§ 3. 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.

§ 4. 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. [*Approved, February 14, 1795.*]

Allowance to inspectors, &c. in lieu of the sum heretofore established.

Collectors, &c. to keep accurate accounts of their emoluments and expenditures, transmit them annually to the comptroller, &c.

CHAP. [89.] An act supplementary to the act concerning Invalids.

§ 1. *Be it enacted, &c.* 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, entitled "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

The right to pension acquired in virtue of the act mentioned, to commence at the time of completing testimony, &c. Act of 1793, ch. [17.] §1. Nothing antecedent, by way of arrears, &c. Pensions to

continue during disability.

No commissioned officer to receive a pension until he has returned commutation; except, &c.

The secretary of the treasury to cause a lighthouse to be erected near the harbor of Georgetown, S. Carolina. \$5,000 dolls. appropriated, &c. 1,000 dolls. for buoys on shoals in Cape Fear river, &c.

Obsolete.

Act of 1812, ch. 46, § 9.

A purveyor of public supplies, in the department of the treasury, &c.

His duty, to conduct the procuring of arms, &c.

His salary, 2,000 dolls. per annum.

His letters free of postage.

The purveyor not to be concerned in trade or commerce, &c. nor purchase public lands, &c.

Forfeit of 3,000 dolls. imprisonment, and disability, for offending against the prohibitions of this act, &c.

The purveyor to give bond, &c.

be continued to the respective pensioners during the continuance of their disability.

§ 2. 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.*]

CHAP. [91.] An act authorizing the erection of a lighthouse near the entrance of Georgetown harbor, in the state of South Carolina.

§ 1. *Be it enacted, &c.* That the secretary of the treasury be, and he is hereby, required to cause to be erected, as soon as 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 moneys 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. [*Approved, February 21, 1795.*]

CHAP. [92.] An act to establish the office of purveyor of public supplies.

§ 1. *Be it enacted, &c.* That there shall be, in the department of the treasury, an officer to be denominated "Purveyor of Public Supplies," whose duty 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.

§ 2. 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.

§ 3. 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. [*Approved, February 23, 1795.*]

CHAP. [93.] 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."

§ 1. *Be it enacted, &c.* That the act, entitled "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. [*Approved, February 25, 1795.*]

CHAP. [95.] An act to amend the act, entitled "An act to establish the post office and post roads within the United States."

§ 1. *Be it enacted, &c.* That the following 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 Cooper's Town, by Butternut Creek, and Oxford Academy, to Union Town: From Piper's, 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 Susquehannah: From Bethlehem to Wilksburgh, in the county of Luzerne: From York Town, through Abbotstown, and Gettysburgh, 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 Bladensburgh, in Maryland, through Upper Marlbro', 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 York Town: From Powhatan Courthouse to Cartersville: From Charlottesville, by Warren, Warminsten, Newmarket, Amherst Courthouse, Cabellsburgh, 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.

§ 2. 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

The bond to be lodged in the office of the comptroller. Expired.

Act of 1793, ch. [20.] 64.

The act mentioned continued to the 3d March, 1797.

Repealed, act of 1810, ch. 48.

Post roads established.

Route of the post from Fayetteville to Cheraw Courthouse altered. The postmaster general authorized to dis-

continue two
post roads and
to alter another,
&c.

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 Union Town, 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 accommodation 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.]

Repealed, act
of 1799, ch.
129.

CHAP. [96.] An act supplementary to the act, 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 or vessels."

Masters of ves-
sels obstruct-
ing revenue
officers, &c.
forfeit from 50
to 500 dolls.

§ 1. *Be it enacted, &c.* 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.

In actions, &c.
upon seizures,
&c. the burden
of proof on
claimant,
where proba-
ble cause is
shown, &c.

§ 2. 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.

Persons
against whom
process may be
issued in pro-
secutions for
penalties, to
be held to spe-
cial bail, &c.

§ 3. 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.

New districts
and ports of
delivery after
the 31st May,
1795.
In New York.

§ 4. 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, Killingworth, 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

In Connecticut.

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 Waldborough; and a collector for the district shall reside at Waldborough, 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 Waldborough. 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 moneys 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.

§ 5. 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 Hudson, 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, 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," 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.

In Massachusetts.

Collectors and surveyors to give bond, &c.

Duties, authorities, and fees of office, &c. the same as in like cases, &c. The collectors to receive per centage and yearly allowance, &c. Yearly allowance to surveyors, &c.

Masters of vessels bound to the districts mentioned, to come to at the places designated, &c. report, &c.

Masters neglecting or refusing to comply, &c. to forfeit from 50 to 500 dolls.

Proviso; after the 31st May, 1795, the restrictions of the 3d sec. of the act mentioned not to extend, &c.

Extent of the district of Hampton for James River, &c.

When the value of goods seized, sold, &c. is less than 100 dolls. the part accruing to the U. States to be applied to the payment of costs, &c.

When entry of merchandise is made by an agent, &c. other than the owner, the collector to increase the penalty of the bond, &c. and make it a part of the condition that the owner or consignee shall deliver a correct account, &c.

The account to be verified, &c.

In case of payment of duties on entry, by an agent, the collector to take bond, &c.

Bonds, in case of drawback, may be discharged by producing, within the times mentioned, a certificate, &c.

A certificate from the consul also.

§ 6. 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.

§ 7. 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.

§ 8. 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.

§ 9. 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 con-

signee'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 to be confirmed by the oath of the master and mate, &c.

Where there is no consul, &c. the certificate may be confirmed by the certificate of two reputable merchants, &c.

Merchants' certificate to be supported by the oath of the master and mate, &c. In case of loss at sea, &c. other proofs may be adduced, &c. Proofs, &c. to be transmitted to the comptroller, &c.

CHAP. [100.] An act for allowing an additional compensation to the judges of the districts of Rhode Island and Delaware.

§ 1. *Be it enacted, &c.* 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. [*Approved, February 27, 1795.*]

Act of 1801, ch. 100.

Additional yearly allowance to each of the district judges of Rhode Island and Delaware, &c.

CHAP. [101.] 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.

§ 1. *Be it enacted, &c.* 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

See act of 1814, ch. 141. act of 1818, ch. 79.

In case of invasion, &c. the president may call forth the militia most convenient, and issue his orders to the militia officers, &c.

In case of insurrection against the government of a

state, the president, on application, &c. may call forth the militia of other states, &c.

In case of opposition to the laws by powerful combinations, &c. the president may call forth the militia of any state, &c.

Whenever the military force is necessary, the president, by proclamation, to command the insurgents to disperse, &c.

Militia, in service, to be subject to the rules and articles of war, &c.

Militia not to serve more than 3 months after arrival at the place of rendezvous, &c.

Officers, privates, &c. failing to obey the orders of the president, &c. forfeit pay, not exceeding, &c.

Officers liable, moreover, to be cashiered, &c. Noncommissioned officers and privates liable, &c. on failing to pay fines, &c.

Courts martial, &c. of militia officers only.

Fines to be certified by the presiding officer of the court martial, to the marshal, &c.

who is to levy, &c. See act of 1813, ch. 180. Sale of distrained goods according to state laws, &c.

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.

§ 2. 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.

§ 3. 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 abode, within a limited time.

§ 4. 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, noncommissioned 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.

§ 5. That every officer, noncommissioned 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 marshal, 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 noncommissioned 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.

§ 6. That courts martial for the trial of militia shall be composed of militia officers only.

§ 7. 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 pro-

ceeding, 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 noncommissioned 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.

§ 8. 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.

§ 9. 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.

§ 10. That the act, entitled "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. [Approved, February 28, 1795.]

Where non-commissioned officers and privates are adjudged to suffer imprisonment, &c. the marshal, &c. may commit, &c.

The marshals to pay fines to supervisors, &c.

5 per cent. compensation to the marshal. The marshals failing to pay over, may be sued, &c.

Marshals, in executing the laws of the United States, empowered as sheriffs, &c. The act mentioned, repealed. Act of 1792, ch. 28.

CHAP. [102.] An act to continue in force, for a limited time, the acts therein mentioned.

Obsolete.

§ 1. *Be it enacted, &c.* 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, entitled "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. [Approved, March 2, 1795.]

The acts, and part of the act mentioned, continued until the 1st June, 1796. Act of 1784, ch. 61. Act of 1790, ch. [12.] 39.

Act of 1793, ch. [29.] 71.

CHAP. [105.] An act relative to cessions of jurisdiction in places where lighthouses, beacons, buoys, and public piers, have been, or may hereafter be, erected and fixed.

§ 1. *Be it enacted, &c.* That where cessions have been, or

Cessions of jurisdiction of places for lighthouses, &c. with reservation of right to serve process, &c. under state authority, deemed sufficient, &c. States having made cessions without reservation, process, &c. may, nevertheless, be served, &c.

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.

§ 2. 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.*]

CHAP. [106.] An act relative to the passing of coasting vessels between Long Island and Rhode Island.

Coasting vessels going to Rhode Island from Long Island, &c. to have the same privileges, &c. as vessels going, &c.

§ 1. *Be it enacted, &c.* 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.*]

Repealed. Act of 1802, ch. 19. Act of 1794, ch. 51. The duty of 3 cents per pound on snuff, to cease, &c.

CHAP. [108.] An act to alter and amend the act, entitled "An act laying certain duties upon snuff and refined sugar."

Yearly rates and duties on snuff mills, in lieu, &c.

§ 1. *Be it enacted, &c.* That the duty of eight cents per pound on snuff, laid by the act of the last session, entitled "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.

The duties on snuff mills to be levied, accounted for, &c. by the same officers as are provided by the act mentioned, subject, &c.

§ 2. That the duties aforesaid shall be levied, collected, and accounted for, by the same officers, as are provided 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;" subject to the superintendence and control of the department of the treasury, according to the respective authorities and duties of the officers thereof.

Manufacturers of snuff to make true and

§ 3. 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.

§ 4. 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 hereinbefore 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.

§ 5. 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 here-

exact entries, in writing, &c. at the nearest office of inspection, specifying buildings, mortars, millstones, &c.

Manufacturers to forfeit every mill, &c. not entered, and also to pay 500 dolls.

Manufacturers of snuff having made entry, entitled to a license, &c.

Bond to be given for duties, &c.

Condition of the bond.

Provido; the manufacturer may pay the duty immediately, with a deduction of 6 per cent. Licenses to be prepared by the supervisors, &c. The treasury department to prescribe forms of licenses. Date of licenses.

by declared, to commence on the first days of January, April, July, and October, in each year.

Manufacturers to renew their licenses, and bonds for duties, every year.

§ 6. 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 manner heretofore directed, and in like manner shall pay or secure the payment of the duties for such year.

Persons manufacturing snuff without a license, &c. to forfeit treble the amount of the duty, &c.

§ 7. 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.

The duties, &c. imposed by this act to be a lien upon the mills, &c.

Snuff manufactured in the United States and exported, entitled to drawback, &c.

§ 8. 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 hereinafter 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.

Proviso; as to the quantity exported at one time, &c. Persons exporting, with benefit of drawback, to make entry, in writing, &c.

§ 9. 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 reloaded 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

Oath to be made to the truth of entry, &c.

The collector to cause packages to be examined, and permit, &c.

Proviso; no drawback except the snuff

at which ships or vessels from the Cape of Good Hope, or from any place beyond the same, are admitted to make entry.

§ 10. 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.

§ 11. 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, relanded 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, relanded 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.

§ 12. That if any snuff, entered for exportation with intention to obtain a drawback thereon, shall be relanded, or attempted to be relanded, 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.

§ 13. 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

be exported from the ports where ships from the Cape of Good Hope, &c. may enter. Exporters of snuff entitled to drawback, to give bond, &c.

Master of the vessel to make oath, &c.

The provisions of the act being complied with, the collector to grant debenture, payable in 12 months, &c. Collectors to discharge debentures out of public money, &c.

Before payment of debenture, the oath of the master and mate must be produced, as to the landing in a foreign port, &c.

The person demanding payment also to make oath, &c.

Proviso; in case of accident, &c. the comptroller may admit other proof, &c.

If snuff, entered for exportation, &c. be relanded, &c. It is subject to forfeiture together with the vessel, &c. and the master forfeits 500 dollars. Proviso; prosecutions to be commenced within 12 months, &c.

Collectors granting debentures to keep account, &c.

The secretary of the treasury

to cause an annual account of the revenue from snuff to be laid before congress, &c.
A moiety of penalties, &c. to informers, &c.

The president may make reasonable compensation to the officers of inspection employed in the collection of the duties mentioned, &c.
The clauses and provisions of the act mentioned, relative to duties on snuff, repealed, except, &c.
Act of 1794, ch. 51.

The revenue arising from the duty on snuff to remain charged, &c.

Repealed.
Act of 1796, ch. 39.

The present military establishment, &c. continued.

The corps of artillerists and engineers to be completed, &c.

The legion of the U. States to be completed, &c.
The sublegions to be organized, &c.
Provido; no enlistments after three years.

the produce of the revenue arising from snuff, and of the amount of the drawbacks for which debentures have been granted in each year.

§ 14. 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.

§ 15. 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.

§ 16. That, from and after the last day of March, in the present year, the several clauses and provisions of the act, entitled "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 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.]

CHAP. [109.] An act for continuing and regulating the military establishment of the United States, and for repealing sundry acts heretofore passed on that subject.

§ 1. *Be it enacted, &c.* That the present military establishment of the United States, composed of a corps of artillerists and engineers, to consist of nine hundred and ninety-two noncommissioned officers, privates, and musicians, and of a legion to consist of four thousand eight hundred noncommissioned officers, privates, and musicians, be, and the same is hereby, continued.

§ 2. That the said corps of artillerists 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.

§ 3. That the legion of the United States be also completed, to the number of four thousand eight hundred noncommissioned officers, privates, and musicians, by voluntary enlistments, for the term of three years; and that the sublegions 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.

§ 4. 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.

The cavalry to serve as dismounted dragoons when ordered, &c.
A right to be reserved, &c. to discharge the troops enlisted.

§ 5. 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.

Commissioned officers in the recruiting service allowed 2 dolls. for every person enlisted, &c.

§ 6. 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 out 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.

A bounty of 16 dolls. to each soldier re-enlisting, &c.

§ 7. That every noncommissioned 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.

Bounty of 14 dolls. to each recruit, &c.
Part of the bounty deferred, &c.
Noncommissioned officers, privates, and musicians, of the infantry and artillery, to receive the articles of uniform clothing mentioned.
Clothing for the cavalry and riflemen to be suitable, &c.

§ 8. That every noncommissioned 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 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; 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.

Daily ration allowed to each noncommissioned officer, private, &c.

§ 9. 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.

Additional allowance of provisions to the military employed on the western frontiers.

§ 10. That the monthly pay of the officers, noncommissioned 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

Monthly pay of officers, noncommissioned officers, musicians, and

privates, on the military establishment of the United States.

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 commandant, 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; 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, light dragoons, and artillery, nine dollars; matrons and nurses in the hospital, eight dollars.

Rations for commissioned officers.

§ 11. 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.

Money in lieu of rations.

Monthly rate of allowance, instead of forage, to the officers mentioned.

§ 12. That the officers hereinafter 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.

Officers, non-commissioned officers, privates, &c. wounded or disabled, &c.

Proviso; rate of compensation to a commissioned officer.

§ 13. That if any officer, noncommissioned 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 noncommissioned 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.

§ 14. That the officers, noncommissioned 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.

§ 15. That every officer, noncommissioned 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.*"

§ 16. That it shall be lawful for the president of the United States to arm the troops aforesaid, whether riflemen, artillerymen, 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.

§ 17. 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.

§ 18. That the several acts, entitled "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 further 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.]

cer not to exceed half pay, &c. that to privates not to exceed 5 dols. per month. Provide; allowance for inferior disabilities in proportion. Officers and privates to be governed by the rules and articles of war, &c.

Officers and privates to take and subscribe an oath. Form of the oath.

The president to arm the troops as he may think proper. The president may forbear to raise, or discharge the troops, in case, &c. Persons procuring soldiers to desert, &c. or captains of vessels receiving deserters, &c. subject to fine or imprisonment.

The acts mentioned repealed. Act of 1790, ch. [10.] 37. act of 1791, ch. 102. act of 1792, ch. 9.

Provide; nothing in this section to vacate commissions or enlistments, &c.

Act of 1798, ch. 68, act of 1822, ch. 112. The commissioners of the sinking fund may borrow in anticipation of the revenues appropriated, &c.

Interest of loans not to exceed six per cent. and to be paid out of the proceeds of duties, &c.

A loan to be opened at the treasury to the amount of the foreign debt, &c.

Sums subscribed to bear an interest equal to that on the foreign debt paid or exchanged, &c. and one-half per cent. more, &c.

Proviso; the loan may be reimbursed at pleasure, &c. Credit to be given to subscribers, on the books of the treasury, &c. Certificates to issue to subscribers, &c. Stock transferable, &c.

Act of 1790, ch. 61.

Interest to be paid at the offices where the credits stand, &c.

Interest and principal of loans to be made payable at the treasury, &c. so far, &c.

CHAP. [110.] An act making further provision for the support of public credit, and for the redemption of the public debt.

§ 1. *Be it enacted, &c.* 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.

§ 2. 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 quarterly 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.

§ 3. 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, entitled "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 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.

§ 4. 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.

§ 5. 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 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.

So much of the duties, &c. as may be set free by subscriptions to the loan, &c. pledged for the payment of interest, &c.

proviso; nothing herein to affect the provisions made concerning the foreign debt, &c. except, &c.

§ 6. That the several and respective duties laid and contained in and by the act, entitled "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.

Duties pledged until the principal of the public debt is paid, &c. Act of 1794, ch. 54.

§ 7. That the reservation made by the fourth section of the aforesaid act, entitled "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.

The reservation made by the 4th sec. of the act mentioned annulled, and duties substituted, &c. Act of 1790, ch. [47.] 74.

§ 8. That the following appropriations, in addition to those heretofore made, be made to the fund constituted by the seventh section of the act, entitled "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 moneys which now constitute the said fund, and

Additional appropriations made to the fund constituted by the 7th sec. of the act mentioned, &c. Act of 1792, ch. 38. 1st. proceeds of duties, &c.

2d. Dividends
on bank stock,
&c.

3d. Duties on
goods, &c. to
pay remaining
instalments,
&c.

4th. The net
proceeds of
sales of lands.
5th. Moneys
received on ac-
count of debts
due to the U.
States, &c.
Lastly. Sur-
plusses of reve-
nue, &c.

shall accrue to it, by virtue of the provisions hereinbefore 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 moneys, which, by virtue of provisions in former acts, and hereinbefore 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 moneys 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 surplusses 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.

§ 9. That as well the moneys 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, entitled "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 moneys 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.

§ 10. That all reimbursements of the capital, or principal, of the public debt, foreign and domestic, shall be made under the superintendence of the commissioners of the sinking fund, who are hereby empowered and required, if necessary, with the 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 exceed-

Moneys accruing to the sinking fund, to be under the direction and management of the commissioners, &c. Act of 1790, ch. [47.] 74.

Moneys to continue appropriated to the sinking fund until the public debt is redeemed, &c.

Reimbursement of the capital of the public debt to be under the superintendence of the commissioners, who may borrow, &c.

Proviso; loans made by commissioners may be reimbursed at pleasure, &c.

Rate of interest not to exceed 6 per cent.

Sale of certificates of stock a good execution of the power to borrow, &c.

Proviso; stock not to be sold under par. Pledge and appropriation of funds for the payment of interest on the sums borrowed, &c.

ing, 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.

Yearly sums to be paid by the commissioners, &c.

1st. Sums that may be paid in redemption of debt bearing an interest, on the 1st Jan. 1796, of 6 per cent. and redeemable by payments not exceeding 8 per cent. in one year, &c.

2d. Sums payable towards the reimbursement of the loans had of the bank, &c.

3d. Sums towards the reimbursement of stock that may begin to bear an interest of 6 per cent. in 1801, &c.

The surplus of the fund to be applied to the final redemption of the public debt, &c.

Commissioners not to pay more for the unfunded domestic debt, than the market price of the funded debt. *Provido*; if, after debts and loans are paid, &c. any part of the 3 per cent. stock remains unredeemed, &c.

§ 11. 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.

§ 12. That nothing in this act shall be construed to vest in the commissioners of the sinking 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.

§ 13. 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.

Priorities in appropriations, for interest, as between different parts of the debt, to cease, after 1796, with respect to creditors who do not signify their dissent, &c.

Consolidated fund, &c.

§ 14. 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.

Outstanding certificates, to be presented, before the 1st of Jan. 1797, at the auditor's office, &c. Act of 1793, ch. 68.

Certificates not presented, barred, &c.

§ 15. That if any transfer of stock, standing to the credit of a state, shall be made pursuant to the act, entitled "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.

Transfer of stock pursuant to the act mentioned, to be upon condition that it shall be lawful to reimburse, &c. Act of 1795, ch. 10.

§ 16. 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

Sums remaining unexpended for two years after the year of appropriation, other than, &c. to be carried to account of the surplus fund, &c.

No appropriation to be deemed to have ceased, &c. until after the year 1795, unless, &c.

The department of the treasury to establish forms and rules of proceeding for the execution of this act, &c. The regulations and restrictions, &c. applicable to, and in force for, the execution of the analogous duties enjoined by this act, &c. Act of 1802, ch. 32.

Loans authorized by this act may be made by the bank of the United States, &c.

The acts mentioned continued until the 1st March, 1801.

lawful for him to cause to be carried the unexpended residue thereof to the said account of "The Surplus Fund."

§ 17. 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.

§ 18. 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.

§ 19. 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.

§ 20. 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.*]

Act of 1792, ch. 16.

A melter and refiner to be appointed in the mint, &c. His duty.

The melter and refiner to take an oath, &c. And become bound, &c.

CHAP. [112.] An act supplementary to the act, entitled "An act establishing a mint, and regulating the coins of the United States."

§ 1. *Be it enacted, &c.* 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 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.

§ 2. 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.

§ 3. 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.

§ 4. 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.

§ 5. 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.

§ 6. 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.

§ 7. 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 standard, that may be deposited as aforesaid.

§ 8. 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.

§ 9. 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

Salary of the melter and refiner, 1,500 dollars.

The director of the mint, &c. to make a temporary appointment of a melter and refiner, &c.

The treasurer of the mint to retain 2 cents per ounce from every deposit of silver bullion, &c. and 4 cents from every ounce of gold bullion, &c. The treasurer to account for the sum retained, &c. Act of 1800, ch. 34.

The treasurer of the mint not obliged to receive deposits of silver bullion less than 200 ounces, nor of gold bullion less than 20 ounces; below the standard, &c.

The officers of the mint may give a preference, &c. *Provided*; nothing herein to delay unnecessarily the refining of bullion, &c.

The president may reduce the weight of the copper coin, &c. *Provided*; the reduction not to exceed two pennyweights in each cent, &c.

The treasurer of the U. States to send copper cents, &c. to the banks, and collectors, as he receives them, &c. in proportion to the number of

inhabitants, to be paid out for cash, &c.

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.*]

CHAP. [113.] An act for the more effectual recovery of debts due from individuals to the United States.

The comptroller authorized to notify persons who have received moneys for which they are accountable; &c. to produce accounts and vouchers, at a reasonable time, within a year, &c. In default, suits may be commenced, &c. The party liable to costs, &c.

The marshals to serve the notifications on the parties, &c.

Return of notification, and marshal's certificate, legal evidence, &c.

Where accounts are rendered within the time limited, the auditor to proceed to liquidate, &c. The comptroller to examine, &c.

A day to be appointed for hearing the claimant, &c. Act of 1809, ch. 95.

A list of the credits not allowed to be transmitted to the marshal, and a copy served on the claimant, with notice, &c. The marshal to make return of proceedings, &c.

§ 1. *Be it enacted, &c.* That the comptroller of the treasury be, and is hereby, authorized to issue a notification to any person who has received moneys 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 moneys; 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 favor or against him.

§ 2. 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.

§ 3. 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 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.

§ 4. 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.*]

The claimant barred if he does not assign reasons, &c.

In case the claimant assigns reasons, the comptroller to consider and decide, &c.

The decision of the comptroller final, &c.

CHAP. [115.] An act for the more general promulgation of the laws of the United States.

See act of 1799, ch. 30. [136.]

§ 1. *Be it enacted, &c.* 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.

The secretary of state to cause a complete edition of the laws to be collated and printed, at the public expense, &c.

§ 2. That four thousand five hundred copies of the said edition shall be divided by the said secretary, among the respective states, and the territories north-west, 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.

4,500 copies of the edition to be divided among the states and territories, &c. The proportion of each state, &c. to be transmitted to the governor, &c.

500 copies to be reserved, &c.

§ 3. 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.*]

Future acts and treaties to be printed, &c. in like manner, &c.

CHAP. [118.] An act authorizing the exportation of arms, cannon, and military stores, in certain cases.

Obsolete.

§ 1. *Be it enacted, &c.* 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.*]

In cases connected with the security of the commercial interest, &c. the president may permit the exportation of arms, &c. Act of 1794, ch. 33.

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 7th December, 1795, and ended on the 1st of June, 1796.

GEORGE WASHINGTON, President. JOHN ADAMS, Vice President, and President of the Senate. SAMUEL LIVERMORE, President of the Senate, pro tempore, from the 12th of May. JONATHAN DAYTON, Speaker of the House of Representatives.

See act of 1797, ch. 79.

The term for receiving on loan the domestic debt not subscribed, &c. extended until the 31st Dec. 1796.

Act of 1790, ch. [34.] 60. Proviso; the books to be only opened at the treasury. So much of the principal of the debt subscribed pursuant to this act, as will make it equal, &c. may be reimbursed, &c. Act of 1795, ch. 45.

Creditors not subscribing, to receive, during the year 1796, a rate per cent. on the amount of their demands registered, &c. Act of 1790, ch. [34.] 60.

CHAP. [2.] An act further extending the time for receiving on loan the domestic debt of the United States.

§ 1. *Be it enacted, &c.* 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.

§ 2. 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, entitled "An act making further provision for the support of public credit, and for the redemption of the public debt."

§ 3. 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, 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, February 19, 1796.*]

CHAP. [4.] 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.

Repealed. Act of 1818, ch. 5.

§ 1. *Be it enacted, &c.* 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.

After the 34 day of March, 1796, each senator to receive 6 dolls. for every day he shall attend, &c. and 6 dolls. for every 20 miles, &c. In case of sickness, each member of the senate allowed 6 dolls. per day. *Proviso*; no senator allowed a sum exceeding, &c.

§ 2. 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.

Each representative entitled to receive 6 dolls. for every day he shall attend, &c. and 6 dolls. for every 20 miles, &c. In case of sickness, each representative allowed 6 dolls. per day. The speaker, &c. entitled to 6 dolls. per day additional. *Proviso*; no representative allowed a sum exceeding, &c.

§ 3. 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.

Each chaplain allowed at the rate of 500 dolls. per ann. The secretary of the senate, and clerk of the house, allowed 1,500 dolls. per ann. each, &c. Act of 1802, ch. 35.

§ 4. 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.

A principal clerk at 3 dolls. per day; and two engrossing clerks, at 2 dolls. each, per day.

§ 5. That the said compensation, which shall be due to the members and officers of the senate, shall be certified by the pre-

The sergeant at arms allowed 4 dolls. per day. Act of 1802, ch. 35. The compensation of members of the senate,

&c. to be certified by the president of the senate, that of the members of the house, &c. by the speaker, &c.

Obsolete.

The secretary of the treasury empowered to allow to vessels and cargoes, whose registers become invalid, &c. the same privileges, &c. Act of 1792, ch. 1. *Proviso*; if non-compliance did not proceed from wilful neglect, &c. and that new registers be obtained, &c.

Officers and privates of the militia or volunteers, wounded or disabled in actual service, to be placed on the list of invalids, at such rate, &c.

Proviso; rate of compensation not to exceed the half pay, &c. The rate, &c. to noncommissioned officers and privates, not to exceed 5 dollars per month. Inferior disabilities in proportion. *Proviso*; these provisions not to extend to persons wounded, &c. before the 4th March, 1799, nor, &c. *Proviso*; applications under this act to be made within a year, &c.

sident; 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. [*Approved, March 10, 1796.*]

CHAP. [5.] An act providing relief, for a limited time, in certain cases of invalid registers.

§ 1. *Be it enacted, &c.* 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 noncompliance 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 noncompliance did not proceed from wilful negligence or an intention of fraud: *And provided, also*, That a new register shall be obtained, in the manner prescribed 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.*]

CHAP. [8.] An act for the relief of certain officers and soldiers, who have been wounded or disabled in the actual service of the United States.

§ 1. *Be it enacted, &c.* That every commissioned, noncommissioned 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 noncommissioned 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.*]

CHAP. [10.] An act making certain provisions in regard to 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-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:

A quorum of judges did not attend to hold circuit court, &c. and certain provisions are necessary, &c.

§ 1. *Be it enacted, &c.* 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.

The district judge to direct the clerk to issue process for summoning jurymen to serve at June term, 1796, &c.

The persons ordered to be summoned, to be in the same proportion, from the same counties, &c. *Proviso*; the district judge may cause other time of notice to be directed to be given, &c. The marshal to execute the process, and the persons summoned to attend, &c.

The marshal, &c. entitled to allowances.

§ 2. 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.

Suits and proceedings, commenced and not finished, to be proceeded on at the ensuing term, &c.

§ 3. That all writs and other process, sued out of the clerk's office of the said circuit court, according to the accustomed method, bearing teste 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

Writs and other process, sued out of the clerk's office, &c. to be held and deemed valid and effective, &c.

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.*]

CHAP. [11.] 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."

Act of 1793, ch. [20.] 64. The act mentioned, continued until the 3d March, 1799.

§ 1. *Be it enacted, &c.* That the act, entitled "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 thence to the end of the next session of congress thereafter, and no longer. [*Approved, March 31, 1796.*]

CHAP. [12.] An act authorizing the erection of a lighthouse on Baker's Island, in the state of Massachusetts.

The secretary of the treasury to provide, by contract, for building a lighthouse on Baker's island; agree for salaries, &c.

§ 1. *Be it enacted, &c.* 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 moneys not otherwise appropriated. [*Approved, April 8, 1796.*]

The president authorized to appoint a superintendent, &c.

6,000 dolls. appropriated for the lighthouse, &c.

Expired. See act of 1806, ch. 48. The president may establish trading houses, &c. for carrying on a liberal trade with the Indian nations.

The president authorized to appoint an agent for each trading house, &c.

Duty of the agent. Agent to take an oath.

And give bond.

CHAP. [13.] An act for establishing trading houses with the Indian tribes.

§ 1. *Be it enacted, &c.* 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.

§ 2. 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 aforementioned, 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.

§ 3. 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 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.

§ 4. 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.

§ 5. 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.

§ 6. 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 moneys unappropriated in the treasury of the United States.

§ 7. 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

Agent's accounts to be transmitted to the treasury half-yearly.

Agents and their clerks not to be concerned in trade, except for the public, &c.

Persons offending, &c. forfeit not exceeding 1,000 dollars, to be removed, rendered incapable, &c.

Proviso; if any other than a public prosecutor inform, the informer to receive a moiety of the penalty. The prices of goods furnished to be so regulated that the capital stock may not be diminished. The president authorized to draw, &c. Agent allowed two rations, and clerk one, per day.

150,000 dollars, exclusive, &c. appropriated for carrying on trade and intercourse with the Indians, &c.

Agents, their clerks, &c. purchasing or receiving of any Indian, in barter, &c. a gun, instrument of husbandry, &c. forfeit 100 dollars, &c. to be recovered by action, &c.

Proviso; suit to be com-

mented in the state, &c.

Superintendents, &c. to collect evidence and prosecute offenders.

Limitation of this act to the 3d March, 1799. Act of 1802, ch. 38.

Obsolete. Act of 1794, ch. 12.

The president authorized to continue the construction of two frigates of 44, and one of 36, guns, &c.

Appropriation, &c.

The president authorized to cause perishable materials not wanted to be sold, and surplus of others to be safely kept, &c.

Act of 1795, ch. 45.

The commissioners of the sinking fund required to cause the funded stock of the U. States, bearing a present interest of six per cent. to be paid in the manner herein prescribed, &c.

1st. By dividends, &c. at the rate of one and a half per cent. on the capital.
2d. By dividends, &c. at the rate of 3 and a half per cent. on the capital.
And by a dividend, &c.

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.

§ 8. 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. [*Approved, April 18, 1796.*]

CHAP. [14.] An act supplementary to an act, entitled "An act to provide a naval armament."

§ 1. *Be it enacted, &c.* 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.

§ 2. That so much of the sum of six hundred and eighty-eight thousand eight hundred and eighty-eight dollars 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.

§ 3. 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. [*Approved, April 20, 1796.*]

CHAP. [16.] An act in addition to an act, entitled "An act making further provision for the support of public credit, and for the redemption of the public debt."

§ 1. *Be it enacted, &c.* 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.

§ 2. 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.

§ 3. That it shall be lawful for the 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.

§ 4. That, in addition to the sums already appropriated to the sinking fund, by the act, entitled "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 moneys 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 hereinbefore prescribed and directed.

§ 5. 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.]

The commissioners of the sinking fund to cause the funded debt, bearing an interest of 6 per cent. &c.

1st. By dividends, &c. at the rate of one and a half per cent. &c.

2d. By dividends, &c. at the rate of three and a half per cent. on the capital. And by a dividend, on the 31st. Dec. 1824, as will be then adequate, &c.

The commissioners of the sinking fund to cause to be reimbursed, &c. such sums as may rightfully be paid towards the redemption of balances of the funded debt, &c. bearing an interest of six per cent. standing to the credit of certain states, &c.

Additional sum appropriated to the sinking fund, &c. to reimburse and pay the balances standing to the credit of certain states, &c. Act of 1795, ch. 45.

The commissioners of the sinking fund may appoint a secretary to record and preserve, &c. His salary not to exceed 250 dollars.

See act of 1802, ch. 41.
 See act of 1798, ch. 47.
 The commissioners, &c. authorized, &c. to borrow, from time to time, not exceeding 300,000 dollars. &c. Act of 1790, ch. 28.
 Interest not to exceed six per cent.
 Reimbursable after 1803, by instalments, &c.
 The loan to be applied to the carrying into effect the act, &c.
 Lots, &c. remaining unsold, made chargeable with the repayment of the sums borrowed, &c.
 Lots to be sold and conveyed, &c.

The moneys arising from the sale of the lots to be applied to the discharge of the loans, &c. If the product of the sales proves inadequate, &c. the deficiency to be paid by the U. States, &c. Express declaration that the U. States are only liable for the balance, &c.

Purchasers of lots, after paying the price, &c. to hold them free from the incumbrance laid upon them by this act.

The commissioners to render, half yearly, to the secretary of the

CHAP. [21]. An act authorizing a loan for the use of the city of Washington, in the district of Columbia, and for other purposes therein mentioned.

§ 1. *Be it enacted, &c.* That the commissioners, under the act, entitled "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.

2. 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 moneys 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 moneys 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.

§ 3. 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 hereinbefore 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.

§ 4. That the commissioners aforesaid shall, semi-annually, render to the secretary of the treasury a particular account of the receipts and expenditures of all moneys 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.*]

CHAP. [22.] An act making further provision relative to the revenue cutters.

§ 1. *Be it enacted, &c.* That, from 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.

§ 2. 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.

§ 3. 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.

§ 4. 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.

§ 5. 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. [23.] An act to continue in force, for a limited time, an 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."

§ 1. *Be it enacted, &c.* 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, entitled "An act to appoint a health officer for the port of Baltimore, in

treasury, &c. and the secretary to lay the same before congress, &c. Obsolete. See act of 1799, ch. 128. § 97.

Allowance to the officers and mariners of revenue cutters, in lieu, &c.

To be paid by collectors of the revenue, &c.

A moiety of fines and forfeitures incurred under the impost laws, &c. recovered in consequence of information given, &c. to be divided among the officers of the cutter, &c.

The president authorized to cause to be built or purchased, &c. in lieu, &c. Expenses of building, purchasing, &c. paid out of the product of duties, &c. The president authorized to cause such cutters, &c. to be sold, &c.

The first section of this act to remain in force until the 8th of July, 1797.

Expired. See act of 1798, ch. 39.

The consent of congress granted and declared to the operation of the act of the general assembly

of Maryland mentioned, so far, &c.

Limitation of this act to the 8th July, 1797.

Act of 1789, ch. 20.

So much of the 5th sec. of the act mentioned as directs alternate sessions of the circuit court, &c. repealed.

Except when judges, &c.

Process, &c. returnable to the circuit court at Yorktown, &c. to be returned, &c. to the same court at Philadelphia. The marshal of the district to give notice of the alteration to suitors, &c. by proclamation, &c.

Officers whose duty requires them to be on horseback in time of action, &c. allowed 200 dols. for each horse killed. The provision in this act to have retrospective operation to the 4th of March, 1789. *Provido*; no person to receive payment for any horse killed, until he makes satisfactory proof, &c.

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.

§ 2. 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.*]

CHAP. [24.] An act to repeal so much of an act, entitled "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.

§ 1. *Be it enacted, &c.* That so much of the fifth section of the act, entitled "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.

§ 2. That all such process of the said court as may have issued before the passing of this act, and all recognisances 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.*]

CHAP. [25.] An act allowing compensation for horses killed in battle belonging to officers of the army of the United States.

§ 1. *Be it enacted, &c.* 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.

§ 2. 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 of 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.

§ 3. 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.*]

Proof of value, &c. the affidavit of the quartermaster, or two other credible witnesses.

CHAP. [26.] 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.

Expired.
Act of 1800,
ch. 15.

§ 1. *Be it enacted, &c.* 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 of November, in the year one thousand seven hundred and ninety-one, entitled "An act empowering the wardens of the port of Baltimore to levy and collect the duty therein mentioned."

The consent of congress granted and declared to the act of the general assembly of Maryland mentioned.

§ 2. That the act, entitled "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.

The act mentioned, continued, &c. so far as it respects Georgia and Rhode Island.

§ 3. 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.*]

Act of 1790,
ch. [43.] 70.
This act to continue until the 14th May, 1800.

CHAP. [27.] An act authorizing the erection of a lighthouse on Cape Cod, in the state of Massachusetts.

§ 1. *Be it enacted, &c.* 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 harbor, be altered or diminished, if necessary: And that eight thousand dollars be appropriated for the same, out of any moneys not otherwise appropriated. [*Approved, May 17, 1796.*]

The secretary of the treasury to contract for building a lighthouse on Cape Cod, &c.

The president to appoint a superintendent, &c.

The light to be such as may distinguish it, &c.

The light on Gurnet Head to be altered, if necessary. 8,000 dolls. appropriated, &c.

CHAP. [29.] 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.

§ 1. *Be it enacted, &c.* That a surveyor general shall be appointed, whose duty it shall be to engage a sufficient number of skillful surveyors, as his deputies; whom he shall cause, without delay, to survey and mark the unascertained outlines of the lands

See act of 1800, ch. 55.
act of 1804,
ch. 35. *

A surveyor general to be appointed; deputies, &c. To cause the unascertained

outlines of the lands northwest of the Ohio, &c. to be surveyed and marked, &c. To frame regulations for his deputies, &c. remove them, &c. The part of the lands not conveyed, &c. to be divided by north and south lines, &c. and by others crossing, &c. so as to form townships of six miles square, unless, &c.

The corners of townships to be marked; and each distance of a mile with different marks, &c. One half the townships to be subdivided into sections of 360 acres, &c.

The sections to be numbered, &c.

The number of the section and of the township to be marked on a tree, &c.

The deputies to note the corner trees, &c.

Fractional parts of townships to be divided into sections, &c.

Lines to be marked on trees, and measured with chains, &c.

Surveyors to note situations of mines, salt licks, mill seats, &c.

Field books to be returned to the surveyor general, &c.

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 hereinafter 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.

§ 2. That the part of the said lands 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 northeast 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 such 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 sale, and to the secretary of the treasury.

The surveyor general to cause a fair plat to be made of townships, &c. The plat to be recorded, &c.

§ 3. 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.

Salt springs, sections, &c. reserved for the future disposal of the United States, &c.

§ 4. 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 beforementioned: *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.

No reservations, except for salt springs, where the fraction is less, &c. Whenever seven ranges of townships have been surveyed, &c. the sections of 640 acres, &c. to be offered for sale, at public vendue, &c.

At Cincinnati.

At Pittsburg.

Townships remaining undivided to be offered for sale, &c. in tracts, excluding, &c. *Proviso*; no part of the lands to be sold for less than two dollars per acre.

§ 5. 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 recommence.

The secretary, after receiving the plats, to give notice, &c. of the times of sale, &c.

§ 6. That, immediately after the passing of this act, the secretary of the treasury shall, in the manner hereinbefore directed,

Notice to be given when the sales are suspended, &c. Immediately after the passing of this act,

the secretary of the treasury to advertise for sale the lands unsold, &c. surveyed, &c. The townships, &c. directed to be sold entire, to be offered for sale, at public vendue, in Philadelphia, &c. The townships directed to be sold in sections, &c. in Pittsburg, &c. Fractional townships to be sold in sections at Pittsburg, &c. *Provido*; nothing herein to authorize the sale, &c.

The highest bidder to deposit 1-20th of the purchase money, to be forfeited if a moiety of the sum bid, &c. is not paid within 30 days, &c. Upon payment of a moiety, &c. the purchaser to have one year's credit for the residue, and shall receive, &c.

On payment of the balance, &c. the president to grant a patent, &c.

Act of 1812, ch. 68.

If there should be a failure in payment, the sale to be void, &c.

Provido; if a purchaser makes payment of the whole purchase money at the time, &c. entitled, &c.

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.

§ 7. 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 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 therefore 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.

§ 8. That the secretary of the treasury, and the governor of the territory northwest 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.

§ 9. 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.

§ 10. 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.

§ 11. 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.

§ 12. 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.*]

The secretary of the treasury, and the governor of the northwestern territory, to cause books to be kept, and entries made, &c.

The governor, &c. on every suspension of sales, &c. to transmit to the secretary of the treasury a copy of the books, &c.

Tracts sold, to be noted, &c. Navigable rivers, &c. to remain public highways.

Streams not navigable, &c.

The surveyor general to receive 2,000

dolls. per ann.

The president may fix the compensation of assistants, &c.

Proviso; the whole expense, &c. not to exceed 3 dolls.

per mile, &c.

Fees for services to be done under this act, &c.

Act of 1804, ch. 35.

Fees to be accounted for by receivers.

The surveyor general, assistants, &c. to take an oath, &c.

The person appointed to receive the money on sales, &c. to give bond, with security, &c.

CHAP. [30.] An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers.

§ 1. *Be it enacted, &c.* 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

Expired.

Act of 1799, ch. 152.

Boundary line between the United States and various Indian tribes to be ascer-

tained and
marked, &c.

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 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 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 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 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 hereinbefore recited.

Proviso; if the
boundary line
should be varied,
&c. the
provisions of
this act to ap-
ply.

Not exceeding
100 dolls. for-
feit, or impris-
onment, for
crossing the
boundary line
to hunt, &c.

§ 2. 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.

§ 3. 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.

Not exceeding 50 dolls. forfeit, or imprisonment, for going into the Indian country south of the Ohio without a passport, &c.

§ 4. 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.

Not exceeding 100 dolls. forfeit and imprisonment, for going into Indian settlements and committing robbery, &c. and, when property is taken, to forfeit to the Indians twice the value, &c.

§ 5. 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.

If the offender is unable to pay the just value, the deficiency to be paid out of the treasury. *Proviso;* no Indian entitled to payment out of the treasury if he or his nation seek private revenge. Citizens, &c. making settlements on Indian lands, &c. to forfeit all the right thereto, and also not exceeding 1,000 dolls. and suffer imprisonment.

The president may employ the military force to remove unlawful settlers on Indian lands.

Rights, titles, &c. forfeited under this act, vested in the U. States, &c.

Death, for going into Indian settlements and committing murder, by killing any Indian, &c.

No person permitted to reside at any Indian town, &c. as a trader, without a license, &c. Superintendents, &c. to issue licenses, on application, &c. Person obtaining license to enter into bond, &c. Condition of the bond, &c.

Superintendent issuing licenses may recall them if the person licensed transgress, &c. Bonds to be put in suit on breach, &c.

Persons attempting to reside in any Indian town, &c. as a trader, without license, to forfeit merchandise, &c.

Not exceeding 50 dollars. Forfeit and imprisonment, for purchasing or receiving from any Indian, a gun, instrument of husbandry, clothing, &c.

Citizens, &c. not allowed to purchase horses of Indians, &c. without special license, &c.

Licenses to purchase horses in the Indian country to be granted by the superintendent, &c.

Persons purchasing horses under license, to make a particular return

§ 6. 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.

§ 7. 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.

§ 8. 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.

§ 9. 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.

§ 10. 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 color, 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.

§ 11. 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.

§ 12. 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.

§ 13. 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.

§ 14. 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,

within 15 days, &c.

Not exceeding 100 dollars, forfeit and imprisonment, for purchasing horses in the Indian country, &c. The value to be forfeited by persons purchasing horses, &c.

Superintendents, &c. authorized to grant licenses, not to be concerned in trade with the Indians, &c. on pain of forfeiting not exceeding 1,000 dollars, &c.

No purchase, &c. of lands, &c. from Indians valid, unless by treaty, &c.

Fine and imprisonment for treating with Indians for lands, without authority, &c.

Proviso; the agents of a state, present at a treaty, may, with the approbation of the commissioners of the U. States, &c. adjust Indian claims, &c.

The president authorized to cause the Indian tribes to be furnished with useful domestic animals, &c. and to appoint temporary agents, &c.

Proviso; the whole amount of presents, and allowance to agents, not to exceed 15,000 dollars per ann. If any Indian, &c. crosses the boundary line, into a state or territory, &c. and takes,

steals, or destroys horses or other property, or commits murder, &c. upon any citizen, &c. application to be made to the superintendent, &c. who is to make application to the tribe, &c. for satisfaction; and if satisfaction is neglected, &c. the superintendent to report to the president, &c. The U. States guaranty an eventual indemnification, &c. Proviso; if the injured party seeks revenge, he forfeits all claim to indemnification, &c. Proviso; nothing herein to prevent the legal apprehension of offending Indians, &c. Proviso; the president may deduct the sum paid for the property taken, &c. The superior territorial courts, &c. invested with authority to hear and determine all crimes and offences against this act, &c.

In cases where the punishment is not death, the county courts, &c. invested with power to hear and determine, &c. In cases where the punishment is death, the governors of territorial districts to issue a commission of oyer and terminer, &c.

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.

§ 15. 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.

§ 16. 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.

§ 17. 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.

§ 18. 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.

§ 19. 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

When offenders are brought for trial into any of the United States, except Kentucky, the president to issue a commission ofoyer and terminator, &c.

The district courts of Kentucky and Maine to have jurisdiction of crimes, &c.

The military force to apprehend persons found in the Indian country, beyond the boundary line, in violation of the provisions of this act, &c.

Proviso; no person arrested, &c. to be detained longer, &c.

Offenders against this act, found within any of the U. States, or either of the territorial districts, may be there apprehended, &c. The military force to aid the civil magistrate, &c.

Amount of fines, and duration of imprisonment, within the limits prescribed, to be fixed by the court at discretion, &c. A moiety of fines and forfeitures to the informant, &c. except, &c. Nothing in this act to prevent trade, &c. with Indians living on lands surrounded by settlements of citizens, &c.

Mero district, and of the navigation of the Tennessee river, as reserved and secured by treaty.

The president authorized to cause other boundary lines to be ascertained and marked, &c.

§ 20. 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.

All acts coming within the purview of this act, repealed. Proviso; disabilities to remain, penalties and forfeitures to be recovered, &c. under former acts, &c.

§ 21. 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.

Limitation of this act to the 3d March, 1799.

§ 22. 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.*]

Repealed, act of 1799, ch. 119. The president authorized to direct revenue officers, &c. to aid in the execution of the quarantine and health laws, &c. Obsolete.

CHAP. [31.] An act relative to quarantine.

§ 1. *Be it enacted, &c.* 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.*]

CHAP. [32.] An act altering the compensation of the accountant of the war department.

1,600 dolls. to be allowed to the accountant of the war department, &c. Letters, &c. to and from the accountant, &c. to be conveyed free of postage.

§ 1. *Be it enacted, &c.* 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 compensation for his services, in lieu of the compensation heretofore allowed.

§ 2. 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.*]

Expired. See Act of 1800, ch. 34. A sum equal to the amount of cents and half cents coined, &c. subsequent to 1st of Jan. 1796, appropriated, &c.

CHAP. [33.] An act respecting the mint.

§ 1. *Be it enacted, &c.* 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 moneys in the treasury not otherwise appropriated.

After 27th May 1796, a sum equivalent to the expense, &c. retained

§ 2. That, from and after the passing of this act, there shall be retained from every deposite 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 deposits, 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.

from every deposit in the mint, &c. Sums retained to be accounted for, &c.

§ 3. 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.]

Limitation of this act to the 31 March, 1799.

CHAP. [34.] An act altering the sessions of the circuit courts in the districts of Vermont and Rhode Island; and for other purposes.

§ 1. *Be it enacted, &c.* 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.

§ 2. 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.

§ 3. 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.

§ 4. That all writs and processes, of whatever name or description, which may have issued from either of the courts beforementioned, 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 beforementioned, together with all matters and business depending before either of the courts beforementioned, shall be taken up and proceeded upon to final issue and determination, in the same manner, and to the same effect, as if no alteration had been made in the times or places of holding the said courts, respectively. [Approved, May 27, 1796.]

Obsolete.

Act of 1802, ch. 31.

After the 1st June, 1796, the circuit court for Vermont to be held at Rutland and Windsor, &c. *Proviso; &c.* The fall session of the circuit court for R. Island to be held, &c.

The district court for R. Island to be held, &c. Act of 1804, ch. 31.

Writs and processes, the return of which is interrupted by this act, to be returned to the terms next succeeding, &c. Writs and processes, &c. to be taken up and proceeded on, &c.

CHAP. [35.] 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 the duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels."

Repealed. Act of 1799, ch. 128.

§ 1. *Be it enacted, &c.* 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

After the 30th June, 1796, new districts and ports of delivery to be established. In Massachusetts.

In New Jersey.

In Maryland.

Newbury, Berkley, and Taunton, to be ports of delivery.

Part of the district of Hudson annexed to the district of New York.

The description of the district of Waldo-borough altered.

District of Cedar Point to be called Nanjemoy, &c.

The name of the port of Sherburne changed to Nantucket. Provide; no alteration in the name of districts, &c. Collectors appointed in conformity to this act, to become bound in 2,000 dolls. &c. Their duties, authorities, &c. Collectors to receive two per cent. on all moneys, &c.

See act of 1793, ch. 147. The president authorized to

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.

§ 2. 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, entitled "An act supplementary to the act 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 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 Waldo-borough, in the said recited act, shall be so far altered, as, instead of saying, "A place called Ducktrap," to say, "that part of a place called Ducktrap, 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 Ducktrap," 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.

§ 3. 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 moneys 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.*]

CHAP. [36.] An act for the relief and protection of American seamen.

§ 1. *Be it enacted, &c.* That the president of the United States, by and with the advice and consent of the senate, be, and here-

by 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 endeavor, 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.

§ 2. 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.

§ 3. 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.

§ 4. 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, entitled "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 .” 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.

§ 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 the first port at which such ship or vessel shall arrive, if such impressment or detention

appoint agents; one to reside in Great Britain, the others as the president may direct.

The agents to inquire into the situation of American citizens, &c. sailing under the protection of the American flag, and impressed, &c.

The president may appoint additional agents in the recess, &c.

The president authorized to draw 15,000 dollars, annually, out of the treasury, to pay agents, &c.

Collectors to keep books, enter the names of seamen, and grant them certificates, &c.

Form of the certificate.

The collectors to preserve the proofs of citizenship. 25 cents to the collector for each certificate.

Masters of vessels, when any of their crews have been impressed, to make a protest, &c.

Masters of vessels to transmit, by post, &c. protests made in foreign countries, to the nearest consul, &c. preserving a duplicate to be sent to the secretary of state, &c.

A copy of this law to be sent to ministers, consuls; and collectors of the customs, who are to make its provisions known, &c.

Masters of vessels, before entry, to declare on oath, whether any of the crew have been impressed, &c. Masters neglecting or refusing, &c. forfeit 100 dolls. Collectors to prosecute for the forfeiture.

Collectors to send a list of registered seamen, &c. once every 3 months, to the secretary of state, &c. Limitation of the 1st, 2d, and 3d sections of this act to the 16th July, 1798.

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.

§ 6. 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.

§ 7. 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.

§ 8. 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.*]

Repealed. Act of 1802, ch. 19.

After the 31st of Aug. 1796, the duties laid by the act mentioned repealed.

CHAP. [37.] An act laying duties on carriages for the conveyance of persons, and repealing the former act for that purpose.

§ 1. *Be it enacted, &c.* That, from and after the last day of August next, the duties laid by the act, entitled "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 year-

ly 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 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.

§ 2. 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 hereinafter provided) and shall be subject to duty accordingly.

§ 3. 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.

§ 4. 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

Yearly rates and duties upon carriages, in lieu of former ones, &c. Act of 1794, ch. 45.

Proviso; nothing herein to charge with a duty carriages chiefly employed in husbandry, &c.

The duties to be collected on all carriages chiefly employed for the conveyance of persons, &c. In cases of doubt, &c.

The duties to be levied, &c. under the direction of the supervisors and inspectors, &c.

Persons keeping carriages, &c. to make and subscribe, yearly, an exact entry of them, to be lodged with the officer of inspection for the district, &c.

The officers of inspection to attend, and give notice, &c.

On payment of the duties, a certificate to be granted, &c.

The forms of the certificates to be prescribed by the treasury department, &c. The certificate, &c. the only evidence, &c. Proviso; no certificate valid any longer than the carriage is owned by the person mentioned in it; unless, &c.

Persons commencing the keeping of carriages, &c. at any time during the month of commencing to keep them, may, on paying a proportion of duties, demand like certificates; &c. subject, &c.

Duties payable, &c. to be computed from the last day of the month, &c.

Certificates to be issued conformably, &c.

Persons making untrue or defective entry, &c. to lose the sum paid, &c. Where no entry hath been

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 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.

§ 5. 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 hereinafter provided.

§ 6. 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 hereinafter, mentioned; shall be issued and granted.

§ 7. 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.

§ 8. 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 beforementioned, with the proofs and evidence accompanying the same, decide thereon, according to the true intent and meaning of this act.

§ 9. 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

made, or in case of neglect of payment, &c. persons to pay the duties, with a further sum of 25 per cent. &c.

Duties, &c. to be collected by distress and sale, &c.

Provido ; if entry and payment are made within 60 days, the owner to be exempt from the payment, &c.

Provido ; persons presenting an exact description of the carriages, with a statement of the cause, &c. whereby an exemption from duty is claimed, subscribed and verified on oath, &c. the officer to receive them, and forbear, &c.

The officers of inspection receiving the statements of persons claiming an exemption, to transmit them to the supervisors, &c.

The supervisors to decide, &c.

The decisions of the supervisors to be communicated to the officers of inspection, &c. In case the supervisors decide that the duties are payable, the proper officer to collect them by distress and sale, &c.

Provido ; persons aggrieved

by the decisions of supervisors, may require that the statements, &c. be transmitted, &c. Persons aggrieved by the secretary of the treasury, may institute a suit in the district court, &c.

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.

Where the duty is collected, by distress or otherwise, &c.

§ 10. 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.

Supervisors, &c. empowered to examine, on oath, &c. officers employed under them in the collection of the duties, &c. Officers, &c. swearing, &c. The president empowered to make allowances for compensation to officers of inspection, &c.

§ 11. 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.

§ 12. 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.

One act, and part of another, as mentioned, repealed, except, &c. Act of 1794, ch. 45. act of 1795, ch. 108. act of 1795, ch. 110.

§ 13. That the act, entitled "An act laying duties on carriages for the conveyance of persons," and so much of the fifteenth section of the act, entitled "An act to alter and amend the act, entitled "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 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, entitled "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.]

This act limited to the 31st Aug. 1801.

CHAP. [38.] An act for the relief of persons imprisoned for debt.

§ 1. *Be it enacted, &c.* 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.

§ 2. That any person imprisoned as aforesaid, may have the oath or affirmation hereinafter 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 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, (or the commissioners appointed as aforesaid) be shown, 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.

§ 3. 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.

§ 4. That the act, entitled "An act to continue in force the

Expired.

Act of 1798,
ch. 66.

Persons imprisoned on process issuing from any court of the United States, in civil actions, entitled to the privileges of the limits of gaols, as, &c.

Persons imprisoned, &c. may have the oath administered to them by any judge of the United States.

If no judge within 20 miles, &c. the oath may be administered by two persons commissioned for the purpose, &c.

The creditor to have 30 days' notice, if, &c.

If no sufficient cause appear to the contrary, the oath to be administered to the debtor.

Form of the oath.

The judge, &c. to certify the oath to the prison keeper, and the debtor to be discharged, &c. The judgment to remain good, and may be satisfied, &c.

When the oath is administered by commissioners, they are to make return, &c.

Persons falsely taking the oath, to suffer the pains and penalties of perjury, and may be recommitted.

The act mentioned repealed.

Act of 1794,
ch. 34.

This act limited
to the 28th
May, 1799.

Repealed.
Act of 1802,
ch. 9.

Act of 1794,
ch. 24.

Organization
of a regiment
of infantry.

A major general
and two
aids; a brigadier
general,
&c.
Additional pay
of brigade major,
&c.

The president
to cause the officers
and privates of the
legion, &c. to be
arranged, &c.
The supernumeraries
to be considered, &c.
discharged.

The corps of
artillerists and
engineers, &c.
Act of 1794,
ch. 24.

act for the relief of persons imprisoned for debt," be, and the same is hereby, repealed.

§ 5. That this act shall continue in force for the term of three years. [Approved, May 28, 1796.]

CHAP. [39.] An act to ascertain and fix the military establishment of the United States.

§ 1. *Be it enacted, &c.* 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, entitled "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.

§ 2. 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.

§ 3. 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.

§ 4. That the president of the United States cause to be arranged, the officers, noncommissioned 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.

§ 5. 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.

§ 6. 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 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.

Commissioned officers employed in recruiting, to receive 2 dolls. for every person enlisted of the description mentioned.

§ 7. 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.

16 dolla. bounty to soldiers re-enlisting for five years, &c.

§ 8. That every noncommissioned 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.

A bounty of 14 dolls. to persons not in the army enlisting. The payment of 4 dolls. of the bounty deferred, &c.

§ 9. 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.

Noncommissioned officers, privates, &c. of the artillery and infantry, to receive, annually, the articles of uniform, &c. Suitable clothing to be provided for the dragoons, &c.

§ 10. That every noncommissioned 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.

Daily rations of provisions for noncommissioned officers, privates, &c.

§ 11. 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.

Additional allowance of provisions to the military employed on the western frontiers, &c.

§ 12. That the monthly pay of the officers, noncommissioned 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

Monthly pay of the officers and privates, &c.

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.

Rations, &c.
for commis-
sioned officers.

§ 13. 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.

Monthly al-
lowance in lieu
of forage, to
the officers
mentioned.

§ 14. That the officers hereinafter 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.

Not exceeding
300 dolls. fine,
or imprison-
ment, for entic-
ing a soldier to
desert, purchas-
ing his arms,
&c. or for a
captain of a
vessel entering
a deserter
among his
crew, &c.

§ 15. 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.

No noncom-
missioned offi-
cer, &c. subject
to arrest, &c.
Noncommis-
sioned officers

§ 16. That no noncommissioned officer, or private, shall be arrested, or subject to arrest, for any debt under the sum of twenty dollars.

§ 17. That if any noncommissioned officer, musician, or pri-

rate, 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.

§ 18. That the sentences of general courts martial, in time of peace, extending to the loss of life, the dismission 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.

§ 19. That if any officer, noncommissioned 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 noncommissioned 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.

§ 20. That the officers, noncommissioned 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.

§ 21. That every officer, noncommissioned 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.*"

§ 22. 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.

§ 23. That the general staff, as authorized by this act, shall continue in service until the fourth day of next March, and no longer. [*Approved, May 30, 1796.*]

or privates deserting, liable, in addition to penalties, &c. to serve such a period as will amount to the full term of enlistment; and may be tried, although, &c. Sentences of general courts martial, &c. to be laid before the president, &c.

Officers and privates wounded, &c. to be placed on the list of invalids, &c. *Proviso*; the rate of compensation, &c. not to exceed half pay, &c. The rate, &c. to noncommissioned officers, &c. not to exceed 5 dollars per month. *Proviso*; proportionate allowance, &c. Officers and privates to be governed by the rules and articles of war, except, &c.

Officers and privates to take and subscribe an oath. Form of the oath.

Acts in force, and within the purview of this act, repealed; saving, &c.

The general staff, &c. to continue in service until the 4th of March, 1797.

Obsolete.

CHAP. [43.] An act to continue in force, for a limited time, the acts therein mentioned.

The acts mentioned continued in force for two years. Act of 1793, ch. [27.] 71.

Act of 1790, ch. [12.] 39.

The 13th sec. of the act mentioned, continued until the 16th of July, 1796.

§ 1. *Be it enacted, &c.* That the act, entitled "An act supplementary to the act for the establishment and support of light-houses, beacons, buoys, and public piers," so far as the same provides for defraying the necessary expense of supporting light-houses, 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.

§ 2. That the thirteenth section of the act, entitled "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.]

CHAP. [44.] An act making provision for the payment of certain debts of the United States.

The commissioners of the sinking fund may borrow, on the credit of the United States, &c. not exceeding \$,000,000 dolls. to be applied to the payment of any parts of the debt of the United States due, &c. Certificates to be issued for the sum borrowed, &c. bearing an interest of 6 per cent.

The sums, &c. to remain irredeemable until, &c.

Credits for the sums to be borrowed, to be given on the books of the treasury, &c. Certificates, for sums not less than 100 dolls. to be issued by the register of the treasury; to be transferable, &c.

Act of 1790, ch. [34.] 60.

§ 1. *Be it enacted, &c.* 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.

§ 2. 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, entitled "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.

§ 3. 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.

§ 4. 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.

§ 5. 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 loans 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 cent. or so much thereof as may be necessary, shall be, and the same are hereby, pledged and appropriated for the said redemption.

§ 6. 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 to the provisions thereof. [*Approved, May 31, 1796.*]

The interest on the stock to be paid at the places where the credits stand, &c.

The sale of certificates of stock to be deemed a good execution of the power, &c. *Proviso*; not more than a moiety of the stock to be sold under par.

The commissioners of the sinking fund may sell the shares of the stock of the bank of the U. States, &c. and apply the proceeds to the payment of the debts, &c.

Such of the revenues, &c. heretofore appropriated, &c. pledged, &c.

Such of the revenues, &c. liberated or set free, &c. together with further sums of the proceeds of duties, &c. pledged and appropriated for the payment, &c.

The principal of the loan to remain irredeemable until the close of 1819, &c.

The funds liberated by the discharge of the stock, &c. bearing an interest of 6 per cent. pledged for the redemption.

The department of the treasury, &c. to establish forms and rules of proceeding touching the execution of this act, &c.

See act of 1803, ch. 69.

The secretary of state to prepare the form of a passport for ships and vessels, &c.

Every ship and vessel going to a foreign country, &c. to be furnished with a passport of the form prescribed, &c. The master to pay the collector ten dollars, for the passport.

In order to be entitled to passports the masters of vessels to become bound, &c. In case of the loss or sale of the vessel, the passport to be delivered up, &c.

Vessels of the United States sailing to any foreign country, other than, &c. to pay, for each voyage, the sum of 4 dolls. &c.

Vessels of the United States, departing therefrom after the 1st Sept. 1796, &c. without the passport, the masters to forfeit 200 dolls.

See act of 1799, ch. 135. act of 1800, ch. 13.

The surveyor general required to cause to be surveyed the tract of land described, &c.

CHAP. [45.] An act providing passports for the ships and vessels of the United States.

§ 1. *Be it enacted, &c.* 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.

§ 2. 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 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.

§ 3. 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.

§ 4. 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.]

CHAP. [46.] 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.

§ 1. *Be it enacted, &c.* That the surveyor general be, and he is hereby, required to cause to be surveyed the tract of land beginning at the north-west 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 Sciota 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, entitled "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.

§ 2. 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 beforementioned 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 beforementioned act, without requiring any fee therefor.

§ 3. 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.

§ 4. 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.

§ 5. 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, Gnadenhutten, 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

The tracts to be divided into townships of 5 miles square, &c.

Act of 1796, ch. 29.

The lands described, except, &c. set apart for the purposes mentioned.

The land to be granted only in tracts containing a quarter of the township, &c.

The secretary of the treasury, for 9 months after, &c. to register warrants for military service, &c. and proceed to determine, by lot, &c. the priority of location, &c.

The persons holding, &c. to make their locations after, &c.

After the time limited, &c. any person, &c. to be at liberty to make locations, &c.

Lands set apart by the 1st sec. of this act, remaining unlocated on the 1st Jan. 1800, to be released from the reservation, &c. Act of 1799, ch. 135.

The surveyor general to cause to be surveyed three tracts of 4,000 acres each, at Shoenbrun, Gnadenhutten,

and Salem, &c. for the United Brethren, &c.

All navigable streams within the territory to be disposed of, to remain public highways, &c.

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.

§ 6. 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.*]

CHAP. [47.] 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 :

§ 1. *Be it enacted, &c.* 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 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.*]

CHAP. [49.] 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.

§ 1. *Be it enacted, &c.* 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.

§ 2. That the restriction in the fifty-sixth section of 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 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.*]

Congress bound, by the acceptance of the deed of cession from North Carolina, to lay out, &c.

The whole of the territory ceded by N. Carolina declared to be one of the U. States, &c. Tennessee entitled to one representative, &c.

The laws of the U. States to have force in the state, &c. Repealed. Act of 1802, ch. 19.

After the 1st of July, 1796, no drawback to be allowed on any spirits distilled in the U. States, which shall not be exported, &c. within twelve months, &c.

The restriction in the 56th section of the act mentioned, to be suspended, &c. for one year, so far as the restriction respects any distilled spirits exported from any district established on the Mississippi or Ohio, &c.

CHAP. [53.] An act to suspend, in part, the act, entitled "An act to alter and amend the act, entitled "An act laying certain duties upon snuff and refined sugar."

Obsolete.
Act of 1802,
ch. 53.

§ 1. *Be it enacted, &c.* That so much of the act, entitled "An act to alter and amend the act, entitled "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.*]

So much of the act mentioned, as respects the duties laid upon mills, &c. employed in the manufacture of snuff, &c. suspended. Act of 1795, ch. 109.

RESOLUTION.

No. 1. *Resolved, &c.* 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 of 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.*]

Obsolete.
The secretary of war to return to the district judges the names of persons transmitted to him, pursuant to the act for regulating claims to invalid pensions, in whose cases the examining physicians neglected to specify the ratio of disability; and the judges to cause examining physicians to specify, &c. and make return to the secretary of war, who is to report to congress, &c.

ACTS OF THE FOURTH CONGRESS

27

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 5th December, 1796, and ended on the 3d of March, 1797.

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

Obsolete.
Act of 1795,
ch. 115.
The secretary
of state to
cause to be in-
cluded in the
edition of the
laws directed
to be printed,
the laws of the
present session;
provided, &c.

CHAP. [55.] An act to amend the act, entitled "An act for the more general promulgation of the laws of the United States."

§ 1. *Be it enacted, &c.* 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.*]

See act of
1799, ch. 114.

All laws of the
United States,
not locally in-
applicable, to
have the same
effect in Ten-
nessee as else-
where.

Act of 1789,
ch. 20.

Tennessee to
be one judicial
district, with a
district court
and resident
judge; four ses-
sions annually,
&c.

District court
held, &c.

The judge to
have the same
powers as the
district judge
of Kentucky.

CHAP. [56.] An act giving effect to the laws of the United States within the state of Tennessee.

§ 1. *Be it enacted, &c.* 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, entitled "An act to establish the judicial courts of the United States," may be duly administered within the state of Tennessee,

§ 2. 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.

§ 3. 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 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,

§ 4. That, for the due collection of the said duties, the said state of Tennessee shall be one district, and a collector shall be appointed to reside at Palmyra, which shall be the only port of entry or delivery within the said district, of any goods, wares, or merchandise, not the growth or manufacture of the United States, and the said collector shall have and exercise all the powers which any other collector hath, or may legally exercise, for collecting the duties aforesaid; and, in addition to the fees by law provided, shall be paid the yearly compensation of one hundred dollars. [Approved, January 31, 1797.]

CHAP. [57.] An act to augment the compensation of the attorney general of the United States.

§ 1. *Be it enacted, &c.* 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. [Approved, March 2, 1797.]

CHAP. [59.] 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.

§ 1. *Be it enacted, &c.* That the act, entitled "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. [Approved, March 2, 1797.]

CHAP. [61.] An act in addition to an act, entitled "An act concerning the registering and recording of ships or vessels," and to an act, entitled "An act for enrolling and licensing ships or vessels employed in the coasting trade and fisheries, and for regulating the same."

§ 1. *Be it enacted, &c.* 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

800 dols. yearly compensation to the district judge of Tennessee. See act of 1802, ch. 31.

Tennessee to be one collection district; a collector, to reside at Palmyra, &c. The collector to exercise the same powers as other collectors, and to receive a yearly compensation of 100 dols. in addition to fees. Act of 1801, ch. 88.

Obsolete. Act of 1804, ch. 12. 500 dols. per ann. added to the compensation of the attorney general, &c.

Obsolete. Act of 1794, ch. 50.

The act mentioned to be in force until the 14th May, 1800.

Act of Dec. 1792, ch. 45.

When it appears, by proof, &c. that any vessel has been sold, &c. and the register, &c. is retained by the former owners, the secretary to direct the collector to grant a new register, on the owners complying with the terms, &c.; excepting, &c.

Proviso; nothing in this act to remove the liability of persons to any penalty, &c.

Obsolete. Act of 1799, ch. 129. Allowance to the collectors of the duties of impost and tonnage, &c. in lieu of the commissions heretofore established.

Yearly allowances to the officers mentioned, in lieu of those heretofore established. Collectors.

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.*]

CHAP. [63.] An act relative to the compensations and duties of certain officers employed in the collection of impost and tonnage.

§ 1. *Be it enacted, &c.* 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 moneys 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, Snow Hill, Annapolis, Nottingham, Nanjemoy, Bermuda Hundred, Hampton, Yorktown, Yeocomico, Dumfries, Foley Landing, Cherrystone, South Quay, Kentucky, Wilmington, (North Carolina,) Newbern, Washington, Edenton, Camden, Georgetown, (South Carolina,) Beaufort, Sunbury, Brunswick, St. Mary's, Hardwick, and Tennessee, three per cent.

§ 2. 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, South Quay, 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,) Snow Hill, 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.—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, Bristol, Warren, East Greenwich, Saint Mary's, Suffolk, Smithfield, Richmond, Petersburg, Fredericksburg, 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, Llewellynburg, 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, Indian Town, Currituck Inlet, Savannah, and New Brunswick, (in New Jersey,) the sum of one hundred and fifty dollars.

Naval officers.

Surveyors.

§ 3. 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 laborers 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.

Inspectors.

Weighers.

The weighers to defray all expense of laborers, &c.

§ 4. 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 stationary and printing.

Fees on the exportation of goods, &c. on which drawbacks are allowed, to be equally shared, &c.

Where there is no naval officer, the fees to be divided equally, &c. Surveyors to pay their proportion, &c.

Previous to clearance, &c. the legal fees to be paid, &c. and receipts to be produced to the collector, &c.

A surveyor for New Brunswick. Marblehead to be a port of entry, &c.

Obsolete. Act of 1816, ch. 107, act of 1824, ch. 67. After the 30th June, 1797, the duties specified, in addition to those in force, to be collected upon the several articles enumerated, &c.

After the 30th June, 1797, the present duties on sugar candy and cocoa to cease, and the duties specified to be collected in lieu, &c.

An addition of 10 per cent. to the rates of duties specified, with respect to such goods, &c.

The duties laid by this act, to be collected in the same manner as the duties now in force, &c. Addition to drawbacks allowed on refined sugar, &c. on account of the increase of duties on brown sugar, &c.

The additional drawbacks to be allowed and paid, &c.

§ 5. 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.

§ 6. 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.*]

CHAP. [64.] An act for raising a further sum of money, by additional duties on certain articles imported, and for other purposes.

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

§ 2. 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.

§ 3. 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.

§ 4. 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 hereinbefore enumerated.

§ 5. 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.

§ 6. 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.*]

The proceeds of the duties laid by this act, appropriated to the payment of the principal of the foreign debt, &c.

CHAP. [65.] 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.

Repealed. Act of 1802, ch. 19.

§ 1. *Be it enacted, &c.* 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, entitled "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.

The option of paying a duty of 7 cents for every gallon of spirits distilled in stills employed, &c. at any other place than a city, &c. as allowed by the 1st sec. of the act mentioned, declared to be abolished after the 30th June, 1797.

Act of 1792, ch. 32.

§ 2. 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.

In lieu of the option, proprietors, &c. of the stills described to pay duties on licenses, as specified.

§ 3. 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.

Upon the transfer of a licensed still, the right of using it, &c. to accrue to the new possessor, &c.

§ 4. 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.

Every distiller commencing distillation prior to, &c. to pay a duty equal to that demandable for 6 months, &c.

§ 5. That the several provisions and clauses of the acts here-

The provisions of the acts in force for laying and collecting duties on spirits distilled, and on stills, &c. to extend to, and remain in force with respect to, the provisions, &c.

tofore 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. [Approved, March 3, 1797.]

CHAP. [67.] An act to provide for mitigating or remitting the forfeitures, penalties, and disabilities, accruing in certain cases therein mentioned.

Whenever any person shall have incurred any fine, penalty, forfeiture, disability, &c. by force of any law laying duties, &c. and prefers his petition to the judge of the district, &c. setting forth the circumstances of his case, &c. the judge to inquire, &c. first giving notice to the person claiming the fine, &c. and to the attorney of the U. States, and cause the facts to be stated and annexed to the petition, and transmitted to the secretary of the treasury, who is empowered to mitigate or remit, &c.

§ 1. *Be it enacted, &c.* 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.

The judicial courts of the several states to whom, &c. a jurisdiction is given, may exercise every power, &c. Nothing hereina to affect the right of any person to that part of a fine, &c. incurred by breach of law, and which

§ 2. 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.

§ 3. 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 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.

§ 4. 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.*]

CHAP. [68.] An act to authorize the receipt of evidences of the public debt in payment for the lands of the United States.

§ 1. *Be it enacted, &c.* 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, entitled "An act providing for the sale of the lands of the United States in the territory northwest of the river Ohio, and above the mouth of Kentucky river," at the following rates, viz: the present foreign debt of the United States, and such debt or stock as, at the time of payment, shall bear an interest of six per centum per annum, shall be received at their nominal value; and the other species of debt or stock of the United States shall be received at a rate bearing the same proportion to their respective market price, at the seat of government, at the time of payment, as the nominal value of the above mentioned six per centum stock shall, at the same time, bear to its market price, at the same place; the secretary of the treasury, in all cases, determining what such market price is. [*Approved, March 3, 1797.*]

CHAP. [69.] An act to alter the time for the next meeting of congress.

[This act provides that the next meeting of congress shall be on the first Monday of November, 1797. *Approved, March 3, 1797.*]

CHAP. [70.] An act to amend and repeal, in part, the act, entitled "An act to ascertain and fix the military establishment of the United States."

§ 1. *Be it enacted, &c.* That the third section of the act, passed the thirtieth of May, one thousand seven hundred and ninety-six, entitled "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.

§ 2. 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 commissioned officers of the line,

the person is entitled to, &c.

Limitation of this act to the 14th May, 1800.

This section repealed, by act of 11th Feb. 1800; ch. 6. Repealed. Act of 1806, ch. 56.

The evidences of the public debt receivable in payment for any of the lands sold in conformity to the act mentioned, at the rates specified. Act of 1796, ch. 29.

The secretary of the treasury to determine the market price of the stock. Repealed. Act of 1797, ch. 8.

Repealed. Act of 1802, ch. 9.

The sections and parts of sections, &c. of the act mentioned, repealed. Act of 1796, ch. 39.

One brigadier general, &c.

A judge advocate, &c.

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.

A quartermaster general and paymaster general, &c.

§ 3. 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.

Monthly pay of lieutenants and ensigns. Double rations to the brigadier while commander in chief, &c. Majors entitled to four rations per day. Each commissioned officer deranged, &c. to receive six months' pay, &c.

§ 4. 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.

§ 5. That the majors be entitled to receive four rations per day, for their subsistence.

§ 6. 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. [*Approved, March 3, 1797.*]

Obsolete.
Act of 1802,
ch. 19.

CHAP. [72.] An act to suspend, in part, the act, entitled "An act to alter and amend the act, entitled "An act laying certain duties upon snuff and refined sugar," and to grant relief in certain cases arising under the said act.

So much of the act mentioned, as respects the duties laid upon mills, &c. employed in the manufacture of snuff, &c. suspended until the 8th July, 1797.

§ 1. *Be it enacted, &c.* That so much of the act, entitled "An act to alter and amend the act, entitled "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.

Act of 1795, ch. 43.
In case of failure of water, &c. whereby the benefit has been lost, &c. and the duties may be considered peculiarly unequal, &c. the secretary of the treasury, upon proof, &c. may cause such part of the duties, &c.

§ 2. 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. [*Approved, March 3, 1797.*]

Repealed.
Act of 1799, ch. 149.
Act of 1810, ch. 48, ch. 54.
The post roads mentioned, discontinued.
Act of 1794, ch. 23.

CHAP. [73.] An act in addition to the act, entitled "An act to establish the post office and post roads within the United States."

§ 1. *Be it enacted, &c.* That the 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 Bethle-

hem, 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.

§ 2. 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 Stapdish, 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 White Plains, Bedford, Frederickstown, Dover, Sharon, Sheffield, Stockbridge, Pittsfield, and Williamston, to Bennington, in Vermont; from Lansyngburg, in New York, by Waterford, Stillwater, Fort Edward, White Hall Landing, and Fairhaven, to Rutland, in Vermont; from New York, to Hackensack, Paramus, New Antrim, thence to Chester and Goshen; from Lansyngburg, by Salem, Fairhaven, Vergennes, and Bason Harbor, to Plattsburg; from Plattsburg to Pliny Moore's, in the town of Champlain; from Schenectady, by Balltown 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 Harrisburgh, upon the east side of the Susquehannah River, to Clark's Ferry, at Petersburg, by Millerstown, Thompsontown, Mifflintown, Lewis-town, and Huntingdon, to Alexandria; from thence, by Center Furnace and Bellefount, to Milesburg, on the Bald Eagle river, at the mouth of Spring Creek; from thence, by Auronsburg, Mifflinburg, Lewisburg, (Derrston,) and Northumberland, to Sunbury, and from thence, down the east side of the Susquehannah river, to Harrisburg; from Somerset, through Connells-

The post roads mentioned, established.

Post roads established.

ville, 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, 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 Mecklenburg Courthouse, to return by Lunenburg Courthouse, and Edmond'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 Moffett'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 Charlotte Hall Academy; from Allen's Fresh, in Maryland, by Laidlor's Ferry, to Port Conway, in Virginia; from Waynesborough to Louisville, by Georgetown, to Rock Landing, in Georgia; from Kanondaugua, 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.

The postmaster general authorized to expend, &c.
The postmaster general authorized to charge the U. States, &c.
Every person who procures, &c. the doing, &c. of any of the crimes forbidden by the act mentioned to be subject to the same

§ 3. 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.

§ 4. 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, entitled "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.

§ 5. 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 moneys 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 despatching 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 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 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 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.

§ 6. 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.

§ 7. That this act shall not be construed to effect any existing contracts.

punishments,
&c.

Act of 1794,
ch. 23.

Instead of the compensation heretofore allowed, &c. the postmaster general authorized to allow the deputy postmasters such commission, &c. as may be adequate, &c. *Provided*; the commission not to exceed the rates mentioned; except, &c.

The postmaster general may allow the deputies a commission of 50 per cent. on the postages of newspapers, &c.

Provided; the authority given by this section, &c. to regulate the commissions, &c. to continue until the 31st of March, 1798, &c.

No newspapers to be received, to be conveyed by post, unless they are sufficiently dried, &c.

The deputy postmasters to form, &c. into mails, &c.

If a deputy postmaster opens, &c. he forfeits not exceeding 20 dolls. &c.

Provided; when mails are directed, &c. they may be opened at the post office most convenient, &c.

The postmaster general to report annually, &c. post roads, which, &c. do not produce, &c. Letters and packets to George Washington, free of postage, &c. Act of 1817, ch. 218, act of 1818, ch. 78, § 8, 9, 10, act of 1820, ch. 107, act of 1823, ch. 138. When any revenue officer, &c. neglects or refuses to pay into the treasury the sum due, &c. the comptroller to institute a suit, &c.

In every case of delinquency, where suit has been instituted, a transcript, &c. to be admitted as evidence, &c. Copies of bonds, contracts, &c. certified by the register, &c. to have equal validity, &c.

Provido; where suit is brought on a bond, &c. and the defendant pleads non est factum, &c. the court may require the production of the original bond, &c.

Where suit is instituted against any person indebted, &c. the court to grant judgment at return term, unless the defendant, &c. makes oath, &c. that he is equitably

§ 8. 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.

§ 9. 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.*]

CHAP. [74.] An act to provide more effectually for the settlement of accounts between the United States and receivers of public money.

§ 1. *Be it enacted, &c.* 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.

§ 2. 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.

§ 3. 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 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 re-

jected, in the affidavit; and that he cannot then come safe 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.

§ 4. 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.

§ 5. 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.

§ 6. 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.

§ 7. That nothing in this act shall be construed to repeal, take away, or impair, any legal remedy or remedies 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.*]

entitled to credits, &c.
See as to garnishees, act of 1818, ch 78, § 8, 9, 10.

In suits between the U. States and individuals, no claim for a credit to be admitted upon trial but such as have been presented to the accounting officers of the treasury, unless, &c.
Where revenue officers, &c. being indebted, &c. become insolvent, or where the estate of of any deceased debtor is insufficient, &c. the debt due to the United States to be first satisfied. The priority to extend, &c.
Act of 1799, ch. 128, § 65. All writs of execution, upon judgments obtained for the use of the U. States, in one state, may run and be executed, &c. Nothing in this act to repeal or impair, &c. any legal remedy for debts due to the U. States, &c.

CHAP. [78.] An act providing for certain buoys, to be placed in and near the harbor of Boston.

§ 1. *Be it enacted, &c.* 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.

§ 2. That a sum, not exceeding one thousand six hundred dollars, shall be, and hereby is, appropriated to defray the ne-

The secretary of the treasury directed to cause to be placed near the harbor of Boston, &c. not exceeding, &c.
Not exceeding 1,600 dolls. appropriated, &c.

cessary expense of the said buoys, to be paid from the duties on imports and tonnage. [*Approved, March 3, 1797.*]

Obsolete.
Act of 1796, ch.
2.

The several provisions of the act extending the time for receiving on loan the domestic debt of the U. States, continued, &c. Proviso; nothing herein to extend, &c.

CHAP. [79.] An act extending the time for receiving on loan the domestic debt of the United States.

§ 1. *Be it enacted, &c.* That all the several provisions of the act, entitled "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.*]

See act of
1802, ch. 31.

The times and places of holding the several circuit courts, &c. as stated. In New York.

In Connecticut.

In Vermont.
In New Hampshire.

Act of 1812, ch.
45.

In Massachusetts.

In Rhode Island.

In New Jersey.

In Pennsylvania.

In Delaware.

In Maryland.

In Virginia.

In Georgia.

In South Carolina.

In North Carolina.

Proviso; if any of the days happen on a Sunday, &c. The several sections, &c. repealed.

Act of 1792, ch.
21.

The stated district courts for North Carolina to be held at Newbern.

All process of the several dis-

CHAP. [81.] An act concerning the circuit courts of the United States.

§ 1. *Be it enacted, &c.* 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. In Georgia, at Savannah, on the twentieth day of April, and at Augusta, on the eighth day of November. In South Carolina, at Charleston, on the sixth day of May, and the twenty-fifth day of October. 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.

§ 2. 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.

§ 3. That all such process of the several district courts, with-

in the said district, as, before the passing of this act, shall have issued, and all recognisances, 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.

trict courts, issued, &c. and returnable, &c. to be returned, &c. to the district court to be held at Newbern, &c.

The dockets, &c. to be hereafter kept at Newbern. The marshal to make the alteration known by proclamation, &c.

§ 4. 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.

Process, &c. depending in, or issuing out of, any of the courts, &c. to be deemed legally returnable on the days, and at the places, specified, &c.

§ 5. 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.

If, in consequence of any alterations made by this act, it appears expedient to the district judge that a new venire should issue, &c. the judge may direct the clerk to issue a venire accordingly, &c.

§ 6. 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.]

After the 1st Sept. 1797, the district court of Kentucky to be held on the 2d Monday, &c.

RESOLUTION.

[No. 2.] Resolved, &c. That the five hundred copies of the laws of the United States, directed to be printed by the act; entitled "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 500 copies of the laws of the United States, directed to be printed, &c. and reserved, &c. to be distributed as specified.

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 attorneys 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 northwest 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.

In case of the death, resignation, &c. of either of the officers mentioned, except, &c. the copies of the laws to belong to their successors, &c.

§ 2. 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

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, May 15, 1797, and ended July 8, in the same year.

JOHN ADAMS, President. THOMAS JEFFERSON, Vice President, and President of the Senate. WILLIAM BRADFORD, President of the Senate, pro tempore, from the 6th of July. JONATHAN DAYTON, Speaker of the House of Representatives.

CHAP. [1.] An act to prevent citizens of the United States from privateering against nations in amity with, or against citizens of, the United States.

Repealed.
Act of 1818, ch. 82.

§ 1. *Be it enacted, &c.* 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.

Citizens of the United States fitting out armed vessels against the subjects of friendly powers, &c. punished by fine and imprisonment, &c.

Fine, not exceeding 10,000 dollars, &c.
Place of trial.

§ 2. 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.*]

Nothing in this act to prevent the prosecution, &c. of treason, &c.

CHAP. [2.] An act prohibiting, for a limited time, the exportation of arms and ammunition, and for encouraging the importation thereof.

Expired.

§ 1. *Be it enacted, &c.* That it shall not be lawful to export from the United States any cannon, muskets, pistols, bayonets, swords, cutlasses, musket balls, lead, bombs, grenados, gunpow-

Exportation of the articles mentioned prohibited until July 18, 1799.

der, sulphur, or saltpetre, but the exportation of all the aforesaid articles is hereby prohibited, until to the end of the next session of congress, and no longer.

§ 2. 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, 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 the said articles as may be laden on board of her, that the said articles shall be reloaded 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.

§ 3. 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 hereinafter provided as to other forfeitures incurred under this act.

§ 4. That it shall be the duty of the customhouse 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."

§ 5. 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, June 14, 1797.*]

Prohibited articles found on board vessels for exportation, forfeited.

And vessel also, in case, &c.

Proviso; as to transportation of prohibited articles from port to port, in licensed vessels, &c.

Vessel in which prohibited articles are exported, forfeited, and the master subject to a fine of 1,000 dollars.

Duty of customhouse officers under this act.

Prosecution for, and distribution of, penalties. Act of 1790, ch. 35.

Enumerated articles that may, for a certain time, be imported free of duty, &c.

CHAP. [4.] An act authorizing a detachment from the militia of the United States. Expired.

§ 1. *Be it enacted, &c.* 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.

80,000 militia to be held in readiness, &c.

Proportion of each state.

§ 2. 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.

The president may authorize the state executives to receive independent volunteer corps. Limitation of service.

§ 3. 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 noncommissioned 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 noncommissioned officers, musicians, and privates, of the militia of the United States, when called into actual service, and for other purposes."

Pay and subsistence of officers, &c.

Pay and allowance for clothing, to noncommissioned officers, &c.

§ 4. 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.]

This act to be in force for one year, &c.

CHAP. [5.] An act in addition to an act, entitled "An act concerning the registering and recording of ships and vessels."

Act of 1792, ch. 1.

§ 1. *Be it enacted, &c.* 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 condemn-

Vessels of the United States captured and condemned under any foreign

power, or sold to a foreigner, not to receive a new register. Act of 1804, ch. 52.

Proviso; as to new register to owner retaining a property in the vessel, &c. See act of 27th March, 1804, ch. 405.

ed, 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.*]

Obsolete.

CHAP. [6.] 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.

The president to appoint an agent, to act under the direction of the attorney general, &c.

§ 1. *Be it enacted, &c.* 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.

Attorney general to counsel the agent, &c.

Attorney general authorized to employ agents in different parts of the U. States, &c. Additional compensation to attorney general, &c. Compensation to agent, 2,000 dolls. per ann. Appropriation to defray expenses under this act.

§ 2. 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.

§ 3. 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.

§ 4. 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 moneys not otherwise appropriated. [*Approved, June 30, 1797.*]

Expired. President authorized to cause three frigates to be manned and employed. Commissioned officers to be employed on

CHAP [7.] An act providing a naval armament.

§ 1. *Be it enacted, &c.* That the president of the United States be, and he is hereby, empowered, should he deem it expedient, to cause the frigates United States, Constitution, and Constellation, to be manned and employed.

§ 2. 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.

board the frigates.

§ 3. 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 sailmaker, 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 sailmaker'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 armorer, one steward, one cooper, one master at arms, and one cook.

Warrant officers; to be appointed by the president.

Petty officers, &c.

§ 4. 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 hereinbefore mentioned.

Number and composition of the crews.

§ 5. 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 sailmaker, twenty dollars per month, and two rations per day; a carpenter, twenty dollars per month, and two rations per day.

Pay and subsistence of commissioned and warrant officers.

§ 6. 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.

Pay of petty officers, &c. to be fixed by the president. *Proviso*; limiting the sum of pay to 15,000 dolls. per month, &c. Composition of the ration.

§ 7. 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 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.

Spirits or beer to the ration.

Officers, seamen, &c. to be governed by the rules established in 1775, &c.

§ 8. That the officers, noncommissioned officers, seamen, and marines, belonging to the navy of the United States, shall be governed by the rules for the regulation 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.

President may appoint officers to the frigates, in the recess of the senate, &c.

§ 9. 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.

Term of service of seamen and marines.

§ 10. 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.

Wounded or disabled officers and seamen, to be placed on the list of invalids, &c.

§ 11. That if any officer, noncommissioned 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 noncommissioned 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.

Limitation of the compensation in case of wounds, &c.

Proportionate allowance for inferior disabilities.

The president may increase the strength of the cutters, &c.

§ 12. 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 seacoast, 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.

Cutters to defend the seacoast, &c.

Compensations to officers and men of revenue cutters, continued. Act of 1796, ch. 22.

§ 13. 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.

§ 14. 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. [*Approved, July 1, 1797.*]

Limitation of this act to July, 1798, &c.

CHAP. [8.] An act to ascertain the time for the next meeting of congress, and to repeal the act heretofore passed for that purpose.

Obsolete.

§ 1. *Be it enacted, &c.* 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 on the 2d Monday of Nov. 1797.

§ 2. That the act, entitled "An act 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.*]

Act of 1797, ch. 69.

CHAP. [9.] 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 :

§ 1. *Be it enacted, &c.* 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.

District judge to direct the clerk to issue process to summon jurors, &c.

Proviso; as to different time of notice.

Marshal to execute process. Persons summoned as jurors, to attend, &c.

Marshal and jurors entitled to allowances, &c.

§ 2. 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

Suits commenced to be proceeded on, &c.

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.

Writs, &c. sued out, according to the accustomed method, &c. valid, &c.

§ 3. That all writs, and other process sued out of the clerk's office of the said circuit court, according to the accustomed method, bearing teste 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.]

Obsolete.

CHAP. [10.] An act to continue in force to the end of the next session, certain acts, and parts of acts, of limited duration.

Certain laws, &c. declared in force till 16th July, 1798.

§ 1. *Be it enacted, &c.* 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.]

Repealed. Act of 1802, ch. 19.

CHAP. [11.] An act laying duties on stamped vellum, parchment, and paper.

Rate of duties on stamped vellum, &c. on 1st Jan. 1798.

§ 1. *Be it enacted, &c.* 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 ensured, to wit: if going from one district to another in the United States, twenty-

On certain certificates, letters patent, &c.

On exemplifications of letters patent, &c. On receipts.

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, 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 dollars 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

On exemplifications under seal of court.

On bonds, bills, &c.

Proviso; as to time of payment of bonds, or notes, &c.
On bank notes.

Notarial acts, letters of attorney; except, &c.

On certificates or debentures, &c.

On notes or bills of lading, &c.

On inventories or catalogues; except, &c.

On certificates of shares, &c.

Proviso; as to legacies left by will, or other testamentary instrument; and recogni-

ances, bonds, &c. to the United States, &c.

The secretary of the treasury may agree to an annual composition for stamp duty on bank notes.

Deeds, &c. for loss of ships, &c. construed to be policies of assurance.

Forfeiture of 20 dolls. for neglecting to make out policy of assurance, &c.

Promissory notes in lieu of policy, void.

Deed, memorandum, &c. in respect of freight of vessels, declared to be a charter party, &c.

Receipts for legacies, &c. to express the true sum paid.

Every receipt in full deemed for the entire legacy, &c.

Counsellors, attorneys, &c. to take out a stamped certi-

any statute of distributions, which shall be left to, or divided amongst, the wife, children, or grand children, 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.

§ 2. 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.

§ 3. 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 hereinbefore mentioned.

§ 4. That when any vessel, or any goods or merchandise, laden, or to be laden, on board of any vessel, shall be ensured, 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.

§ 5. 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 such ship or vessel, shall be deemed and adjudged to be a charter party.

§ 6. 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.

§ 7. 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.

State of admission, &c.

Clerk's fee for certificate and entry.

§ 8. 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.

§ 9. 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 superintendence, control, and direction, of the treasury department, according to the respective authorities and duties of the officers thereof.

Duties to be levied, &c. under the direction of supervisors and inspectors, subject to the control of the treasury department, &c. Secretary of the treasury to cause marks and stamps to be provided, &c.

§ 10. 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 written, or printed, all or any of the several instruments, writings, matters, and things, hereinbefore enumerated and charged, according to the nature and description of each of the said instruments, writings, matters and things, as are hereinbefore specified and described: which said several marks and stamps shall be notified by 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 northwest 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.

The secretary of the treasury to notify marks and stamps.

Marks and stamps may be altered or renewed, &c.

§ 11. 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

Supervisors to stamp vellum, &c. upon demand made.

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.

Forfeit of office and 500 dolls. for stamping before the duties are paid or secured.

§ 12. 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.

Forfeit of 100 dolls. for writing or printing upon vellum, &c. unstamped, or improperly stamped.

§ 13. 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 persons 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 hereinbefore charged thereupon, for stamping every such deed, instrument, or writing, the sum of ten dollars; and no such deed, in-

Clerks, &c. committing frauds in relation to stamps, under this act, forfeit 500 dolls.

And, if officers of the U. States, forfeit their offices, &c. Ten dolls. over and above the duty, for writing instruments required to be stamped, on paper, &c. not marked or stamped, &c.

strument, 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, or 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 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 any sum not exceeding one thousand dollars, and to be imprisoned for any term not exceeding seven years.

No such instrument available in law until stamped, &c.

Persons counterfeiting, &c.

guilty of a misdemeanor, and subject to fine of 1,000 dolls. and imprisonment. Banks not to issue notes not compounded for and unstamped, &c.

§ 14. 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.

§ 15. 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 moneys which I shall receive therefor.*"

Persons employed in marking or stamping vellum, &c. to take an oath. Form of the oath.

§ 16. 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

Supervisors, &c. to obey directions from the treasury department. The treasury department to take care that there are sufficient supplies of stamped vellum, paper, &c.

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.

Stamped paper on hand at any time when the marks or stamps are altered, may be exchanged, &c.

§ 17. 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 hereinbefore is enacted for persons writing or printing on vellum, parchment, or paper, not marked or stamped.

Persons neglecting to exchange stamped paper on hand, within sixty days, the old stamps to have no effect, &c.

Officers collecting the duties, to keep accounts and remit moneys.

§ 18. 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.

The president may cause money to be expended for salaries, &c.

§ 19. 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.

Not to exceed five per cent. of the product. Mode of suing for fines, &c. and appropriation of them.

§ 20. 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 hereinbefore made,) and the other half to the use of the United States.

A moiety to discoverers, or informers, &c.

§ 21. 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.]

Limitation of this act to the 4th of March, 1803.

CHAP. [12.] An act in addition to the law of the United States, concerning consuls and vice consuls.

Repealed. Act of 1810, ch. 60.

§ 1. *Be it enacted, &c.* 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.]

Consul at Algiers, with a salary of 4,000 dollars.

CHAP. [13.] An act for allowing full mileage to the members of the senate and the house of representatives of the United States.

Obsolete.

§ 1. *Be it enacted, &c.* 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.]

Full allowance of mileage to each member.

CHAP. [14.] An act to revive and continue in force, for a limited time, an act, entitled "An act authorizing the transfer of stock standing to the credit of certain states."

Expired. Act of 1795, ch. 10.

§ 1. *Be it enacted, &c.* That the several provisions of the act, entitled "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.]

Act of Jan. 2, 1795, revived and continued until 4th March, 1799. Act of 1795, ch. 10.

CHAP. [15.] An act laying an additional duty on salt imported into the United States, and for other purposes.

Repealed. Act of 1807, ch. [75.] 85.

§ 1. *Be it enacted, &c.* 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.

Additional duty of 8 cents, &c. per bushel, on imported salt.

Ten per cent. more, if in foreign vessels.

§ 2. 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

Drawbacks and allowances to apply to the additional duty.

Additional
drawbacks and
allowances,
&c.

Act of 1792, ch.
6.

Provisions of
the act of 4th
Aug. 1790, ap-
plicable to this
act.
Act of 1790, ch.
[35.] 61.

Limitation of
this act to the
14th May,
1800.

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 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.

§ 3. 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.

§ 4. 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.*]

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, November 13, 1797, and ended July 16, 1798.

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

CHAP. [18.] 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." Obsolete.
Act of 1797, ch.
11.

§ 1. *Be it enacted, &c.* That so much of the act, entitled "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.*]

Duties not to
commence un-
til the 1st Ju-
ly, 1798.

CHAP. [25.] 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.

Expired.
See act of
1800, ch. 22.

§ 1. *Be it enacted, &c.* 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 man-

Witnesses to
attend, &c.
upon summons
of a chancellor,
judge, justice,
&c.

ner hereinafter provided, touching the subject matter of the aforesaid application.

Summons to be delivered to the person, or left at his house, &c.

§ 2. 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.

Forfeit of 20 dolls. for not attending on summons, &c. unless, &c. Penalty recoverable by action of debt, &c.

§ 3. 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.

Notification to the opposite party.

§ 4. 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 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.

Notification to be served on the opposite party, or left at his house.

No examination of witnesses, unless, &c.

Witnesses to be examined on oath or affirmation.

§ 5. 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

Testimony, &c. to be reduced to writing, attested, and

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.

transmitted to the clerk of the house of representatives, with a copy of the summons, &c.

§ 6. 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.

Judge, &c. not being able to attend, &c. may certify proceedings to another judge, &c. who may proceed, &c.

§ 7. 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.

Two justices of the peace may act where there is no judge, &c.

§ 8. 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.

75 cents per day for each attending witness, 5 cents mileage, &c.

to be paid by the party summoning, &c.

§ 9. 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 judges and other officers employed.

§ 10. That this act shall continue and be in force until the end of the first session of the sixth congress, and no longer. [Approved, January 23, 1798.]

Limitation of this act to the 14th May, 1800.

Repealed.
Act of 1802,
ch. 19.
Owners of stills
may make
election at any
time of the
year, &c.

CHAP. [27.] An act to amend the several acts for laying duties on spirits distilled within the United States, and on stills.

§ 1. *Be it enacted, &c.* 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. [Approved, January 29, 1798.]

Obsolete.
Act of 1793,
ch. [5.] 49.
Act of 1802,
ch. 38.
The 2d sec. of
the act of 9th
Feb. 1793, sus-
pended until
the 3d of May,
1802.

CHAP. [28.] An act supplementary to the act, entitled "An act regulating foreign coins, and for other purposes."

§ 1. *Be it enacted, &c.* That the second section of an act, entitled "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. [Approved, February 1, 1798.]

Obsolete.

CHAP. [32.] An act to provide for the widows and orphans of certain deceased officers.

The provisions
of the act of
7th June, 1794,
extended to
the widows,
&c. of officers,
&c. who have
died by reason
of wounds re-
ceived since 4th
March, 1789.
Act of 1794,
ch. 52.

§ 1. *Be it enacted, &c.* 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, entitled "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.]

Provided ap-
plication be
made within
two years.

CHAP. [33.] 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.

§ 1. *Be it enacted, &c.* 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 per-

sons 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.

§ 2. 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.

§ 3. That there be appropriated and paid, out of the moneys 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.]

Salary and appointment of the superintendent for building, &c. Buoys to be placed near Sandy Hook, Goat Island, and Nantucket.

13,250 dolls. appropriated for the purposes of this act.

CHAP. [34.] An act providing the means of intercourse between the United States and foreign nations.

§ 1. *Be it enacted, &c.* 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 moneys 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 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 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.

§ 2. 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.

§ 3. That, for defraying the expenses of intercourse between the United States and foreign nations, during the year one thou-

Expired. Act of 1800, ch. 56. President authorized to draw from the treasury 40,000 dollars annually, for support of agents in foreign parts. Outfit equal to one year's salary.

Salary of minister plenipotentiary, 9,000 dolls. per ann. 4,500 dolls. to a charge des affaires. 1,350 to the secretary of a minister. The president to cause annual settlement for moneys issued for purposes of foreign intercourse. Manner of accounting for expenditures, &c.

Further appropriation of 28,650 dolls. for expenses of

foreign inter-
course.

Acts mention-
ed repealed.
Act of 1790,
ch. [22.] 49.

Act of 1793,
ch. [4.] 48.

Limitation of
this act to the
14th May,
1800.

Repealed.
Act of 1802, ch.
19.
Deduction on
the purchase of
stamped paper,
&c. where the
duties amount
to ten dollars,
or upwards.
Act of 1797, ch.
11.

The price of
the vellum or
parchment to
be paid, in ad-
dition to the
duty; to be fix-
ed by the se-
cretary of the
treasury.

Persons bring-
ing vellum,
parchment, &c.
to be stamped,
&c. also enti-
tled to a de-
duction, &c.

said seven hundred and ninety-eight, there be further appropri-
ated, in addition to the aforesaid sum of forty thousand dollars,
and out of any moneys in the treasury of the United States not
otherwise appropriated, the sum of twenty-eight thousand six
hundred and fifty dollars.

§ 4. That the act passed on the first day of July, in the year
one thousand seven hundred and ninety, entitled "An act pro-
viding the means of intercourse between the United States and
foreign nations," and the act passed on the ninth day of Febru-
ary, in the year one thousand seven hundred and ninety-three,
entitled "An act to continue in force for a limited time, and
amend the act, entitled "An act providing the means of inter-
course between the United States and foreign nations," shall be,
and they hereby are, repealed.

§ 5. That this act shall be and remain in force until the end
of the first session of the sixth congress, and no longer. [*Ap-
proved, March 19, 1798.*]

CHAP. [37.] An act to amend the act, entitled "An act laying duties on
stamped vellum, parchment, and paper."

§ 1. *Be it enacted, &c.* 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, stamp-
ed and marked in the manner directed by the act, entitled "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.

§ 2. 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 deduc-
tion, shall pay to the said supervisor, or inspector, in addition to
the amount of the said duties, a reasonable rate for and on ac-
count 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.

§ 3. 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 dol-
lars, 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.

§ 4. 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 sufficient sum for that purpose, and for the necessary purchase of vellum and parchment, out of any moneys 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.

§ 5. 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, entitled "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.*]

Stamped paper, furnished under the act of 6th July, 1797, subject to no other charge but the duty, &c.

Secretary of the treasury authorized to employ a sufficient sum for the purchase of paper, &c. The price of vellum and parchment to be paid, in addition to the duties, &c. The secretary of the treasury to fix the price.

Stamp duties on debentures repealed; and, in lieu thereof, collectors to retain 1-4th per cent. on drawbacks. Act of 1790, ch. [35.] 61.

CHAP. [38.] An act declaring the consent of congress to an act of the Commonwealth of Massachusetts.

§ 1. *Be it enacted, &c.* 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, entitled "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.*]

The consent of congress granted to the act, and for the purposes, mentioned.

CHAP. [39.] 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.

§ 1. *Be it enacted, &c.* 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 De-

Expired. Act of 1801, ch. 83. The consent of congress granted to the act, and for the purposes, mentioned.

ember, one thousand seven hundred and ninety-three, entitled "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.

This act limited to the 14th of May, 1800.

§ 2. 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.*]

Obsolete.
Act of 1797, ch. 73.

CHAP. [41.] An act to continue in force the fifth section of an act, entitled "An act in addition to the act, entitled 'An act to establish the post office and post roads within the United States.'"

The section mentioned, continued to the 3d of March, 1799.

§ 1. *Be it enacted, &c.* That the fifth section of the act, entitled "An act in addition to the act, entitled '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. [*Approved, March 28, 1798.*]

Obsolete.
Act of 1794, ch. 49.

CHAP. [42.] An act to continue in force, for a limited time, a part of an act, entitled "An act making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas."

The section mentioned, continued until the 14th May, 1800.

§ 1. *Be it enacted, &c.* That the thirteenth section of the act, passed on the fifth day of June, one thousand seven hundred and ninety-four, and entitled "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. [*Approved, April 7, 1798.*]

Expired. See act of 1801, ch. 76, act of 1810, ch. 29.

CHAP. [43.] An act for the relief of the refugees from the British provinces of Canada and Nova Scotia.

The secretary of war to give notice to claimants under the resolutions of April 23, 1783, and 13th April, 1785, &c.

§ 1. *Be it enacted, &c.* That, 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 of 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.

Descriptions of persons who are entitled to the benefit of the act, &c.

§ 2. That no other persons shall be entitled to the benefit of the provisions of the 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 actually 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.

§ 3. 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.

§ 4. 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 shall be assignable, until after report made to congress, as aforesaid, and until the said lands be granted to the persons entitled to the benefit of this act.

§ 5. 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.*]

Proof of facts may be taken before judge of supreme court, &c.

The secretary of war to lay evidence of claims before the secretary and comptroller of the treasury, and, with them, to examine and decide what quantity of land is due to each individual, &c. Limitation of quantity.

Report to congress.

Separate reports of peculiar cases.

Grants by the United States, or individual states, to be considered in whole, or in part, satisfaction, &c.

Claims not assignable until after report, grant, &c.

Claims not exhibited in time, barred. Act of 1804, ch. 25.

Obsolete.
Act of June
1797, ch. 2.

CHAP. [44.] An act to continue in force the act, entitled "An act prohibiting, for a limited time, the exportation of arms and ammunition; and for encouraging the importation thereof."

§ 1. *Be it enacted, &c.* That the first, second, third, and fourth sections, of the act, entitled "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.

The sections mentioned continued in force until the 14th May, 1800.

Part of the section mentioned, continued until the 14th May, 1800.

Part of the section mentioned, continued until the 3d of May, 1802.

§ 2. 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.]

Act of 1800,
ch. 50.

CHAP. [45.] An act for an amicable settlement of the limits with the state of Georgia, and authorizing the establishment of a government in the Mississippi territory.

The president authorized to appoint commissioners to adjust interfering claims to the territory mentioned; and to receive proposals for the cession of other territory claimed by Georgia.

§ 1. *Be it enacted, &c.* 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.

Lands ascertained to be the property of the United States, to be disposed of, &c.

§ 2. 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.

Boundaries of a district to be called the Mississippi territory, &c.

§ 3. 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 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 go-

The president authorized to establish a government and appoint officers in the Mississippi territory.

vernment 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.

President may appoint officers in the recess of congress, &c.

§ 4. 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.

Congress may hereafter divide the Mississippi territory into two districts, &c. Saving of the rights of Georgia, and of individuals, to the jurisdiction and soil.

§ 5. 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.

§ 6. 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.

The people of the Mississippi territory to enjoy the same rights as those of the territory northwest of the river Ohio, under the ordinance of 13th July, 1787.

§ 7. 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.

Importation of slaves from foreign parts prohibited, under penalty of 300 dolls. for each one.

§ 8. 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 moneys in the treasury not otherwise appropriated. [Approved, April 7, 1798.]

Slaves imported entitled to freedom.

10,000 dolls. appropriated for carrying this act into effect.

See act of 1796, ch. 21.

The president authorized to cause 100,000 dollars to be loaned to the commissioners of the city of Washington. Act of 1790, ch. [28.] 55.

The sum to be borrowed, to be reimbursed by instalments, of 1-5th, commencing in 1805, &c. Lots vested for the use of the United States, made chargeable with the repayment of the sums borrowed; except, &c.

Appropriation of 100,000 dolls. for the purposes mentioned.

Obsolete.

The president authorized to cause a number of armed vessels, not exceeding twelve, to be procured and fitted out. The president to fix the number and grade of officers; number of the crews, &c. Pay, subsistence, &c. as prescribed by the act mentioned. Act of 1797, ch. 7.

CHAP. [47.] An act supplementary to an act, entitled "An act authorizing a loan for the use of the city of Washington, in the district of Columbia; and for other purposes therein mentioned."

§ 1. *Be it enacted, &c.* 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, entitled "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 moneys which the said commissioners are now authorized to borrow, under the direction of the president of the United States, by virtue of the act, entitled "An act authorizing a loan for the use of the city of Washington, in the district of Columbia; and for other purposes therein mentioned."

§ 2. 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.

§ 3. 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. [Approved, April 18, 1798.]

CHAP. [48.] An act to provide an additional armament for the further protection of the trade of the United States; and for other purposes.

§ 1. *Be it enacted, &c.* 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.

§ 2. 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

and 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.

§ 3. That the officers of the aforesaid vessels may, during the recess of the senate, be appointed and commissioned by the president alone.

§ 4. That the sum of nine hundred and fifty thousand dollars be, and are hereby, appropriated, out of any moneys 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 execution. [Approved, April 27, 1798.]

Proviso; as to the extension of the term of enlistment of seamen and marines, when at sea, &c.

The president may appoint and commission the officers in the recess, &c.
\$50,000 dolls. appropriated for the purposes of this act.

CHAP. [50.] An act to provide an additional regiment of artillerists and engineers.

§ 1. *Be it enacted, &c.* 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.

§ 2. 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, noncommissioned 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 correspondent 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 seacoast, as, in his opinion, the public service shall require.

§ 3. 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. [Approved, April 27, 1798.]

Repealed.
Act of 1802, ch. 9.
An additional regiment to serve for five years, &c.

Organization of the regiment.

The regiment to be considered as a part of the military establishment.

Bounty, pay, allowances, &c.

The regiment may be employed by the president as he may deem the public service to require.

Necessary books, &c. to be provided at the public expense.

CHAP. [51.] An act for erecting lighthouses, and placing buoys and stakes, at the places therein mentioned.

§ 1. *Be it enacted, &c.* 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.

§ 2. That there be appropriated and paid, out of the moneys arising from imports and tonnage, the sum of three thousand and fifty dollars, for the purposes aforesaid. [*Approved, April 27, 1798.*]

CHAP. [52.] An act to establish an executive department, to be denominated the department of the navy.

§ 1. *Be it enacted, &c.* 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.

§ 2. 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.

§ 3. 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 of war.

§ 4. 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 pro-

Lighthouse to be built on Old Point Comfort, &c.

Six buoys to be placed near the entrance of Portland harbor. The channel of Warren river to be staked. Appropriation of 3,050 dollars, for the purposes of this act.

Department of the navy; secretary thereof, &c. Act of 1798, ch. 102. Act of 1815, ch. 188.

Principal and other clerks.

The principal clerk to take charge of papers in case of vacancy.

The secretary may take possession of the books, &c. in the war office, which relate to his department.

Salaries of the secretary and his clerks. Act of 1798, ch. [144.] act of 1791, ch. [18.] 92.

vided 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.

§ 5. 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. [*Approved, April 30, 1798.*]

Part of the act of 7th Aug. 1789, repealed Act of 1789, ch. 7.

CHAP. [53.] An act to authorize certain officers and other persons to administer oaths.

Act of 1817, ch. 183.

§ 1. *Be it enacted, &c.* 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.

The president of the senate, speaker, &c. authorized to administer oaths, &c. to witnesses. Pains, penalties, &c. of corrupt perjury for false swearing.

§ 2. 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.*]

CHAP. [54.] An act supplementary to the act providing for the further defence of the ports and harbors of the United States.

Act of 1797, ch. 3. act of 1799, ch. 109. 250,000 dolls. additional appropriated for fortifications.

§ 1. *Be it enacted, &c.* 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 moneys not 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.

Other fortifications under the direction of the president.

§ 2. 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 fortifications 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, entitled "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 expen-

Debtor states finishing or completing fortifications, &c. as mentioned, to have credit therefor, &c.

Act of 1797, ch. 3.

Proviso; no expenditure exceeding balance due to be allowed, &c.

ditures 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.

Proviso of the act of 23d June, 1797, repealed.

Act of 1797, ch. 3.

§ 3. That these words of the said act, entitled "An act for the further defence of the ports and harbors of the United States," that is to say, "provided, the said states shall and do cede to the United States, the lands or places on which such fortifications shall be so erected, in cases where the lands are the property of such states," shall be, and the same are hereby, repealed. [*Approved, May 3, 1798.*]

CHAP. [55.] An act to enable the president of the United States to procure cannon, arms, and ammunition; and for other purposes.

800,000 dolls. appropriated to purchase cannon, small arms, &c. Act of 1794, ch. 14.

§ 1. *Be it enacted, &c.* That a sum, not exceeding eight hundred thousand dollars, shall be, and hereby is, appropriated, and shall and may be paid out of any moneys 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.

The president may establish foundries and armories, &c.

Account of expenditures, &c. to be laid before congress.

§ 2. 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 despatch 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 foundries and armories, for the manufacture of the same, respectively, and shall cause suitable artisans and laborers to be there 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.

100,000 dolls. appropriated for the purpose of this act.

§ 3. That the sum of one hundred thousand dollars shall be, and hereby is, appropriated, and shall be paid out of any moneys not before appropriated, for the hire, purchase, and employ, of the said foundries and armories, respectively, in case such establishments shall be found necessary, as hereinbefore provided. [*Approved, May 4, 1798.*]

CHAP. [56.] 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.

Obsolete.

§ 1. *Be it enacted, &c.* 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 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.

The president authorized to fit out, not exceeding ten galleys, &c.

Pay and subsistence to officers and men as in the navy.

§ 2. 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 galleys or vessels shall be stationed in such parts of the United States as he may direct.

The officers to be appointed, &c. Galleys to be stationed, &c.

§ 3. That there be appropriated, for the purpose aforesaid, the sum of eighty thousand dollars, out of any moneys in the treasury not otherwise appropriated. [*Approved, May 4, 1798.*]

80,000 dolls. appropriated for the purpose of this act.

CHAP. [59.] An act to continue in force a part of an act respecting the compensation to the officers and mariners of the revenue cutters.

Obsolete.

§ 1. *Be it enacted, &c.* That the first section of an act passed 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 in force to the end of the next session of congress. [*Approved, May 8, 1798.*]

The section mentioned, continued to the 4th March, 1799. Act of 1796, ch. 22.

CHAP. [63.] An act to amend the act, entitled "An act to amend and repeal, in part, the act, entitled "An act to ascertain and fix the military establishment of the United States."

Repealed. Act of 1802, ch. 9.

§ 1. *Be it enacted, &c.* 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, entitled "An act to amend and repeal, in part, the act, entitled "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.

The brigadier general may choose his brigade major and inspector from the commissioned officers in the line. Act of 1797, ch. 70.

§ 2. 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.*]

Pay and allowances, as established by law, to major Cushing, as inspector.

CHAP. [64.] An act authorizing the president of the United States to raise a provisional army.

Repealed. Act of 1802, ch. 9.

§ 1. *Be it enacted, &c.* 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 ter-

The president may, on the events mentioned taking

place, raise an army of 10,000 men, for three years.

Bounty of 10 dollars.

The president may organize the troops, and appoint officers, in the recess of the senate, &c.

Appointment of field officers to be submitted to the senate, &c.

The troops to be on the footing of the other troops of the United States, bounty excepted.

The president may accept of volunteers, in addition to the troops authorized by this act, appoint their commissioned officers, &c.

The volunteers may be called upon to perform duty within two years, &c.

Volunteers in actual service on the same footing as other troops, &c.

Allowance to volunteers for loss of horses, &c.

The president may appoint a lieutenant general.

His pay and emoluments.

ritory, 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 noncommissioned 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.

§ 2. 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 noncommissioned 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.

§ 3. 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.

§ 4. 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.

§ 5. 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 number 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.

§ 6. 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.

The president may appoint an inspector general.

Pay and emoluments of major generals and inspector general.

They may appoint aids, &c.

The 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.

§ 7. 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.

Their pay and emoluments.

Proviso; the president may make the appointments mentioned, in the recess, &c.

§ 8. 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 sol-

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

dier, 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, noncommissioned 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 the whole, or any part, of the officers and soldiers raised, or accepted, under this act, when consistent with the public safety.

§ 9. 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 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 the authority of this act, whenever he shall judge the measure consistent with the public safety.

No commissioned or staff officer to be entitled to pay, &c.
 Proviso; as to recruiting service.
 Proviso; no enlistment after three years.

§ 10. 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.

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

§ 11. 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.

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

§ 12. 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.

The president may procure certain equipment for caval-

§ 13. 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 hereinbefore 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.

ry, which may be likewise loaned.

Appropriation of 200,000 dolls. for the purposes of this act.

§ 14. 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.]

Privates exempt from arrests for debt or contract, during their term of service. Judges, &c. upon arrest of soldiers for debt, &c. to grant writs of habeas corpus, hear and examine the cases, and discharge, &c.

CHAP [65.] An act more effectually to protect the commerce and coasts of the United States.

Obsolete.

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,

§ 1. *Be it enacted, &c.* 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.]

The president may issue instructions to the commanders of public armed vessels to bring into port offending French armed vessels, and to make recaptures from them.

See act of 1800, ch. 4. act of 1817, ch. 287. act of 1824, ch. 3. 40. act of 1824, ch. 172.

Insolvent to make application to the secretary of the treasury, &c.

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

and upon proof of the facts mentioned, 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 for swearing falsely under this act. Act of 1796, ch. 38.

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

Expired. Act of 1796, ch. 38. Persons imprisoned on process in civil actions, &c. entitled to the benefit of the act of 28th May, 1796; though the creditor, &c.

CHAP. [66.] An act providing for the relief of persons imprisoned for debts due to the United States.

§ 1. *Be it enacted &c.* 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.

§ 2. 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, entitled "An act for the relief of persons imprisoned for debt."

§ 3. 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 moneys had and received by any officer, agent, or other person, for their use. [Approved, June 6, 1798.]

CHAP. [67.] An act supplementary to an act, entitled "An act for the relief of persons imprisoned for debt."

§ 1. *Be it enacted, &c.* 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, entitled "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.]

CHAP. [68.] 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.

§ 1. *Be it enacted, &c.* That so much of the act, entitled "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.

§ 2. 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.

§ 3. 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.

§ 4. That the sum of twenty thousand dollars shall be, and hereby is, appropriated, for the purposes aforesaid, to be paid out of any moneys in the treasury not otherwise appropriated.

§ 5. 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 moneys in the treasury, not otherwise appropriated.

§ 6. 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

Law barring loan office and final settlement certificates, and indents of interest, suspended for a year. Act of 1795, ch. 110. act of 1822, ch. 112. Notification thereof to be published by the secretary of the treasury, &c. On settlement the creditors to receive certificates of 3 per cent. stock, &c.

Mode of discharging the principal of the loan office and final settlement certificates, and certain interest thereon.

Appropriation of 20,000 dollars, for the purpose mentioned.

Treasury not to issue certificates of registered or unfunded debt. Appropriation of 20,000 dollars, for services and supplies prior to the present constitution. Reimbursement to be made of the unfunded, or registered debt.

Notification thereof to be published, &c.

90,000 dolls. appropriated for the reimbursement, &c.

Creditors of unfunded, or registered debt, may receive certificates of funded three per cent. stock for arrearages of interest prior to 1st Jan. 1791.

Expired. Act of 1798, ch. 84, and ch. 85. After 1st July, 1798, vessels not to go to the dominions of France, nor be employed in traffic with, or for, persons resident therein.

Forfeiture of ship and cargo for violating the provisions of this act.

A moiety to informer.

Bond with sureties not to proceed to France, to be given on clearing for a foreign voyage after 1st July, 1798.

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 moneys in the treasury, not otherwise appropriated.

§ 7. 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. [*Approved, June 12, 1798.*]

CHAP. [70.] An act to suspend the commercial intercourse between the United States and France, and the dependences thereof.

§ 1. *Be it enacted, &c.* 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 dependences 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.

§ 2. 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 dependences 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 dependences thereof.

Unless by distress of weather, &c.

§ 3. 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 dependences 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 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.

French vessels not to be allowed to enter or remain in the United States, unless they have the president's passport, or in case of stress of weather, &c.

In case of their being found within the United States to be ordered to depart; and, not complying, to be seized and detained.

Vessels belonging to citizens of the United States, &c, excepted from the prohibition until, &c.

Vessels entering in distress, to remain in custody of the collector, may repair, and must depart, &c.

§ 4. That this act shall continue and be in force until the end of the next session of congress, and no longer.

§ 5. 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

Limitation of this act to the 4th March, 1799.

In the recess, the president may discontinue the prohibitions of this act, on being well ascertained of a dis-

vowal and cessation of hostilities, &c. on the part of France.

This act not to extend to vessels to which the president may grant special permission for the purposes mentioned.

Repealed.
Act of 1802,
ch. 28.

No alien may become a citizen, unless he shall have declared his intention to become such, five years before his admission. Act of 1795, ch. 85. And, also, declare and prove 14 years' residence within the United States, and 5 years in the state, &c. where he applies; besides otherwise conforming to the former act. Provision in favor of residents before 29th of Jan. 1795, and of persons having made the declaration of their intention to become citizens.

Allen enemies cannot become citizens.

Clerks of courts, &c. to

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.]

CHAP. [71.] An act supplementary to, and to amend, the act, entitled "An act to establish an uniform rule of naturalization; and to repeal the act heretofore passed on that subject."

§ 1. *Be it enacted, &c.* 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, entitled "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, entitled "An act to establish an uniform rule of naturalization, and to repeal the act heretofore passed on that subject," may, within four years after having made the declaration aforesaid, be admitted to become a citizen, in the manner prescribed by the said act, upon his making proof that he has resided five years, at least, within the limits, and under the jurisdiction, of the United States: *And provided also*, That no alien, who shall be a native, citizen, denizen, or subject, of any nation or state with whom the United States shall be at war, at the time of his application, shall be then admitted to become a citizen of the United States.

§ 2. 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, there 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.

§ 3. 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.

§ 4. 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 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

send to the office of secretary of state abstracts of the declarations of aliens intending to become citizens.

Fee of 2 dolls. to the clerk, &c.
Forfeit of 10 dolls. by clerk, &c. for refusing to make and certify abstracts.
Clerks of courts to send to the office of the secretary of state certified copies of the records of naturalization.

Fee of 2 dolls. to the clerk, &c. for certificate of naturalization.
Forfeiture of 10 dolls. for neglect to transmit certificate.

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

Times of making the report, &c.

Report to be recorded, &c.

Transcript of registry of report, if made by any person other than the clerk, to be transmitted to the clerk, &c.

Fee of 50 cents for each report and registry, &c. and 50 cents for certificate thereof.

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

Forfeit of 2 dolls. by aliens refusing or neglecting to make a report, &c.

Surety of the peace may be required of aliens neglecting to make a report.

Aliens may be committed to gaol for want of surety.

Forfeit of 2 dolls. by persons having the care of aliens refusing or neglecting to make report.

Certificate of registry of aliens required to show the

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 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 registry 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.

§ 5. 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 behavior 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.

§ 6. 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.

commence-
ment of their
residence on
application to
be naturalized.

§ 7. 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 to be
recovered in
the name and
to the use of
the informers,
&c.

CHAP. [72.] An act to amend the act, entitled "An act providing a naval armament," and the act entitled "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.

Obsolete.
Act of 1797,
ch. 7. act of
1798, ch. 56.

§ 1. *Be it enacted, &c.* 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 seacoast, to employ on board the same, at his discretion, not exceeding seventy marines and seamen; any thing in the act, entitled "An act providing a naval armament," to the contrary hereof notwithstanding.

President may
increase the
strength of re-
venue cutters
to 70 marines
and seamen.

§ 2. 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, entitled "An act to authorize the president of the United States to cause to be purchased, or built, a number of small vessels, to be equipped as galleys, or otherwise," any thing therein to the contrary hereof notwithstanding. [*Approved, June 22, 1798.*]

President may
fix the rank,
pay, and sub-
sistence, of the
officers of small
vessels or gal-
leys.

CHAP. [73.] An act to extend the privilege of franking letters and packets to the secretary of the navy.

Repealed.
Act of 1799,
ch. 149.
Letters and
packets to or
from the secre-
tary of the
navy, to be
conveyed free
of postage.
Act of 1794,
ch. 23.

§ 1. *Be it enacted, &c.* 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." [*Approved, June 22, 1798.*]

CHAP. [74.] An act supplementary to, and to amend, the act, entitled "An act authorizing the president of the United States to raise a provisional army."

Obsolete.
Act of 1799,
ch. 64.

§ 1. *Be it enacted, &c.* 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

Volunteers to
observe the
rules to be fix-
ed by the pre-
sident for

training and disciplining them.

Exempted from militia duty.

The president may appoint their field officers in the recess, &c.

Provide; no pay from the United States until actual service.

President may authorize the sale to volunteers of artillery, arms, &c. or may loan the same, &c.

Accounts of the sales or loans to be kept in the war department, &c. to be purchased with the money accruing.

The president may proceed to appoint such of the officers for the army of 10,000 men as may be more immediately requisite.

Officers not entitled to pay until employed in actual service.

section of the act, entitled "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 necessary 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.

§ 2. 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.

§ 3. 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.

§ 4. 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.]

CHAP. [75.] An act concerning aliens.

§ 1. *Be it enacted, &c.* That it shall be 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 shall 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.

§ 2. 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.

§ 3. 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 cus-

Expired.

The president may order dangerous or suspected aliens to depart the territory of the United States.

Order to be served on the obnoxious alien, by the marshal, &c.

Three years' imprisonment, and exclusion from citizenship, for disobedience of, and nonconformity to, orders.

An alien proving himself harmless, the president may grant him a license to remain, &c. The president may require security from aliens for good behavior.

The president may order aliens imprisoned under this act, and others, to be removed out of the territory of the U. States.

Aliens removed, and returning without permission, to be imprisoned.

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

customs, after the 1st July, 1798.

Masters failing to report, forfeit 300 dollars, for which their vessels may be detained. Officers of the customs to transmit copies of the returns, &c.

Circuit and district courts to have cognizance, &c. Marshals, &c. to execute the orders of the president.

Aliens ordered to be removed may take with them or dispose of their property.

Limitation of this act to the 25th June, 1800.

Expired.

Merchant vessels may oppose searches, &c. attempted by the French; repel assaults, capture the aggressors, and make recaptures.

Captured vessels may be condemned, sold, and distributed.

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

§ 4. 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.

§ 5. 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.

§ 6. 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.*]

CHAP. [77.] An act to authorize the defence of the merchant vessels of the United States against French depredations.

§ 1. *Be it enacted, &c.* 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 colors, 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 colors, or acting, or pretending to act, by or under authority from the French republic.

§ 2. That whenever the commander and crew of any merchant vessel of the United States shall subdue and capture any French, or pretended French, armed vessel, from which an assault or other hostility shall be first made, as aforesaid, such armed vessel, with her tackle, appurtenances, ammunition, and lading, shall accrue, the one half to the owner or owners of such merchant vessel of the United States, and the other half to the captors: and, being brought into any port of the United States,

shall and may be adjudged and condemned to their use, after due process and trial, in any court of the United States, having admiralty jurisdiction, and which shall be holden for the district into which such captured vessel shall be brought; and the same court shall thereupon order a sale and distribution thereof accordingly, and at their discretion; saving any agreement which shall be between the owner or owners, and the commander and crew of such merchant vessel. In all cases of recapture of vessels belonging to citizens of the United States, by any armed merchant vessel aforesaid, the said vessels, with their cargoes, shall be adjudged to be restored, and shall, by decree of such courts as have jurisdiction in the premises, be restored to the former owner or owners, he or they paying for salvage not less than one eighth, nor more than one half, of the true value of the said vessels and cargoes, at the discretion of the court; which payments shall be made without any deduction whatsoever.

Recaptured American vessels to be restored, on paying salvage of 1-8th, &c.

§ 3. That after notice of this act at the several customhouses, 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 for good conduct to be given previous to the clearing of armed merchant vessels.

Condition of the bond.

President's instructions to be observed, &c.

§ 4. 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

The president to establish instructions for the government of armed merchant vessels.

A copy of instructions to be delivered to commander, &c.

Report to be made to the collector, on the return of armed vessels to the United States, of rencounters, &c. Disposal of prisoners.

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.

Limitation of this act to 14th May, 1800.

§ 5. 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 merchant vessels to submit to searches, &c. when French armed vessels shall observe the law of nations, &c.

§ 6. 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 merchants vessels 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.]

Obsolete.

CHAP. [78.] An act to punish frauds committed on the Bank of the United States.

Imprisonment, hard labor, &c. for forging, or uttering counterfeit bills, notes, orders, or checks, by or upon the Bank of the United States.

§ 1. *Be it enacted, &c.* That if any person shall falsely make, alter, forge, or counterfeit, or cause or procure to be 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 labor 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.]

Proviso; as to jurisdiction of state courts.

Obsolete.

CHAP. [79.] An act in addition to the act more effectually to protect the commerce and coasts of the United States.

Captured armed vessels and goods may be

§ 1. *Be it enacted, &c.* 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.

§ 2. 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 recaptured 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 deduction and expenses.

§ 3. 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, recaptured, 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 recapture 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.

§ 4. 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 recaptured 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. [*Approved, June 28, 1798.*]

condemned in the district courts. Act of 1798, ch. 65.

Forfeiture not to extend to captured property of citizens or residents in the United States.

Recaptured property of citizens or residents to be restored, paying salvage of 1-8th.

Prizes to accrue, &c.

Salvage to belong wholly to the officers and crew.

Court condemning may order a public sale, &c.

Part of moneys accruing from sales to be paid into the treasury, the residue, &c. to officers and crew, &c.

Officers and crews of captured vessels, &c. may be confined in a place of safety.

Marshals to execute the orders of the President.

Obsolete.
Act of 1798, ch.
48.

The president
may accept
vessels offered
on the credit of
the United
States, for
which he may
cause evidence
of the debt or
obligation to
be given.

Not more than
12 vessels to be
accepted.
Not more than
6 per cent. on
credits under
this act.
Certificates of
the debt re-
deemable at
will.

Act of 1798, ch.
48.

Rates of the
vessels to be
procured or
accepted.

The president
may accept of
vessels given
for the use of
the United
States by bod-
ies politic,
citizens, &c.

The president
may regulate
the rank, pay,
&c. of officers,
and number of
men to be em-
ployed under
this act.

Officers to be
appointed as
prescribed by
the act men-
tioned.
Act of 1797, ch.
7.

CHAP. [81.] An act supplementary to the act, entitled "An act to provide an additional armament for the further protection of the trade of the United States; and for other purposes."

§ 1. *Be it enacted, &c.* 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.

§ 2. That the vessels authorized by the act, entitled "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 calibre 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.

§ 3. 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.

§ 4. 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, entitled "An act to provide a naval armament."

§ 5. That the president of the United States may, at his dis-

cretion, 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.]

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

CHAP. [82.] An act providing arms for the militia throughout the United States.

§ 1. *Be it enacted, &c.* 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.

30,000 stand of arms to be provided for sale to the state governments, &c. See act of 1808, ch. 55.

§ 2. 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.

Arms remaining unsold may be delivered to the militia when called into service, &c.

§ 3. That the moneys arising from such sales shall be paid into the treasury of the United States, and the amount received shall be annually reported to congress.

Amount of sales to be paid into the treasury, &c.

§ 4. 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.]

Appropriation of 400,000 dolls. for the purposes of this act.

CHAP. [83.] An act respecting alien enemies.

§ 1. *Be it enacted, &c.* 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

In case of war, or of threatened invasion, and the president making proclamation, alien enemies may be restrained, &c. See act of 1812, ch. 130.

The president to prescribe the treatment of alien enemies, &c.

If not chargeable with crimes against the public safety, time shall be allowed for their departure, as stipulated by treaty, &c.

The president to prescribe the time where there is no treaty.

All courts of criminal jurisdiction, and also the judges of the U. States, to cause delinquent aliens to be apprehended, examine and hear complaints, and enforce the president's regulations.

Marshals to execute the orders of the president, judges, &c. on warrant, for removal of aliens, &c.

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.

§ 2. 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 sufficient 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 behavior, 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.

§ 3. 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.*]

CHAP. [84.] An act to declare the treaties heretofore concluded with France no longer obligatory on the United States.

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 :

§ 1. *Be it enacted, &c.* 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.*]

Treaties and convention no longer obligatory.

CHAP. [85.] An act further to protect the commerce of the United States.

§ 1. *Be it enacted, &c.* 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 the captures which shall be made by the public armed vessels of the United States.

Obsolete. See act of 1798, ch. 65. ch. 70, ch. 77. The president may instruct the commanders of public armed vessels to capture any French armed vessels, and bring them in for condemnation, &c.

§ 2. 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.

Private armed vessels subject to instructions of the president, &c.

§ 3. 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, &c.

Applications for commissions to be filed with the secretary of state, &c.

Owners and commanders of private armed vessels to give bond, before the commission issues, &c.

Condition of the bond.

French armed vessels, and goods, captured by private armed vessels, to be condemned and distributed, &c. according to agreement, &c.

American property recaptured, to be restored on the payment of salvage, to be determined by agreement, or decree of court, &c.

Salvage to be distributed among the owners, officers, and crews, &c.

Captured vessels to be brought in, and be libelled, &c. before breaking bulk, &c.

Captures to be delivered to the captors on decree of forfeiture, &c.

§ 4. 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.

§ 5. 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.

§ 6. 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*, 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.

§ 7. 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.

Decree of restitution when the capture has been made without just cause. Damages and costs when the capture has been made without probable cause, &c.

§ 8. 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.]

Prisoners to be reported to the collector and delivered to the marshal, &c.

CHAP. [86.] 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.

§ 1. *Be it enacted, &c.* 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.]

Credits on the books of the treasury, &c. barred after the 1st March, 1799.

This act to be published in one or more newspapers in each state.

CHAP. [87.] An act to provide for the valuation of lands and dwelling houses, and the enumeration of slaves within the United States.

§ 1. *Be it enacted, &c.* That, for the purpose of making the valuations and enumerations hereinafter directed, there shall be, and are hereby, designated and established, the following divisions, to wit:

Obsolete.

Divisions established:

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 Stafford; 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.

In 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

In Massachusetts.

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.

In Rhode Island.

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.

In Connecticut.

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.

In Vermont.

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.

In New York.

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; 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, Onondago, Steuben, and Ontario.

In 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.

In 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, Alleghany, Washington, Greene, and Fayette.

The state of Delaware shall contain three divisions, as follow : In Delaware.
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.

The state of Maryland shall contain seven divisions, as follow : In Maryland.
the first division to consist of the counties of Saint 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 Alleghany; the fifth division to consist of the counties of Harford, Cecil, and Kent; the sixth division to consist of the counties of Queen Anne's, Caroline, and Talbot; and the seventh division to consist of the counties of Somerset, Dorchester, and Worcester.

The state of Virginia shall contain eleven divisions, as follow : In Virginia.
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, Lunenburg, and Mecklenburg; the sixth division to consist of the counties of Chesterfield, Dinwiddie, Brunswick, Greenville, 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, Northumberland, Richmond, Westmoreland, and King George; the tenth division to consist of the counties of Stafford, Culpeper, Fairfax, Fauquier, Loudoun, and Prince William; and the eleventh division to consist of the counties of Spotsylvania, Orange, Madison, Louisa, Fluvanna, Goochland, Albemarle, and Amherst.

In Kentucky.

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.

In North Carolina.

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.

In Tennessee.

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.

In South Carolina.

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.

In Georgia.

The state of Georgia shall contain three divisions, as follow : the first division to consist of the counties of Chatham, Bryan, Liberty, M'Intosh, 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.

A new county being formed in any division, it is to belong to that division ; if out of parts of different divisions, the commissioners to determine.

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.

Commissioners to take an oath or affirmation. 200 dolls. forfeit for failing to take the oath.

§ 2. 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.

§ 3. 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.

One commissioner to be appointed for each division; who may be appointed in the recess, &c.

§ 4. 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.

Commissioners for each state to convene in a general meeting.

A majority of the commissioners have power to adjourn, &c. A majority of the commissioners a competent board under this act.

§ 5. 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.

They may appoint a clerk.

Duty of the clerk.

Clerk to take an oath, &c.

Dismissal from office and forfeiture of 100 dollars, for clerk's failing to take the oath, or neglecting his duty, &c.

§ 6. 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

Attendance of commissioners in general meeting to be noted.

Commissioners absenting themselves, and not excused by a majority of the board, incur a fine of 10 dollars.

A certified transcript from the records conclusive evidence of nonattendance, &c.

The commissioners to divide their states into assessment districts, and appoint assessors.

Provido; the secretary of the treasury may reduce the number of districts and of assessors.

Assessors to take an oath.

A certificate of the oath to be delivered to the commissioners. 100 dols. forfeit for assessor's acting without oath.

Commissioners for each state to establish suitable regulations, &c.

Commissioners to frame instructions for assessors, and direct them to inquire after all lands, houses, and slaves; and to value and enumerate them.

Manner of enumerating and valuing dwelling houses, lots, slaves, &c.

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.

§ 7. 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 favour 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.

§ 8. 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 outhouses 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 outhouses 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.

Property belonging to any state, or to the United States, &c. exempted from valuation, &c.

§ 9. That, for the purpose of making the aforesaid valuations and enumerations, the assessors to be appointed 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 outhouses 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 outhouses appurtenant thereto; the name of the owner or occupant; and the quantity of land which such owner or occupant may claim, as

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

The lists to specify the particulars mentioned.

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 to make lists upon information given, &c.

§ 10. 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.

Fine from 100 to 500 dolls. for false information or fraudulent lists.

§ 11. 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.

Valuation and enumeration to be made upon the lists, &c.

No appeal from valuations, &c.

Lists to be taken with reference to the 1st Oct. 1798; and delivered to the principal assessor, within thirty days.

Lists of property with reference to districts other than that where the owner resides, &c.

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

§ 12. 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 the 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 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.

§ 13. 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.

Assessors to enter the premises and make out lists upon view, &c. where persons

§ 14. 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.

refuse or neglect to furnish them.

Forfeit of 100 dolls. for neglecting or refusing to furnish lists, &c.

A moiety to the assessors.

§ 15. 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.

Assessors to enter upon the premises and make out lists of the property of nonresidents, &c.

§ 16. 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 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.

The assessors to proceed to value, &c. after collecting the lists, &c. lands, &c. to be classed in three general lists, as prescribed.

The forms of the lists to be devised by the treasury department. Forfeit of 200 dolls. and dismissal, for ne-

§ 17. That if any assessor shall fail to perform any duty assigned by this act, within the time prescribed in his precept,

glect of duty by assessors, &c.

The principal assessor to give notice of valuations and enumerations, and that appeals will be received and determined, &c.

The principal assessor to submit the proceedings and lists of the assessors to inspection, and to hear and determine appeals.

Provide; relative valuation the question to be decided, on appeal, by the principal assessor. Appeals to be in writing; to state the grounds, &c.

The principal assessor empowered to re-examine and equalize the valuation; but no increase allowed without notice to the party. Notice to be in writing.

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

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.

§ 18. 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.

§ 19. 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.

§ 20. 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.

§ 21. 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 pro-

ceedings; 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.

§ 22. 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.

§ 23. 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.

§ 24. 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 skillful 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.

§ 25. That it shall be the duty of the surveyors of the reve-

The treasury department to prescribe forms of abstracts. The commissioners empowered to revise the valuations, &c.

Relative valuations not to be changed, &c.

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 secretary of the treasury.

200 dollars. forfeit for default.

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

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

Surveyor to give bond, &c.

Surveyor to take an oath, &c. Certificate of oath, &c. to be lodged with the supervisor.

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

Upon alienation of lands, &c. the amount of valuation to be charged to the purchaser, &c. by the surveyor.

On division of land, &c. the surveyor to view, and judge of the relative value of the different parts, &c.

In cases of new dwelling houses, or of property ceasing to be exempted by state laws, the surveyors to proceed to value and assess the same, &c.

In case of injury or destruction of dwelling houses, by fire, &c. valuations to be reduced, or cancelled.

No change of valuation valid, unless approved by the inspector, &c.

Surveyors of the revenue, on receiving warrants from inspectors, &c. to enumerate slaves, report their number, and the number and value of houses, &c.

Surveyors to deliver lists, &c.

Surveyors to submit their books, &c. to inspection and

nue to receive, and safely preserve, the records of the lists, valuations, and enumerations, hereinbefore 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 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 hereinbefore 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.

§ 26. 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 labor, 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.

§ 27. 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:

§ 28. 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 stationary; 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 stationary, 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.

§ 29. 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 a 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

grant and certify copies, &c.

Compensations:

To commissioners.

To clerks.

To other than principal assessors.

To principal assessors.

Reasonable charges allowed for books, &c.

Accounts of assessors to be presented to commissioners, certified, &c. Accounts of assessors and commissioners to be presented, &c.

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

Letters, &c. to and from any commissioner, within the limits of his state, free, &c.

Compensation to surveyors of the revenue.

Compensations to surveyors to be paid by the parties applying, &c. 150,000 dolls. appropriated for the purposes of this act.

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.

§ 30. 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 moneys in the treasury of the United States, not otherwise appropriated. [Approved, July 9, 1798.]

Repealed. Act of 1802, ch. 19.

CHAP. [88.] An act to regulate and fix the compensations of the officers employed in collecting the internal revenues of the United States, and to ensure more effectually the settlement of their accounts.

Compensations in lieu of what was formerly allowed, after 1st July, 1798: To the supervisor for Virginia.

For Pennsylvania.

For Massachusetts, &c.

For Connecticut, &c.

For Rhode Island, &c.

For New Hampshire, &c.

Allowance for clerk hire.

§ 1. *Be it enacted, &c.* 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.

§ 2. 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.

§ 3. 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 salaries to inspectors of surveys.

§ 4. 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.

§ 5. 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, except, &c.

§ 6. 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.

§ 7. 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.

Annual salaries to collectors and auxiliary officers, as specified.

§ 8. 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

Other allowances to supervisors, inspectors, &c.

and countersigning a certificate to accompany the same, two and one half cents; and for every cask which they respectively guage, or cause to be guaged, six cents.

Fee to collectors under the act laying duties on carriages.
Act of 1796, ch. 37.

§ 9. 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, entitled "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.

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

§ 10. 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.

Allowance for books, printing, &c.

§ 11. That the necessary expenses of procuring books, stationary, 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.

Letters and packets, to and from supervisors, &c. free of postage.

Supervisors, inspectors, and collectors, to give bond, as prescribed.

§ 12. 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.

Bonds to be approved by the comptroller of the treasury, &c.

Collectors' bonds to be approved by supervisors, &c.

Suits on bonds under this act to be instituted, &c.
Act of 1797, ch. 74.

§ 13. That all suits on bonds, taken in pursuance of this act, shall be instituted and determined in the manner prescribed by the act, passed on the third day of March, one thousand seven hundred and ninety-seven, entitled "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.

§ 14. 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 moneys 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.

§ 15. 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.

§ 16. That from and after the 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.]

Transcripts, &c. authenticated under the seal of the supervisor, entitled to the same credit as originals, in suits against inspectors, &c.

Bond of supervisors, &c. deemed forfeited for more than six months' delinquency, &c.

Judgment at return term, &c.

Proviso ; writ or process to be executed 14 days before return day.

Debts due by supervisors, &c. a lien upon their real property and that of their sureties from the commencement of suits, &c.

Lands, after being advertised, may be sold at public auction, to satisfy judgments, for want of goods and chattels, &c.

Conveyance of the marshal for lands sold, valid, &c.

CHAP. [89.] An act for the establishing and organizing a marine corps.

A corps of marines to be raised and organized, &c.
See act of 1799, ch. [143.]
Act of 1800, ch. 29.
Act of 1809, ch. 100.
The corps may be formed into companies, &c.

Pay and subsistence of the officers, privates, &c.

Act of 1797, ch. 7.
The president to continue enlistments; appoint commissioned officers in the recess, &c.
Enlistment for three years, subject, &c.

The marine corps being ordered to do duty on shore, the commandant of the corps may appoint the necessary staff officers, &c.
Act of 1796, ch. 39.

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

Officers, &c. of the corps to take an oath, be governed by established

§ 1. *Be it enacted, &c.* That in addition 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.

§ 2. 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 noncommissioned officers, privates, and musicians, conformably to the act, entitled "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, serjeant major, quartermaster serjeant, 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.

§ 3. That 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.

§ 4. That the officers, noncommissioned 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."

rules; be entitled to the same allowance in case of wounds, &c. as granted by the act, &c. Act of 1796, ch. 39.

§ 5. That the noncommissioned officers, musicians, seamen, and marines, who are or shall be enlisted into the service of the United States; and the noncommissioned 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.

Exemption of noncommissioned officers, &c. from arrest for debts or contracts.

§ 6. 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 seacoast, or any other duty on shore, as the president, at his discretion, shall direct. [Approved, July 11, 1798.]

The marine corps liable to do duty in forts and garrisons, &c.

CHAP. [90.] An act establishing an annual salary for the surveyor of the port of Gloucester.

Obsolete. Act of 1799, ch. 129. 250 dolls. per ann. allowed to the surveyor of the port of Gloucester.

§ 1. *Be it enacted, &c.* 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.]

CHAP. [91.] An act in addition to the act, entitled "An act for the punishment of certain crimes against the United States."

Expired.

§ 1. *Be it enacted, &c.* 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 behavior, in such sum, and for such time, as the said court may direct.

Fine and imprisonment for unlawful combinations to oppose the measures of government; or counselling, advising, &c. riot, insurrection, &c.

§ 2. 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 Unit-

Offenders may be holden to find sureties, &c.

Fine and imprisonment, for printing, &c. false, scandalous, and malicious writings,

&c. against the government, congress, &c.

ed 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.

The defendant may give the truth in evidence, &c.

The jury to determine the law and the fact, &c.

Limitation of this act to the 3d March, 1801: provided, &c.

§ 3. 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.

§ 4. 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.*]

Obsolete.
Act of 1802,
ch. 12.

CHAP. [92.] An act to lay and collect a direct tax within the United States.

A direct tax of two millions of dollars apportioned, &c.
To New Hampshire.
To Massachusetts.

To Rhode Island.
To Connecticut.
To Vermont.

To New York.

To New Jersey.

To Pennsylvania.

To Delaware.

§ 1. *Be it enacted, &c.* 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: 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 De-

laware, 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.

§ 2. 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, entitled "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 outhouses 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, and not more than three 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

To Maryland.

To Virginia.

To Kentucky.

To North Carolina.

To Tennessee.

To South Carolina.

To Georgia.

The tax to be collected by the supervisors, &c. under the direction of the secretary of the treasury, &c. and be assessed according to valuations, &c. Act of 1798, ch. 87. Rate of assessment upon dwelling houses, &c.

Fifty cents for each slave. The remainder of the tax to be assessed upon lands.

No part of the tax to be assessed upon lands, &c. exempted by the respective states. Assessments to be made by the supervisors, &c.

The tax to become payable from and after, &c.

If the assessments exceed the sum apportioned, the supervisor to deduct, &c.

The supervisors to appoint collectors, &c.

The supervisors to cause the surveyors to make out lists of the sums payable according to assessments, &c.

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. 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.

§ 3. 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.

§ 4. 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.

§ 5. 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.

The lists to contain, &c.

§ 6. 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 open 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.

The collectors to be furnished with lists by surveyors, &c.

The collectors to subscribe receipts for lists, &c.

A list and receipt to remain in the office of surveyor, for inspection, &c.

§ 7. That each collector, before receiving any list as aforesaid, for collection, shall give bond, with one or 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 moneys assessed upon such district.

Collectors to give bond, &c.

§ 8. 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.

Tax to be a lien upon the lands, &c. for two years, &c.

§ 9. That each of the said collectors shall, immediately after receiving his collection list, advertise, by notifications to be post-

Collectors to advertise that the tax has become due, &c.

Collector to call once for the taxes, &c. Taxes not being paid, may be collected by distress, &c.

Proviso; not lawful to distress tools, &c.

Goods, chattels, grass, &c. may be sold for the payment of the tax, &c.

Nothing herein to impair contract between landlord and tenant, &c. List of lands, &c. of nonresidents, to be transmitted to the surveyor, where the owner, &c. resides, &c.

Surveyors to cause notifications, &c. to be served on nonresidents, &c.

Nonresidents not paying within sixty days, the collector to proceed by distress, &c.

ed 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.

§ 10. 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.

§ 11. 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.

Sixty days' notice in the gazettes, where owners, &c. are not known, &c.

§ 12. 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.

Payment to the collector where the owner, &c. resides, on notification, &c. exonerates lands, &c. lying in another district, &c.

§ 13. 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.

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

Proviso ; the owner, &c. may redeem the property sold, within two years.

§ 14. 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

No deed until the time of redemption has expired.

Supervisors to keep accounts of taxes due, &c.

Collectors to account monthly ;

and pay over,
&c.

300 dols. forfeit by collector for neglecting to pay over, &c.

Receipts for payments to inspector to be allowed to the collector, &c.

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

Supervisors authorized to issue warrants of distress against delinquent collectors, &c.

In case of a deficiency of goods and chattels, the person of collector liable, &c.

The principal not having goods, &c. having absconded, &c. the marshal to proceed against the sureties.

Amount of sums committed for collection a lien upon the real estates of collectors, &c.

Real estate of collectors and their sureties liable in case of deficiency of goods and chattels, &c.

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 moneys 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 moneys 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.

§ 15. 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, as 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.

§ 16. 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, 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 moneys 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.

§ 17. 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 moneys 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.

§ 18. That each and every collector who shall exercise, or be guilty of, any extortion or oppression, under color 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.

§ 19. 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 hereinafter 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 moneys 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 moneys to be by him received and accounted for as aforesaid; and to every collector, five per centum on the whole amount of the moneys 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 moneys 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

Conveyance of the marshal valid, &c.

Moneys remaining after satisfying warrant to be returned, &c.

Collectors may be dismissed by the supervisors.

Forfeit of 4,000 dollars, for dismissed collector refusing or neglecting to surrender list, &c.

Provision; responsibility of dismissed collector, &c. not impaired.

300 dollars. fine for extortion, &c. by collectors.

Collectors to give receipts.

Allowances for collecting the tax, &c.

The allowance not to be received in case of warrant of distress, &c. Collectors refusing or neglecting to render monthly accounts not

entitled to the allowance, &c.

Surveyors allowed one dollar for every 100 taxables.

Separate accounts to be kept at the treasury, of moneys received by virtue of this act, &c.

Repealed.
Act of 1802,
ch. 9.

President authorized to raise 12 additional regiments of infantry and six troops of light dragoons, during existing differences, &c. The six troops, &c. to be formed into a regiment, &c.

Major generals, inspector general, &c. &c.

Pay and subsistence of major generals, &c.

moneys by him collected, within the month for which he shall so refuse or neglect to account and pay over, as aforesaid.

§ 20. 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.

§ 21. That a separate account shall be kept at the treasury of the United States, of all moneys 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 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.]

CHAP. [93.] An act to augment the army of the United States, and for other purposes.

§ 1. *Be it enacted, &c.* 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.

§ 2. 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.

§ 3. 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.

§ 4. 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 fif-

teen 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.

§ 5. That each noncommissioned 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 be entitled to receive, for each such noncommissioned officer and private, and for each sufficient musician, duly enlisted and mustered, the sum of two dollars.

§ 6. That the monthly pay of the noncommissioned 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 noncommissioned 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.

§ 7. 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.

§ 8. That the officers, noncommissioned officers, musicians, and privates, raised by virtue of this act, shall take and subscribe the oath or affirmation prescribed by the law, entitled "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

Noncommissioned officers, privates, &c. to be able bodied, &c.

Bounty of 12 dolls. Allowance to recruiting officers.

Pay of noncommissioned officers, privates, &c.

Subsistence of noncommissioned officers, privates, &c.

The president may appoint four teachers of the arts and sciences, necessary for artillerists and engineers. Officers, privates, &c. to take the oath prescribed, &c. Act of 1796, ch. 39.

The president may make appointments in the recess.

any vacancies in the army, which may have happened during the present session of the senate.

Inspector of artillery to be appointed, &c.

§ 9. 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. [Approved July 16, 1798.]

See act of 1799, ch. 36. [142.] act of 1802, ch. — Masters of vessels arriving from foreign ports, to render account of seamen, and pay, &c.

CHAP. [94.] An act for the relief of sick and disabled seamen.

§ 1. *Be it enacted, &c.* 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 seaman so employed; which sum he is hereby authorized to retain out of the wages of such seamen.

Masters of enrolled and licensed vessels to render account of seamen, and pay, &c.

§ 2. 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.

100 dolls. forfeit for rendering a false account, &c.

Collectors to make quarterly returns of the sums received. The sums to be expended in relieving sick and disabled seamen.

§ 3. 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 moneys collected in any one district, shall be expended within the same.

Surplus of moneys to be invested in stock, &c.

§ 4. That if any surplus shall remain of the moneys 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 ac-

cumulated, 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.

When the fund may be sufficient, hospitals, &c. to be erected, &c.

§ 5. 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 moneys 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. [Approved, July 16, 1798.]

The president authorized to appoint directors of marine hospital; their duties, &c.

Directors to hold their offices during the pleasure of the president, &c. account quarterly for moneys, &c. No compensation to directors except expenses, &c.

CHAP [95.] An act for erecting a lighthouse at Gay Head, on Martha's Vineyard, and for other purposes.

§ 1. *Be it enacted, &c.* 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.

The secretary of the treasury to provide, by contract, for building a lighthouse, &c. The president authorized to appoint a superintendent. A lighted beacon and a buoy to be fixed at the new inlet of Cape Fear river.

§ 2. 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.

§ 3. That for the purposes aforesaid, and also for the payment of such sum as shall be found due to the commissioners of pilot-

5,750 dolls. appropriated for the purposes mentioned.

age 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 moneys 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. [*Approved, July 16, 1798.*]

Proviso; no payment for erecting the beacon until a session of land, &c.

Obsolete.

CHAP. [97.] 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.

Parts of laws imposing duties upon snuff mills, &c. suspended until 14th May, 1800.

§ 1. *Be it enacted, &c.* 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.*]

Act of 1789, ch. 30.

CHAP. [100.] An act in further addition to the act, entitled "An act to establish the judicial courts of the United States."

Judges of the supreme and district courts, and judges and justices of state courts, empowered to hold to security of the peace, &c.

§ 1. *Be it enacted, &c.* 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 behavior, 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. [*Approved, July 16, 1798.*]

See act of 1789, ch. 7, and 12. Act of 1798, ch. 52. Office of accountant of the navy established.

CHAP. [102.] An act to alter and amend the several acts for the establishment and regulation of the treasury, war, and navy, departments.

His duty.

§ 1. *Be it enacted, &c.* 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 moneys 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.

His compensation. Act of 1799, ch. 144.

The treasurer to disburse moneys for the navy department, &c. Act of 1822, ch. 90.

§ 2. 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.

§ 3. 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.

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

§ 4. 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.

Purveyor of public supplies to execute orders from the secretaries of war or navy, &c.

§ 5. That the provisions of the act, passed on the eighth day of May, one thousand seven hundred and ninety-two, entitled "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, entitled "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.

Provisions of the acts mentioned repealed, so far, &c. Act of 1792, ch. 37. Act of 1795, ch. 92.

§ 6. 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.]

Contracts under this act, &c. such as require an advance of money, &c. to be lodged in, &c.

CHAP. [105.] An act to amend the act, entitled "An act to suspend the commercial intercourse between the United States and France, and the dependencies thereof."

Obsolete. Act of 1798, ch. 70.

§ 1. *Be it enacted, &c.* 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 abovementioned to the contrary notwithstanding. [Approved, July 16, 1798.]

The provision for giving bond, &c. to extend no further, &c.

Proviso; sureties not to be answerable for more than 10,000 dollars.

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, December 3, 1798, and ended March 3, 1799.

JOHN ADAMS, President. THOMAS JEFFERSON, Vice President, and President of the Senate. JAMES ROSS, President of the Senate, pro tempore, from the 2d of March. JONATHAN DAYTON, Speaker of the House of Representatives.

CHAP. [107.] An act for the punishment of certain crimes therein specified.

Fine of 5,000
dollars, and im-
prisonment for
citizens hold-
ing corre-
spondence
with foreign
governments,
or their agents,
in order to in-
fluence their
conduct in re-
lation to the U.
States, &c.
Persons coun-
selling, &c.
subject to the
same penalty.

proviso ; no-
thing in this
act to abridge
individual
rights.

Expired,
Act of 1800,
ch. 10.
After 3d
March, 1799,
vessels not to

§ 1. *Be it enacted, &c.* 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. [Approved, January 30, 1799.]

CHAP. [108.] An act further to suspend the commercial intercourse between the United States and France, and the dependencies thereof.

§ 1. *Be it enacted, &c.* 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, 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.

§ 2. 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.

§ 3. 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 hereinafter 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

go to French ports; nor to be employed in traffic with persons resident within the jurisdiction of France, &c.

Vessels contravening this act, to be forfeited, together with their cargoes, &c.

A moiety to informers.

Bond to be given previous to clearing for foreign voyage, &c.

Sureties not to be answerable beyond 10,000 dollars.

French vessels, and certain others, not to be allowed to enter or remain within the United States, except in case of distress, or want of provisions, &c.

Prohibited vessels warned to depart and still remaining, to be seized, &c.

Proviso; vessels in distress, &c. to be suffered to remain in the custody of the collector, &c. and allowed to depart, &c. No lading to be taken out, unless, &c.

The president may order, if he deems it proper, the restraints and prohibitions to be discontinued; and again revoke such order, &c.

The president may instruct the public armed ships to stop and examine suspected vessels, and send them into port.

Claimants of vessels seized, which arrived subsequently to the 1st Dec. 1798, to prefer a petition to the district judge, &c.

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.

§ 4. 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.

§ 5. 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.

§ 6. 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, entitled "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 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.

§ 7. 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.

§ 8. 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.]

CHAP. [109.] An act respecting balances reported against certain states, by the commissioners appointed to settle the accounts between the United States and the several states.

§ 1. Be it enacted, &c. That if any state against which a balance was reported by the commissioners appointed to settle the

District judge to inquire and transmit a statement of facts to the secretary of the treasury, &c.

The secretary of the treasury, under the circumstances mentioned, to order restoration, &c.

Petitions not being presented, vessels arriving after 1st Dec. 1799, liable to condemnation, &c.

The president may grant permission to enter or clear in case of vessels employed in political or national intercourse, &c.

Limitation of this act to the 3d March, 1800.

Act of 1789, ch. 6.

Debtor states, assuming to pay, or to ex-

pend in fortifications, a sum in money or in stock, equal to their debts, may obtain a discharge, &c.

The president to cause credit to be given, &c.

Proviso; not more than one third of payment or expenditure in 3 per cent. stock, &c. Any such state may obtain a discharge by the payment, &c. of a sum, &c.

Act of 1798, ch. 54. Expenditures for fortifying ceded places, &c. since the 4th March, 1789, to be allowed in discharge, &c.

Obsolete. Act of 1797, ch. 56. act of 1802, ch. 31. § 16, &c. Offenders to answer on that side of Cumberland mountain where their offences were committed.

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.

§ 2. 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.*]

CHAP. [114.] An act to amend an act, entitled "An act giving effect to the laws of the United States within the district of Tennessee."

§ 1. *Be it enacted, &c.* 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.

§ 2. 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 U. States, to be returned to the court on that side of the mountain where the defendants are found.

§ 3. 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, &c.

§ 4. 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 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.*]

Suits to be proceeded upon to final judgment in the court to which they are returned, &c. No restriction as to executions.

CHAP. [116.] An act fixing the pay of the captains and commanders of ships and vessels of war of the United States.

§ 1. *Be it enacted, &c.* 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.

Vessels of 20 guns and upwards, to be commanded by captains. Those not exceeding 18, by masters or lieutenants. Act of 1793, ch. 56. Pay and allowance to captains and commanders.

§ 2. 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.

§ 3. 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.*]

Allowance to commanders of squadrons and commanding officer of the navy.

CHAP. [118.] An act respecting quarantines and health laws.

Quarantines and other restraints, imposed by the health laws of the states, to be observed by collectors and revenue officers of the U. States, &c.

Officers of the United States to aid in the execution of the state laws, &c.

Secretary of the treasury may vary the regulations relative to the entry and report of vessels and their cargoes,

Cargo not to be unladen otherwise than, &c.

Vessels prohibited from coming to ports of entry or delivery, may, where permitted by health laws, &c. discharge their cargoes elsewhere, &c.

Proviso; articles of the cargo unladen, to be deposited, at the risk of the parties, as designated by the collector, &c.

The removal of goods being allowed, the col.

§ 1. *Be it enacted, &c.* 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 seacoast; 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.

§ 2. 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 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 enclosures, 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 enclosures.

lector to grant permits, &c.

The secretary of the treasury to fix the rate of storage, &c.

Warehouses, &c. to be procured for the deposit of cargoes of vessels subject to quarantine, &c.

§ 3. That there shall be purchased or erected, under the orders of the president of the United States, suitable warehouses, with wharves and enclosures, 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.

§ 4. 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 contagious or epidemical disease at the ports of entry, the officers may remove to a more convenient place, &c.

§ 5. 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 lives of persons imprisoned being in danger from epidemical diseases, they may, by direction of the district judge, be removed to adjacent healthy prisons, &c.

§ 6. 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.

In case of epidemical disease, the president may direct the offices to be removed, &c. Act of 1794, ch. 17.

§ 7. 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

The supreme court may, in case of epidemical disease, be adjourned to a different place.

District and circuit courts may, under like circumstances, be also adjourned.

Repeal of the act of 27th May, 1796. Act of 1796, ch. 31.

Obsolete.

Six ships of not less than 74 guns, and six sloops of war, of 18 guns, to be built, &c.

One million of dollars appropriated, in part, &c.

The president may augment the force of the other vessels.

35,000 dollars appropriated to defray the expense of augmentation, &c. Revenue cutters, whose force has been increased, may be placed on the naval establishment, &c. Act of 1797, ch. 7.

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.

§ 8. That the act, entitled "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.*]

CHAP. [119.] An act for the augmentation of the navy.

§ 1. *Be it enacted, &c.* 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 moneys which shall be in the treasury of the United States, not otherwise appropriated.

§ 2. 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 moneys which shall be in the treasury of the United States, not otherwise appropriated.

§ 3. 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 seacoast, pursuant to the act, entitled "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.*]

CHAP. [121.] An act authorizing the establishment of docks.

§ 1. *Be it enacted, &c.* 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 moneys in the treasury of the United States, not otherwise appropriated. [*Approved, February 25, 1799.*]

Two docks to be erected under the direction of the president, &c. 50,000 dolls. appropriated, &c.

CHAP. [123.] An act to alter the stamp duties imposed upon foreign bills of exchange, and bills of lading, by an act, entitled "An act laying duties on stamped vellum, parchment, and paper;" and further to amend the same.

Repealed. Act of 1802, ch. 19.

§ 1. *Be it enacted, &c.* That, from and after the thirty-first day of March next, the duties imposed by an act, entitled "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, draught, 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.

Former duty on foreign bills of exchange, and bills of lading, repealed. Act of 1797, ch. 11. Duties in lieu of those abolished, &c.

§ 2. 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, draught, 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, draught, 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, draught, 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.

Foreign bills of exchange, &c. not to be stamped after they are drawn.

100 dolls. forfeit for writing, &c. such bills before being stamped; or selling, loaning, &c.

Forfeit of 200
dolls. &c. for
fraudently
writing on
stamped vel-
lum, parch-
ment, &c. pre-
viously written
upon, &c. be-
fore being
stamped again,
&c.

For erasing or
scraping out,
&c.

For cutting or
tearing off
stamps, &c.

Forfeit of 100
dolls. &c. for
fraudently writ-
ing at a dis-
tance from the
stamp, &c.

Duties to be
levied, &c. ac-
cording to ex-
isting acts, &c.

Fines to be
sued for, &c.

No duty upon
bonds, &c. re-
quired by the
laws of the
U. States, or
of a state, &c.

Commissions :

To supervisors.

§ 3. 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 fraudently 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.

§ 4. 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.

§ 5. 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.

§ 6. 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.

§ 7. 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 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, entitled "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.]

To inspectors.

CHAP. [124.] An act concerning French citizens that have been, or may be, captured and brought into the United States.

Obsolete.

§ 1. *Be it enacted, &c.* 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, entitled "An act in addition to the act more effectually to protect the commerce and coasts of the United States." [Approved, February 28, 1799.]

The president may exchange or send away French citizens captured in pursuance of the act mentioned.

CHAP. [125.] An act for providing compensation for the marshals, clerks, attorneys, jurors, and witnesses, in the courts of the United States, and to repeal certain parts of the acts therein mentioned; and for other purposes.

See act of 1813, ch. 14.

§ 1. *Be it enacted, &c.* That from and after the passing of this act, the compensation to the several officers hereinafter 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 corporate towns or places, by lot, the mar-

Compensation.

To marshals. Act of 1806, ch. 52.

Proviso; fees for summoning jurors, &c. not to exceed fifty dolls. &c.

Where jurors are drawn by constables, &c. according to the laws of a state, the marshal to receive for their use, &c.
Act of 1814, ch. 138, act of 1824, ch. 26.

Annual sum of 200 dolls. for extra services, to the marshals mentioned.

Act of 1808, ch. 22.

Deputy marshals residing at a distance of more than 20 miles from the district judge, may take the requisite oath before state judge, &c.
Compensation to the clerks of the supreme, circuit, and district, courts, &c.

Reasonable compensation, by the court, for clerk's performing duties not performed, &c.
District clerk's fees in admiralty cases, as prescribed, &c.
Act of 1793, ch. [20.] 64.

Compensation to district attorneys.

Act of 1814, ch. 138, act of 1824, ch. 26.

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; 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.

§ 2. 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.

§ 3. 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, entitled "An act to ascertain the fees in admiralty proceedings in the district courts of the United States, and for other purposes."

§ 4. 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, re-

spectively, 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 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.

Annual sum of 200 dolls. for extra services of attorneys in the districts mentioned.

§ 5. 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 the attorney of the district of Virginia, in criminal cases, &c.

§ 6. 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.

Compensation to jurors and witnesses.

§ 7. That the respective courts of the United States shall appoint cryers 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.

Cryers, and persons to attend the juries; their compensation, &c.

§ 8. 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 favor of the defendant, unless the 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.

Informers, discontinuing, nonsuited, &c. to be alone liable for the fees to the clerks, &c.

The United States responsible where the informer is an officer, &c.

§ 9. That the third section of an act, passed on the eighth day of May, one thousand seven hundred and ninety-two, entitled "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, entitled "An act making an appropriation

Parts of the acts mentioned repealed. Act of 1792, ch. 36.

Act of 1796, ch. 48.

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. [Approved, February 28, 1799.]

Obsolete.
Act of 1798, ch.
87.

CHAP. [126.] An act to amend the act, entitled "An act to provide for the valuation of lands and dwelling houses, and the enumeration of slaves within the United States."

Part of the former act repealed.

§ 1. *Be it enacted, &c.* That so much of the act, entitled "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.

Extension of the provisions of the former act respecting appeals, and the time of returning lists, &c.

§ 2. 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 abovementioned act as requires all appeals to be made in writing, be, and it is hereby, repealed.

Compensations to assessors may be augmented; so, however, &c.

§ 3. 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. [Approved, February 28, 1799.]

Obsolete.

CHAP. [127.] An act altering the time of holding the district court in Vermont.

District court to be holden hereafter, at Rutland, on the second Monday of May.
Act of 1802, ch. 31. § 28. act of 1816, ch. 31.
Process issued, &c. to be returned, &c.

§ 1. *Be it enacted, &c.* 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.

§ 2. 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.]

CHAP. [128.] An act to regulate the collection of duties on imports and tonnage.(a)

§ 1. *Be it enacted, &c.* 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 New Castle, 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 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.

District of New Hampshire; ports of entry and delivery; collector, &c. Act of 1801, ch. 78, act of 1822, ch. 25.

Extent of officers' authority. Act of 1811, ch. 98.

§ 2. 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, Passamaquoddy, and Waldoborough. 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

Districts in Massachusetts; ports of entry and delivery; collectors, &c.

District of Newburyport.

District of Gloucester.

District of Salem and Beverly.

District of Marblehead.

District of Boston and Charlestown. Act of 1805, ch. 67, act of 1806, ch. 4. District of Plymouth. Act of 1811, ch. 100. District of Barnstable.

District of Nantucket. Act of 1811, ch. 100. District of Edgartown.

(a) Act of 1818, ch. 65. ch. 74. act of 1823, ch. 149. act of 1819, ch. 170. act of 1820, ch. 102. act of 1821, ch. 152. act of 1823, ch. 149. ch. 186.

District of
New Bedford.
Act of 1801,
ch. 77.

District of
Dighton.

District of
York.

Act of 1801,
ch. 78.

District of
Biddeford, &c.

Act of 1800,
ch. 49. act of
1801, ch. 77.

District of
Portland and
Falmouth.

Act of 1807,
ch. 3.

District of
Bath.

Act of 1808,
ch. 61. act of
1818, ch. 108.
act of 1825,
ch. 307.

District of
Wiscasset.

Act of 1800,
ch. 49.

District of Pe-
nobscot.

Act of 1811,
ch. 100. act of
1818, ch. 108.
act of 1825,
ch. 322.

District of
Frenchman's
Bay.

Districts of
Machias and
Passamaquoddy.

Act of 1803,
ch. 79.

District of
Waldoboro-
rough.

District of Ips-
wich.

Limits of the
several dis-
tricts in Mas-
sachusetts.

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, Freetown, 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, Blue Hill, 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. For each of the districts of Machias and Passamaquoddy, shall be appointed a collector, to reside at the said ports of Machias and Passamaquoddy, respectively. To the district of Waldoborough shall be annexed the towns of Bristol, Nobleborough, Warren, Thomastown, Cushing, and Camhden; also that part of a place called Ducktrap, which lies between the towns of Camhden 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 Thomastown. 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 town 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.

Collectors of districts eastward of New Hampshire, to agree upon a divisional line, &c.

In case of disagreement, the president to determine.

§ 3. 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 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, James Town, 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 Paw-

Districts in Rhode Island; ports of entry and delivery; collectors, &c. District of Newport, &c. Act of 1803, ch. 79. act of 1822, ch. 22.

District of Providence, &c.

Act of 1801, ch. 78.

catuck 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 in
Connecticut;
ports of entry
and delivery;
collectors, &c.
District of
New London.
Act of 1800,
ch. 49.

District of
New Haven.

District of
Fairfield.

District of
Middletown.
Act of 1816,
ch. 71.

Districts in
New York;
ports of entry
and delivery;
collectors, &c.
District of
Sagg Harbor.

District of the
city of New
York.
Act of 1811,
ch. 100.

§ 4. 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 Oufatumnick 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.

§ 5. 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 Montauk 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. 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 place 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 Genessee 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 Genessee 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 ports of delivery only.

District of
Hudson.
Act of 1825,
ch. 307.

District of
Champlain.

District of Os-
wego.
Act of 1805,
ch. 93. act of
1811, ch. 98.
100. act of
1818, ch. 71.

District of Ni-
agara.
Act of 1803,
ch. 79. act of
1805, ch. 93.
act of 1811,
ch. 98. 100.

§ 6. 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 proper ; and a collector shall be appointed to

District of
Vermont ;
ports of entry
and delivery ;
collector, &c.
See act of
1811, ch. 98.

Proviso; the president may erect the northern boundary line of Vermont into a separate district, &c.

Districts in New Jersey; ports of entry and delivery; collectors, &c. District of Perth Amboy. See act of 1806, ch. 15.

District of Burlington.

District of Bridgetown.

District of Great Egg Harbor. Act of 1806, ch. 45.

District of Little Egg Harbor.

Districts in Pennsylvania; ports of entry

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.

§ 7. 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 hereinafter 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 seacoast, 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.

§ 8. 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 Pennsylvania; and a collector for the said district shall be appointed, who shall reside at Presque Isle.

and delivery;
collectors, &c.
District of Philadelphia.
Act of 1822,
ch. 24.

District of
Presque Isle.

§ 9. 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.

District of Delaware;
ports of entry and
delivery; collector, &c.

§ 10. 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. The district of Baltimore shall include Patapsco river, Turkey Point, Spes Utiae 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 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 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 Straits, 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 seacoast, 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,

Districts in
Maryland;
ports of entry
and delivery;
collectors, &c.

District of Baltimore.

District of
Chester.

District of Oxford.
Act of 1803,
ch. 79.

District of Vienna.

District of
Snowhill.

District of Annapolis.

District of
Nottingham.

District of
Nanjemoy.
Act of 1808,
ch. 61.

District of
Georgetown.
In the district
of Columbia.

Districts in
Virginia; ports
of entry and
delivery; col-
lectors, &c.

District of
Hampton.

District of Nor-
folk and Ports-
mouth.
Act of 1800, ch.
49.

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, 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 Potowmac within the jurisdiction of the state of Maryland, from Point Look Out to Pomonky Creek, inclusive, to which Cedar Point, Saint Mary's, and Llewellynsburg, 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 Llewellynsburgh; 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 Potowmac 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 Carrolsburch 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 Utæ 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.

§ 11. 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 Apamattox 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 Mattaponi rivers, to the highest navigable waters thereof. To the district of Tappahannock shall be annexed Urbanna, Port Royal, and Fredericksburgh, (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 Fredericksburgh; 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 Potowmac river, and the point forming the south shore of the mouth of Rappahannock river, and thence up the last mentioned river to the highest tidewater thereof. The district of Yeocomico river, including Kinsale, shall extend from Smith's Point, on the south side of Potowmac river, to Boyd's Hole, on the same river, including all the waters, shores, bays, harbors, creeks, and inlets, along the south shore of Potowmac 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 Potowmac 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 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 Potowmac,

District of Bermuda Hundred, &c.
Act of 1800, ch. 49. act of 1801, ch. 96. act of 1824, ch. 161.

District of Yorktown.
Act of 1802, ch. 45. act of 1811, ch. 100.

District of Tappahannock.

District of Yeocomico.

District of Dumfries.

District of Alexandria. In the district of Columbia.

District of
Folly Landing.

District of
Cherrystone.

District of
South Quay.

Districts in
North Carolina;
ports of
entry and deliv-
ery; collec-
tors, &c.
District of
Wilmington.
District of
Newbern.
Act of 1803, ch.
79.

The president
may establish
a port of deliv-
ery at Shell
Castle or Bea-
con Island,
&c.
Act of 1806, ch.
45.
District of
Washington.
Act of 1802, ch.
45.

District of
Edenton.
Act of 1802, ch.
45, act of 1808,
ch. 61, act of
1814, ch. 106,
act of 1816, ch.
71, act of 1818,
ch. 63.

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, 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.

§ 12. 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 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 Camden; 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 Camden, 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 Blackbay, and Plankbridge, on Sawyer's Creek, shall be the port 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.

District of
Camden.

Proviso; vessels proceeding to the places mentioned, to come to, and enter, at Edenton.
Proviso; as to vessels coming in at Ocracoke Inlet, &c.

§ 13. 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.

Districts in
South Carolina;
ports of entry and delivery; collectors, &c.
District of
Georgetown.
District of
Charleston.
District of
Beaufort.

§ 14. 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 river, 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 Ogeeche 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. The district of Brunswick shall comprehend all

Districts in
Georgia; ports of entry and delivery; collectors, &c.
District of
Savannah.

District of
Sunbury.

Act of 1806, ch
45. act of 1818.
ch. 13.

District of St. Mary's.

The collector in each district mentioned may grant a permit to unlade at any port within the district, &c.

District of Hardwicke.

District of Kentucky ; Louisville the only port of entry and delivery for foreign goods ; collector, &c. Act of 1821, ch. 154.

Proviso ; the president may establish a separate district, &c. Act of 1822, ch. 27, act of 1811, ch. 100, act of 1825, ch. 307.

District of Tennessee ; Palmyra the only port of entry and delivery for foreign goods ; collector, &c. Act of 1801, ch. 88, act of 1802, ch. 45, act of 1803, ch. 58, act of 1807, ch. 59. Proviso ; the president may erect a separate district, &c.

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 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 port of entry, and a collector for the said district shall be appointed, to reside at Hardwicke.

§ 15. 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.

§ 16. 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.

§ 17. That in the territory of the United States northwest of the river Ohio, there shall be six districts, to wit: Erie, Detroit, Michilimackinac, 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 Michilimackinac; 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 Michilimackinac 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 Michilimackinac, 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 sur-

Districts in the territory northwest of the Ohio; ports of entry and delivery; collectors, &c.
 District of Erie.
 Act of 1802, ch. 45. act of 1807, ch. 59. act of 1805, ch. 93. act of 1807, ch. 69. [59.] act of 1811, ch. 100. act of 1818, ch. 47. act of 1821, ch. 186.

District of Detroit.

District of Michilimackinac.

District of Massac.
 Act of 1801, ch. 88. act of 1807, ch. 59.

District of Illinois.

District of Ohio.

District on the Mississippi, south of Tennessee; port of entry and delivery; collector, &c.
Act of 1802, ch. 45, act 1804, ch. —
The president may appoint collectors, &c. during the recess, &c.

New appointments not necessary, &c.

Not lawful to make entry, &c. elsewhere than at ports established, &c.
[* So in the original.]

Ports of entry are ports of delivery.

Ports to which foreign vessels are restricted, &c.

veyors, 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. 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. 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.

§ 18. 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 hereinbefore 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 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, Newcastle, and Port Penn, in the state of Delaware; Baltimore, Annapolis, Vi-

anna, Oxford, Georgetown, on Potowmac, Chestertown, Town Creek, Nottingham, Nanjemoy, Digges's Landing, Snowhill, and Carrolsburgh, in the state of Maryland; Alexandria, Kinsale, Newport, Tappahannock, Port Royal, Fredericksburgh, Urbana, 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, Frederica, 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; 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 unlading 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

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

Proviso; as to entry where the vessel is owned.

Vessels coming in at Ocracoke Inlet, &c. to come to at Shell Castle, or Beacon Island, if the president see fit, &c.

But no duties, &c. Surveyor to superintend unlading, &c.

Goods unladen may be secured with locks, &c. to be accompanied with permits, &c.

Masters of lighters to give triplicate receipts, &c.

Forfeiture of the lighter, and 500 dollars, for failure to deliver goods, &c.

The surveyor of Shell Castle, &c. to endorse on the manifests all deliveries to masters of lighters, &c.

Vessels bound to ports of delivery in the districts mentioned, to come to at the ports of entry, &c. See act of 1800, ch. 49.

Report, &c. in writing, duties, &c. to be paid, or secured, &c. Vessels may proceed to ports of delivery before making entry, as stated.

Vessels from a foreign port, bound, &c. to take an inspector on board at Saybrook, &c. Masters proceeding to a port of delivery

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.

§ 19. 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, Killingsworth, 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 abovementioned, 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, deposite, 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, deposite 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, deposite 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, deposite 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, deposite 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 Sewall's Point, and immediately after such arrival, deposite 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, deposite 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 deposite 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 manifests 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.

§ 20. 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 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*

contrary to this act, forfeit 500 dolls.

Vessels bound to certain districts to deposite manifests at the ports mentioned.

Collectors, &c. to register the manifests, &c.

Collectors and surveyors may put inspectors on board, &c.

Masters omitting to deposite manifests, &c. forfeit 500 dolls. &c.

Proviso; as to previous delivery of manifests, &c.

Officers, &c. appointed under this act to take an oath, &c.

Form of the oath.

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. 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.

Oath to be taken before a magistrate, or the collector, &c. certified, and transmitted to the comptroller of the treasury, &c.

200 dolls. forfeit for default.

Duties of the officers of the customs, &c. Collectors.

§ 21. 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 moneys paid for duties, and shall take 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, guagers, 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. The surveyor shall superintend and direct all inspectors, weighers, measurers, and guagers, within his port, and shall, once every week, report to the collector the name or names of such inspectors, weighers, guagers, 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

Naval officers.

No duties without estimate.

Surveyors.

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 vessel, 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 vessels 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 du-

The surveyor subject to the direction of the collector. Further duties of collectors, surveyors, &c.

The collector, where there is no surveyor, may occasionally employ a person, &c.

Collectors, &c. to attend in person, keep fair accounts, &c.

The collectors to pay moneys received, to order, as may be directed, &c.

Accounts to be transmitted quarterly, or oftener, &c. for settlement. 1,000 dolls. forfeit for omitting to keep fair accounts, to render accounts for settlement, &c.

Collectors, &c. in case of necessary absence, &c. may exercise their functions by deputy, &c.

In case of disability or death of the collector, the duties, &c. to devolve on the deputy, &c. In defect of deputy, on the naval officer. If no naval officer, upon surveyor, &c.

ties 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 persons 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 moneys which they may, respectively, receive by virtue of this act, (such moneys 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.

§ 22. 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.

§ 23. 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, hogshead, barrel, keg, case, bale, pack, truss, chest, box, bandbox, 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] burden — 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 case of the death of a surveyor, the collector may appoint a person to act in his stead, until, &c.

No goods, wares, &c. to be admitted to entry, in any ship or vessel belonging, in whole or in part, to a citizen, &c. without a manifest, stating where the goods were taken on board, to whom consigned, and a particular description of the cargo, passengers, &c.

Baggage of passengers, &c.

Remaining sea stores, &c.

Form of manifest for goods and merchandise imported in a vessel of the U. States.

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]

Marks.	Number inclusive.	Packages & 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.]

Merchandise to be delivered in different districts, to be inserted in successive order in the manifest; also spirits, wines, and teas, &c.

In case of merchandise imported by citizens, &c. in foreign vessels, &c.

Foreign vessels to be thus described in the manifest.

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 [here insert the port or ports of destination] which cargo was taken on board at [here insert the port or ports where laden.]

In case goods are brought into the United States in vessels belonging to citizens, &c. without a manifest, or are not mentioned, &c.

§ 24. 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.

§ 25. 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

Merchandise not in the manifest consigned to the master, &c. forfeited.

Proviso; no forfeiture if made appear, &c. that no goods have been unshipped but what have been accounted for, and that the manifests had been lost or mislaid, &c.

The master to produce manifest, &c. on arriving within four leagues of the coast, or within any bay, harbor, &c.

True copies of manifests to be delivered to the officers first coming on board, &c. Officers to certify, &c.

Copies of manifests to be transmitted to the collectors where the goods appear to be consigned, &c.

The master to produce manifests, and deliver copies, on arriving in the district where the cargo is to be discharged, &c.

Officers to certify, &c.

Copies of manifests to be transmitted to the collector of the district where the cargo is discharged, to whom the master is to deliver the original, &c. The master to make oath, &c. where there is no certificate on the manifest, &c. *Provided*; the master not required to deliver more than one copy of manifest in each case mentioned, &c.

Certificate on manifests sufficient for other officers, &c.

Form of certificate to be endorsed on an original manifest.

Form of certificate to be endorsed on a copy, &c.

\$500 dolls. forfeit for not producing manifest, &c.

production of which 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, 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 beforementioned, 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 —. 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 —.

§ 26. 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 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 hereinbefore 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.

§ 27. 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,

500 dolls. for officers neglecting or refusing to certify, &c.

Officers applying to masters for information in pursuance of this and the preceding sections, and not receiving full satisfaction, &c. to make return in writing, &c.

1,000 dolls. for-feit, and loss of goods, for un-lading without being duly authorized, &c. except, &c.

In case of landing goods, &c. from unavoidable accident, distress, &c. the master to give notice and make proof, &c.

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.

Forfeit of treble value and the vessel, &c. for receiving on board goods, &c. unladen without authority, &c. except, &c.

§ 28. 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.

Forfeit of 400 dollars, for departing, after arrival within any district, without report or entry, unless to proceed, &c.

§ 29. 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 hereinafter 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.

The collector, &c. may bring back vessels departing before entry, &c.

The penalty not incurred if it is made to appear that the departure was occasioned by distress of weather, &c.

Report of arrival to be made within twenty-four hours, &c.

§ 30. 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

Further report within forty-eight hours, &c.

The master to declare to the truth of the manifest, on oath, &c.

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: *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 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.*

Form of the
oath, &c. to
the truth of
manifest.

(Signed) A B.

Sworn (or affirmed) before me,
this — day of —

C D, collector.

And the master, or other person having the charge or com-

Additional report within forty-eight hours, of vessels, &c. having on board distilled spirits, wines, or teas.

Casks, vessels, &c. to be particularized, &c. or forfeit of 500 dolls. &c.

Form of report of distilled spirits, wines, and teas.

mand 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: 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.	Number 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 —

1,000 dolls. forfeit for not complying with the provisions of this section.

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.

§ 31. 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 despatches, 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.

§ 32. 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 hereinafter directed to be given for obtaining drawbacks of duties: And the form of the said bonds shall be as follows, to wit: 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 ———. 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

Not necessary for ships of war and public packets to make report.

Vessels may proceed with the cargoes brought in them, &c. to foreign ports, the master, &c. first giving bond, &c. See act of 1805, ch. 78.

Condition of the bond.

Bonds to be taken for the same periods, &c. as bonds for drawbacks, &c. Form of the bond.

— 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

Bonds not required from vessels putting in through necessity, &c. Collectors receiving bonds, &c. to put them in suit in default of proof at the time they ought to be cancelled, &c.

Vessels arriving with goods from foreign ports, to be delivered in different districts, may proceed, &c.

Duties in each district according to goods landed, &c. Before departure of vessels to another district, the master to obtain a certified copy of his report and manifest, &c. provided, &c.

A certificate to be annexed of goods landed, &c.

Form of the certificate.

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 hereinafter 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.

§ 33. 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.

§ 34. That before any ship or vessel shall depart from the district in which she shall first arrive, for another district, (provided 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, naval 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 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 denomina-

Vessels arriving with goods from one district at another, to make report or entry within 24 hours, produce the certified copy of first report, &c.

Report in Georgia within 48 hours. Master to give bond at the district he first arrives at, for the due entry of the residue, &c.

Condition of the bond.

Form of the bond for the due entry of residue, &c.

tion 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 other 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 —. 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, naval officer.—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 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 hereinbefore specified, he shall forfeit and pay, for every such neglect or omission, five hundred dollars.

The bond may be cancelled by the production of a certificate, &c. testifying entry, &c.

Form of certificate upon which the bond may be cancelled.

500 dollars forfeit for neglect or omission of the master to obtain the copies of report, certificate, &c.

Masters of vessels arriving from foreign ports with distilled

§ 35. 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, ar-

riving 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. 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.] 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 re-

spirits, wines, &c. intended to be transported from port to port, &c. to apply to the surveyor, &c. for certificate, &c.

The surveyor to grant certificate, which the master is to deliver at the port to which he is bound, &c. 500 dolls. spirits, &c. forfeited, for proceeding without certificate, &c.

Form of inspector's certificate for spirits, wines, and teas, transported from port to port.

Surveyors, &c. to certify deliveries of spi-

rits, &c. in each case, &c.

Entry of goods, &c. to be made within 15 days after the master's report, &c.

The original invoice to be produced, signed, &c.

Form of entry.

venue, 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.

§ 36. 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 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 agreeably to the form following, to wit: 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 12 1-2 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.	

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: 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, 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 lading, now produced by me, are the true, genuine, and only invoices, and bills of lading, 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 lading 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 for securing the duties, in the penal sum of one thousand dollars) with condition that the bona fide

The form of the entry to be adapted to the rates of duties, &c.

Entries to be verified by oath, &c.

Form of the oath in case of entries, &c.

When entry is made by an agent, &c. he is to give bond, with condition to produce an account of the goods, verified, by the owner.

Form of the
bond to be
given by the
agent, &c.

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. 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. 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 customhouse 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 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 —. *Provided always*, That where the particulars of any goods, wares, or merchandise, shall be unknown, in lieu of the entry hereinbefore 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

Where the particulars, &c. are unknown, entry to be made according to the circumstances of the case, &c.

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 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 lading, 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.

§ 37. 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 unlading of said spirits, wines, or teas, or any part thereof, shall, previous to such landing or unlading 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.

§ 38. 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

Entry, in writing, subscribed, &c.

In case of an imperfect entry, &c. the collector to take the goods, &c. into custody, until, &c.

Importers of distilled spirits, wines, or teas, to make a separate and additional entry, &c.

The collector to certify.

Certified entry to be transmitted to the surveyor, &c. Permit to be produced to the officer of inspection, &c. Officer of inspection to record, endorse, &c. Permit to be returned, &c.

500 dolls. and goods forfeited for landing spirits, &c. without endorsement, &c.

Spirits, wines, and teas, to be landed under the inspection of the surveyor, &c.

Officers to attend.

Proviso; as to practice of inspection. Officers of inspection to brand the casks, &c.

inspection of any officer of the customs, as now or heretofore practised.

§ 39. 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.

Chief officers of inspection to keep account of particulars, &c.

Surveyor, &c. to furnish the proprietor of spirits, teas, &c. with a certificate.

§ 40. 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:—District of ——. Inspector's office, No.——. I certify, that [here insert the name of the proprietor, importer, or consignee] imported into this district on the [here insert the 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. A B, inspector.

Form of certificate for spirits, wines, or teas.

Surveyor, &c. to furnish the proprietor with a particular certificate, to accompany each cask, &c.

§ 41. 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: 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 [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.

Form of certificate to accompany cask, chest, &c.

Countersigned by C D, inspector.

§ 42. 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.

Supervisors to provide blank certificates, &c.

The blank certificates to be filled up and countersigned by the inspectors, &c.

§ 43. 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.

The proprietor, on sale of spirits, &c. to deliver certificates, or forfeit 50 dolls. for each cask, &c.

Casks, &c. found without marks and certificates, liable to forfeiture, &c.

On trial, the claimant not proving legal importation, the spirits, &c. to be adjudged forfeited.

§ 44. 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

On the sale of casks, &c. which have been emptied, and prior to removal, the marks to be defaced in presence of an officer, &c. Officers to attend, &c.

Persons obli-
rating, &c.
marks or num-
bers, &c. or re-
moving casks,
&c. before the
marks, &c.
have been de-
faced in the
presence of an
officer, &c.
or refusing to
deliver the cer-
tificate, &c.
forfeit 100
dolls. with
costs.

Master to spe-
cify articles of
sea stores in
the report, &c.

Proviso; du-
ties to be esti-
mated on ex-
cess of sea
stores, and
paid by the
master, &c.

Articles of sea
stores not in-
cluded in re-
port, or landed
without per-
mission, for-
feited, &c.

The master,
moreover, to
pay treble va-
lue, &c.
Baggage and
mechanical
implements
exempt from
duty.

purpose, at which time the certificate which ought to accompa-
ny 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 dis-
tilled 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 hun-
dred dollars, with costs of suit.

§ 45. That in order to ascertain what articles ought to be ex-
empt 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 mas-
ter, 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. *Pro-
vided 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 law-
ful 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 ves-
sel, 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 afore-
said, by the master, or other person having the charge or com-
mand 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 va-
lue of the articles so omitted or landed.

§ 46. 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: 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 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. 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 seal; 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 condi-*

Due, but separate and distinct, entries of baggage and mechanical implements.

Persons making entry to take and subscribe an oath, &c.

Form of the oath in relation to baggage, &c.

Bond, &c. to be given in case the party be other than the owner, &c.

Form of bond in case of baggage, &c.

tion 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 —. 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.*

Proviso; the collector and naval officer may direct baggage to be examined, &c.

Articles of the baggage that ought not to be exempted, &c. to be duly entered, &c. Articles subject to duty, found in baggage, and not mentioned, to be forfeited, &c.

The person, &c. moreover, to pay treble value.

No duty on domestic productions exported and brought back, upon which no drawback, &c. Proviso; as to identity of the goods.

Domestic productions, exported and returned, to be reported and entered, &c. proof, by oath, &c.

Form of the oath, in case of return of domestic productions after exportation.

§ 47. 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 hereinafter prescribed, for ascertaining the identity of such goods, wares, or merchandise, be observed and complied with.*

§ 48. 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: 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. A B. Sworn to. 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: 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. 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: 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 —. Whereas — has this day made entry at the customhouse 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

Certificate of exportation to the collector, if other, &c.

Form of certificate of exportation of domestic productions returned, &c.

Proviso; as to bond, &c. in case certificate cannot be immediately produced, &c.

Form of the bond, to be given in case the certificate cannot be produced.

Permit for landing on re-

ceiving a bond,
&c.

Payment of
the bond to be
enforced, in
default, &c.

Oaths to be
administered
by the collec-
tor, reduced to
writing, sub-
scribed, &c.

Collector, &c.
to estimate du-
ties, &c.

Estimate to be
endorsed upon
the entry, &c.
The amount of
duties being
paid, or secur-
ed, permit to
be granted, &c.

Permits to spe-
cify the goods
to be delivered,
&c.

No goods to be
delivered that
do not agree
with the per-
mit.

Form of per-
mit.

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.

§ 49. 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. 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. 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: Port of — To the inspectors of the port (or) the keeper of the public store (as the case may require.) 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 merchandise 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 the 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.

§ 50. 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.

§ 51. 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.

§ 52. That all goods, wares, or 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

No goods, &c. to be delivered but in open day, &c. except by special license, &c.

No delivery of goods at any time without a permit, &c. 400 dolls. forfeit, and disability, for unloading or delivering goods, &c. contrary to direction, &c.

The collectors to advertise the names of offenders, &c. Goods unlawfully delivered, forfeited, &c. Where the value of goods, unlawfully delivered, amount to 400 dolls. the vessel, &c. is subject to forfeiture. Goods, &c. not to be removed before they are weighed, &c. without consent, &c.

Goods, &c. removed without permission, before weighing, &c. forfeited, &c.

Goods incomplete in the entry, &c. damaged, &c. to be stored, &c. at the expense and risk of the owner, &c. until, &c.

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 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: *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. 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 customhouse 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

Appraisers to be appointed, as prescribed, for the valuation of goods not accompanied with invoice, or damaged, &c.

Appraisement to be subscribed, verified, &c.
Form of oath to appraisement.

The appraisers to ascertain and certify the rate of damage sustained by goods, &c.

Rate of damage to be deducted from the original amount, &c.

Proviso; no allowance for damage on goods entered, &c. unless proof, &c. be lodged within ten days, &c.

Persons appointed to ascertain damage, to take an oath, &c.

form, to wit : *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.*

Form of the oath in case of ascertaining damage, &c.

§ 53. 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

Collectors and surveyors may put inspectors on board vessels arriving, &c.

Proviso ; collectors only empowered to put inspectors on board from one district to another. Duties of inspectors put on board vessels arriving, &c.

Inspector not to quit his station without leave, &c.

Inspectors neglecting, or acting contrary, &c. to forfeit 50 dollars, for the first offence; and be displaced, &c. for the second, &c.
Inspectors not to perform other duties than those prescribed, &c.
Wages of inspector from district to district, to be defrayed by the master, &c.
Officers of the revenue to be supplied with provisions, &c.
Act of 1802, ch. 11.

100 dolls. forfeit for refusing provisions, &c.

Collectors, &c. may go on board of vessels bound to the U. States, &c. in or out of their districts, &c.

Boxes, trunks, &c. found in the cabin, &c. apart from the cargo, to be taken account of, &c.

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 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.

§ 54. That it shall be lawful for all collectors, naval officers, surveyors, inspectors, and the officers of the revenue cutters, hereinafter 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.

§ 56. 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.]

200 dollars, forfeit for every box, trunk, &c. missing, &c. on arrival, &c.

Inspectors to secure hatches, &c. each evening, &c.

500 dollars forfeit if fastenings are broken without license, &c. or if any goods are clandestinely landed, &c.

When deliveries have been completed, copies of the accounts, &c. thereof, to be returned to the collector, &c.

Accounts, &c. to comprise, &c.

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.

Returns to be signed by inspectors, &c.

Countersigned by the surveyor or :

And compared by the naval officers with the manifests, &c.

Collector also to compare, &c.

Difference or no difference to be noted, &c.

Endorsement to be subscribed, &c.

Goods remaining on board after 15 working days to be taken possession of by the inspector.

Act of 1802, ch. 11. act of 1821, ch. 180. Proviso; with consent of the owner, &c. goods may be taken possession of, at any time, after five days' notice, &c.

Certificate to be granted for goods taken possession of. Form of certificate for goods taken into possession, &c.

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.

§ 56. 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 collector of the district; for which a certificate or receipt shall be granted, in the following form: District of —, port of —. 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. 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

The goods to be kept, at the charge and risk of the owner, for nine months, and then sold, if no claim, &c.

Goods to be advertised before sale, &c.

The overplus, after the duties and charges are retained, to be paid into the treasury, for the use of the owners, &c. The collector to transmit a copy of the inventory, &c.

The receipt of the collector exonerates the master, &c.

Proviso; nothing to prohibit sale of goods to pay duties, &c.

Proviso; no appraisement where there is entry; and sale, if perishable.

Proviso; limitation of 15 days not to apply to vessels laden with salt or coal, &c. Master, &c. to pay inspector's wages after 15 days, &c.

The collector to allow longer time, &c. In case of delivery of the cargo in several districts, and exceeding 15 days, the

master, &c. to pay wages, &c. for the excess, &c.
Inspectors to render account, &c.
500 dols. forfeit if any package be missing, or the goods, &c. do not agree with manifest, &c.

Proviso; penalty not to be inflicted if made appear that no goods have been improperly unshipped, &c.

Post entry of goods, omitted in manifest, &c.

Allowance for draft.

Allowance for tare.

Tare to include rope, &c.

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.

§ 57. 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 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.

§ 58. 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. 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 tare shall include rope, canvass, and other coverings; on all other boxes of tea, accord-

ing 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 always*, 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.

Where the tares appear in the original invoices, they may, &c. be estimated accordingly, &c.

§ 59. That there be an allowance of two per cent. for leakage on the quantity which shall appear by the guage 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.

Allowance for leakage and breakage.

§ 60. 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

Vessels arriving in distress, at ports to which they are not bound, may be unloaded free from duty, upon protest within 24 hours, &c. Act of 1805, ch. 75.

And report within 48 hours, &c.

Certificate of the wardens of the port, &c.

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 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.

Goods unladen to be stored, &c.

Perishable part of the cargo, &c. may be sold, &c. *Proviso*; entry and duties on the part sold. If the delivery of the cargo does not agree with the report, &c. the master liable to penalties.

The whole or remainder of the cargo, may be reladen, &c. on payment of storage and fees only.

Ad valorem rates of duty to be estimated by adding, &c.

Foreign coins and currencies to be estimated at the rates mentioned. Act of 1801, ch. 99.

See post § 74.

§ 61. 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 ensurance, only excepted. 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.

§ 62. 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 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

Act of 1793, ch. (5.) 49.

Proviso; the president may cause regulations to be established for estimating duties, &c. in case of depreciated foreign currency, &c.

Duties to be secured, &c. before permit, &c.

Amount of duty not exceeding 50 dolls. to be paid immediately.

Amount of duty exceeding 50 dolls. to be paid, or secured to be paid at the times mentioned, &c. Act of 1816, ch. 124.

Bond to include sureties, &c.

On teas, imported from China or Europe, at the option of the importer to secure, &c. or to give bond, in double the amount, to pay in two years, &c.

Bond for teas &c. to be accepted without surety, upon deposit, &c.

Two locks upon storehouses where teas are deposited, &c.

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

No delivery of teas from the storehouse without a permit in writing, &c.

Duties to be paid, &c. on teas, before permit, &c. Bond with surety, for duties on teas in each case as delivered, &c. payable, &c.

Proviso; term of credit for duties on any parcel of teas not to exceed the original two years, &c. Proviso; if the duties are not paid, &c. the teas to be sold, &c. overplus returned, &c.

Amount of each bond taken after deposit of teas, &c. to be immediately endorsed on the original bond, &c. The collector may accept a deposit of goods in lieu of sureties, &c.

Deposit at the expense and risk of the parties, &c. If the sum of the bond be not paid when due,

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, 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 moneys 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:—

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 —.

goods deposited may be sold, &c.

Bonds to be taken in the name of the U. States of America.

Proviso; persons whose bonds remain unsatisfied, allowed no further credit until payment, &c.

Goods, &c. imported deemed to be the property of the consignee, &c.

Form of the bond for securing the payment of duties.

§ 63. 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

Tonnage duties to be paid on making entry, &c.

Register, clearance, &c. except, &c. to be produced previous to entry, &c.

On clearance, the register, &c. to be returned.

Method of ascertaining the tonnage of ships or vessels.

If double decked.

If single decked.

Bonds for duties to be put in suit immediately after they become due.

In case of insolvency, &c. the U. States to have a preference, &c.

Executors, &c. answerable, &c. if they pay, &c.

In suits for duties or pecuniary penalties, defendants may be held to special bail, &c.

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.

§ 64. 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.

§ 65. 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 moneys, 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 moneys 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 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.

§ 66. 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

Proviso; surety, &c. paying amount of bond, to have advantage of priority, &c.

Definition of the cases of insolvency mentioned.

Judgment on bonds, &c. at return term, &c. unless, &c.

A continuance may be granted, if the court think proper, under the circumstances mentioned. Interest upon bonds put in suit, &c.

Goods, &c. not invoiced according to actual cost, &c. or value, forfeited, &c.

In case the collector suspects goods, &c. have not been

fairly invoiced, he may take them into possession, and have their value ascertained, &c.

Proviso; appraisement not to exclude other proof on the trial, &c.

Officers of the customs, suspecting fraud, may open packages, &c. If packages be found to agree, &c. the expenses to be paid by the collector, &c.

Packages differing, the goods are forfeited. Proviso; the forfeiture not incurred if the difference proceeds from accident, &c.

Collectors, &c. authorized to enter ships, dwelling houses, &c. to search for suspected goods.

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.

§ 67. 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.

§ 68. 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, 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 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 to be paid, shall be forfeited.

§ 69. 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.

§ 70. 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.

§ 71. 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.

§ 72. 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

The collector to have the custody of goods seized, &c.

Forfeit of double value for concealing or buying goods, &c. liable to seizure.

Officers of the customs may make seizures out of, as well as within, their districts.

In case officers are molested, &c. they may plead the general issue, give this act, &c.

Double costs for defendant, in case, &c. Act of 1807, ch. 74. [84.]

Onus probandi on the claimant. 400 dolls. fine for resisting officers, &c. Act of 1823, ch. 186. Master, &c. obstructing, &c. to forfeit from 50 to 500 dolls.

Onus probandi on claimant only where there is probable cause, &c.

Weighers, gaugers, &c. to make returns within three days, &c.

Form of the weigher's return.

denomination and name of the vessel] whereof [insert the name] is master, from [insert the port or place from which arrived.]

Date of vessel's entry.	To whom con- signed, 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.

Form of the
gauger's re-
turn.

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.]

Date of vessel's entry.	To whom con- signed, as per permit.	Marks.	Numbers.	Casks or pack- ages.	Contents & qua- lity, as mark- ed by the in- spector of the revenue.	Gauge.	Wantage.	What casks emp- ty, or taken to fill up others.

District of —, port of —.

C D, gauger.

Form of the
measurer's
return.

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.]

Date of vessel's entry.	To whom con- signed, per permit.	Number of bu- shels, in words at length.	Quality, whether salt or coal.	Average weight of salt, per bushel.

District of —, port of —.

E F, measurer.

Returns of
weighers, &c.
in books, &c.

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 customhouses.

Table of fees,
&c. to be kept
in a conspicu-
ous place, &c.

§ 73. 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.

§ 74. 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 penny-

Receipts, &c.

100 dolls. forfeit for failure in relation to fees, &c.
200 dolls. forfeit for demanding, or receiving, greater, or other, fees, &c.
Inspectors, &c. receiving gratuities, &c. for services in virtue of this act, other than allowed, or if, in the districts mentioned, gaugers, &c. perform services not directed, they forfeit 50 dolls. for the first offence; and, for the second, 200 dolls. discharge, &c.
Act of 1826, ch. 133.

Inspectors, &c. in case of drawback, certifying without inspection, &c. forfeit 50 dolls. for the first offence, and, for the second, 200 dolls. discharge, &c.

Duties and fees in money of the United States, or foreign coins, at the rates mentioned.

Act of 1793, ch. [5.] 49.
Act of 1801, ch. 99.

Proviso; no foreign coins receivable, which are not, &c.

Drawback of duties to be allowed on exportation, &c. Act of 1821, ch. 179.

to other than adjoining foreign dominions, &c.
Duties, drawbacks, &c. in proportion, &c.

Proviso; no drawback, unless the duties amount to 50 dolls. nor unless, &c.

Proviso; exporters of the articles mentioned, may fill up casks, &c. out of other casks, &c.

Proviso; the filling up, to be, &c. done under the inspection of a proper officer, &c.

Articles imported in bulk, to be exported in the packages in which they were landed, &c.

In case of drawback on distilled spi-

weights 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.

§ 75. 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. 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 importations, 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 re-

venue 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.

§ 76. 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 for 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: 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 vessel's entry] in the [insert the denomination and name of the vessel and master] from [insert the port from whence they arrived.]

rits, wines, or teas, the certificates to be given up, &c.

Exporters, in case of drawback, to give 24 hours' notice of intention, &c.

Six hours' notice sufficient in case of distilled spirits. Entry, &c. in case of drawback.

Form of the entry in case of drawback.

Marks.	Numbers.	Packages and contents.	Nett cost of ad valorem articles, as having paid duties.	Weight or gauge.	Tare and draft, as allowance for leakage.

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

Proof, on oath, as to importation, &c.

(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 notified 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 reloaded within the United States*, otherwise the said goods, wares, and merchandise, shall not be entitled to the benefit of drawback. 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 — The surveyor or 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: *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 customhouse 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 un-*

The collector to direct the surveyor to inspect goods, &c. notified for exportation, &c.
The collector, &c. to grant a permit, &c.
Lading under superintendence, &c.

Exporter to make oath, &c.

Form of the direction and permit, &c.

Form of verifying entry by original importer, &c.

avoidable 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. 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 customhouse of —, 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.*

Form of importer's oath when goods are sold, to be exported by another person, &c.

Form of oath, in case of exportation by a person other than the importer.

Form of the oath of person, other than the importer or exporter, &c.

§ 77. 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 dis-*

Exportations for drawback allowed only from district of original importation, and, &c. Goods exported, in case of drawback,

from a district other than that into which they were imported, to be accompanied with a certificate, &c.

Entry, in order to certificate, &c.

Collector, &c. to grant certificate, &c. goods to be entered, &c.

Permit, &c.

Form of entry of goods transported coastwise for the purpose of exportation from another district, &c.

trict, 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 vessels 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 nett 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 unlading 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:—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 hereinafter 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, &c.

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

Form of entry for goods arriving coastwise, &c.

name of the vessel, and master's name] from [insert the foreign port or place from whence imported.]

Marks.	Numbers.	Packages.	Contents.

Form of oath on entry, in case of goods transported coastwise, &c.

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.* 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

Form of a permit for unlading goods transported coastwise, &c.

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, agreeably 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 —.

Goods, &c. exported, in case of drawbacks, from a district other than that into which they were imported, subject to the same regulations as if exported from the place of importation.

§ 78. 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 hereinbefore 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.

Goods, &c. imported into the districts and ports mentioned, transported by the ways and to the places described, by water and land, or land, conveyance, may be exported, with benefit of drawback, as in the case of goods transported coastwise, &c. upon the conditions prescribed, &c.

§ 79. 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, Bordenton, Lamberton, 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 Lamberton, Bordenton, or Burlington, to Philadelphia; or from the port of Philadelphia, by the way of Wilmington, Newport, Christiana Bridge, Newcastle, 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, Newcastle, 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.

Act of 1801,
ch. 84. act of
1804, ch. 19.
act of 1805, ch.
65. act of 1804,
ch. 19.

The goods or
the value, for-
feited, if trans-
ported by any
other route
than that ex-
pressed in the
permit, &c.

The exporter from the original place of importation, entitled to receive debentures for the amount of drawback, &c. Act of 1825, ch. 256. Collector to discharge debentures out of duties, &c. Debentures for duties paid to be made payable in 15 days, &c.

Debentures to be issued, &c. payable to original importers, &c. when requested, &c. In case of goods, &c. exported from a district other than that of original importation, the collector, &c. to grant a certificate, &c.

The certificate to entitle the possessor to debenture from the collector where the duties have been paid, or secured, &c.

Proviso; the collector may refuse to grant debenture in case of error or fraud, &c. The collector to represent the case to the comptroller, if, &c. Proviso; drawbacks not to be paid before duties are received.

§ 80. 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 hereinafter 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 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: 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.

Form of certificate in case of exportation from a district other than that of importation, &c.

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: No. — District of —, port of —. Debenture for — 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 importer, 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. 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 refu-

Form of debenture.

Debentures assignable, by delivery and endorsement. In case of refusal to pay debentures, by the collector, as specified, &c. the possessor or as-

signee may institute suit, &c.

Interest on debentures, from the time when payable, &c. Judgment, in suits on debentures, at the return term, unless, &c.

A continuance, in case, &c.

Bond for the delivery of goods at a foreign port, before debenture or certificate, &c.

Condition of the bond.

Form of the bond not to reland, in case of drawback, &c.

al to be proved in the same manner as in the case of nonpayment 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.

§ 81. 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. 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 — Whereas the following merchandise has been duly imported into the United States, to wit: [here particularise 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 reshipped 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 — 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 hereinbefore 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

Bond not to re-land, &c. in case of drawback, to be discharged on producing a certificate, &c.

Additional certificate, under the hand and seal of the consul, &c.

Certificates to be confirmed by the oath of the master, &c.

Where there is no consul, &c. the certificate to be confirmed by the certificate of two reputable merchants, &c.

Merchants' certificate to be supported by the oath of the master, &c. Oath, &c. to be taken and subscribed before the consul, &c. In case of loss at sea, &c. other proofs allowed, &c.

Proofs and statement to be transmitted to the comptroller, who may, &c.

Proviso; where the amount of the bond does not exceed 200 dollars the collector, &c. may decide, &c.

Form of the certificate of a consignee, declaring the delivery of merchandise at a foreign port.

Form of the oath of principal officers, &c. confirming the landing of merchandise at a foreign port.

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 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: *Provided*, 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 hereinafter 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: A B, No. 1. a 10. ten hogsheads, C D, No. 3. 6. 9. 15. four tierces, containing fourteen thousand pounds weight of coffee. 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, containing seven hundred weight of hyson tea. 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. 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.) 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 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.— 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.

Form of verification of delivery of merchandise by a consul, &c.

Form of verification of the delivery of merchandise, by American or foreign merchants, &c.

Fees to consuls, &c. for administering oath, &c. granting certificate, &c.

§ 82. That if any goods, wares, or merchandise, entered for exportation, with intent to draw back the duties, or 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 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, 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.

Goods, vessels, &c. forfeited, if goods, in case of exportation for drawback, are relanded, &c.

Persons concerned in relanding, &c. to suffer imprisonment, &c. Power of officers, &c. in case of goods relanded, &c.

§ 83. 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

Bounty on the exportation of pickled fish and salted provisions.

Proviso; entry necessary in order to obtain bounty, &c. on pickled fish, &c.

Proof that the fish, &c. are of the fisheries, &c. of the United States, &c.
No entry to be received without inspection and marking, &c.

Casks to be branded for bounty, &c.

Collector, &c. to grant a permit to examine pickled fish, &c. and lade, &c.

Lading under the superintendence of the examining officer, &c.

Exporter, after lading is completed, to make oath, &c.

Exporter to give bond, &c.

Condition of the bond, &c.
Bonds, in case of exportation of pickled fish, &c. cancelled as in case of drawback, &c.
Proviso; bounty not to be

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 quantity 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 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 reladed 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. 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.]

paid until six months after exportation, &c. certificate, or proof, &c.

Proviso; bounty, &c. not to be paid unless it amounts to 10 dolls. &c.
Form of entry of pickled fish or salted provisions, for bounty, &c.

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 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: 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 customhouse, of the port of —, the following merchandise [here insert the number of packages, with their

Form of the oath to be taken by the exporter of pickled fish, &c. for bounty, &c.

Form of the bond in case of exporting pickled fish, &c. for bounty, &c.

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 superintendence 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 lying 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 —.

Forfeit of goods, &c. in case of false or erroneous entry, &c. except, &c. Act of 1819, ch. 160.

Proviso; forfeiture not incurred if made to appear that the error, &c. happened by mistake, &c.

In case of obstruction by ice, the collector, &c. may grant a permit for unlading goods at convenient and proper places, &c.

Proviso; the same regulations to prevail as if the vessel had arrived at her port of destination, &c.

500 dols. for-
feited for officers

§ 84. 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.

§ 85. 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 unlading 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.

§ 86. That no officer of the customs, or other person employ-

ed 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.

§ 87. 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.

§ 88. 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.

§ 89. 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

of the customs being concerned either as owners, or attorneys, &c. in any vessels, or being engaged, directly or indirectly, in the importation of goods, &c.

Restriction on officers of the customs from dealing in the funds, &c. removed. Act of 1792, ch. 37.

Officers of the customs receiving bribes, conniving at false entries, &c. forfeit from 200 to 2,000 dolls. &c.

Forfeit of from 200 to 2,000 dolls. for offering a bribe, &c.

The pains and penalties of wilful and corrupt perjury for false swearing, &c.

Penalties, &c. to be sued for, &c. in the name of the U. States, &c. and recovered in any competent court, &c.

Collectors to cause suits for penalties to be commenced, &c. Collectors to receive, &c. distribute, &c. transmit account, &c.

Vessels, goods,
&c. forfeited,
to be libelled,
&c.

Fourteen days'
notice of seiz-
ure, &c.

Not exceeding
ten dolls. for
advertisement.
Proclamation,
&c.
No claimant
appearing, the
court to pro-
ceed, &c.

Vessel, or
goods, &c. may
be delivered to
claimant, up-
on appraise-
ment, bond,
certificate, &c.

Bond to be
lodged with
the proper offi-
cer, to be can-
celled, if, &c.
Judgment on
claimant's
bond, in case,
&c.

In case of judg-
ment for claim-
ant, no costs,
&c. if reason-
able cause for
seizure, &c.

treasury, an account of all moneys 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 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 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 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, 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 favor 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 of forfeiture was incurred.

§ 90. 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 auction, 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 hereinbefore directed.

§ 91. 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

See act of 1807, ch. 64.

Proviso; vessels, &c. to be returned after judgment, &c. See act of 1804, ch. 40. § 3.

Proviso; actions to be commenced within three years, &c. Vessels, goods, &c. condemned, to be sold at public auction, by the marshal, &c.

15 days' notice of sale, except, &c.

5 dolls. for advertising notice of sale. Amount of sales, &c. to be paid to the clerk within ten days, &c. and, by the clerk, deducting, &c. to the collector, &c. Distribution of fines, penalties, and forfeitures. A moiety for the United States. The other moiety to be divided as mentioned.

One half of a moiety to informers, in all cases, &c. *Proviso*; as to distribution of fines, &c. recovered in consequence of information by officers of revenue cutters, &c.

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 hereinbefore 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.

Proviso; in case the value of forfeiture, &c. is less than 250 dollars, the part accruing to the United States, to pay costs, &c. Officers, &c. may be witnesses, but, in that case, they lose their shares, &c.

Except in the districts mentioned, no goods to be brought into the United States, but by sea, and in vessels of at least 30 tons burthen, &c. under penalty of forfeiture, &c.

No drawback, &c. on exportation, except by sea, and in vessels not less than 30 tons.

Masters of vessels bound to foreign ports to deliver manifests, &c.

The collector to grant a clearance, &c.

Forfeit of 500 dollars, for departing on a voyage to a foreign port without delivering manifest, &c.

§ 92. That except into the districts hereinbefore described on the northern, northwestern, 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 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.

§ 93. 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. And the form of the report and manifest, to be delivered as aforesaid, shall be as follows: Report and manifest of the cargo, laden at the port of —, on board the —, — master, bound for — port.

Form of manifest in case of vessels bound to foreign ports.

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 —. 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 reloaded within the United States, and that if, by distress or other unavoidable accident, it shall become necessary to reload 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: District of —, ss. Port of —. These are to certify all

Form of the oath in case of manifest on clearing for a foreign port.

whom it doth concern, That — master, or commander, of the —, burthen — tons, or thereabouts, 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 customhouse 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

Form of clearance.

Proviso; collectors, &c. to pay due regard to the inspection laws of the states, &c.

Proviso; receipts for fees to be produced before clearance.

Importers of useful beasts for breed, to make entry, as in case of goods, &c.

Horses, &c. landed without provisions, &c. forfeiture, &c. The matters directed by this act to be done by the collector, &c. may be done by deputy, &c. Conscientious persons allowed to affirm. The president may cause to be built and equipped not exceeding ten revenue cutters, &c.

Officers and men for the revenue cutters, &c. Contracts to be made for supply of rations, &c. Proviso; revenue cutters to co-operate with the navy when the president directs, &c.

Officers of the cutters to be appointed by the president; deemed officers of the customs, &c.

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.

§ 94. 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.

§ 95. 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.

§ 96. That whenever an oath is required by this act, persons conscientiously scrupulous shall be permitted to affirm.

§ 97. 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.

§ 98. 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 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.

§ 99. 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 hereinbefore 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 hereinbefore contained.

Powers and duties of officers of revenue cutters, &c.

§ 100. 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.

New cutters to be provided in lieu of those unfit for service, and the old ones to be sold, &c.

§ 101. 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 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.

Expense of purchasing and building cutters, &c. to be defrayed out of product of duties, &c.

The collectors, with the approbation of the secretary of the treasury, may provide row boats, &c.

§ 102. That the cutters and boats, employed in the service of the revenue, shall be distinguished from other vessels by an ensign and pennant, 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

Cutters, &c. employed in the service of the revenue, to be distinguished, &c. Vessels not bringing to, on

signal, may be fired into, &c.

If any person be killed by the firing, the captain of the cutter to be admitted to bail, 100 dolls. forfeit for vessels, other than revenue cutters, &c. hoisting pennant prescribed.

No beer, &c. to be imported, &c. except in casks, &c. of 40 gallons.

No lump or loaf sugar to be imported, except in vessels of 120 tons, &c.

No distilled spirits to be imported, unless in casks of 90 galls. except, &c.

Proviso; as to spirits for the use of the seamen, &c.

British subjects and Indians to enjoy the privileges secured to them by treaty, &c.

or boat, having displayed the pennant 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 pennant 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 pennant 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.

§ 103. 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.

§ 104. 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 con-

tained 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.

Proviso; as to admission of British vessels from these into rivers, &c.

§ 105. 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 reembarked, 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 northwestern 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.

No duties on peltries, goods of Indians, &c.

No other, or higher, tolls, &c. to British subjects than American citizens, &c. no duties on goods &c. carried over portages, &c.

Proviso; as to exemption of goods carried over portages, &c.

Citizens may import goods, &c. into the districts mentioned, in vessels, &c. of any burthen, &c.

§ 106. 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 hereinbefore directed and prescribed, in respect to goods, wares, and merchandise, imported into

Vessels, boats, rafts, &c. arriving with goods, &c. in the districts mentioned, &c. to report, &c. Goods, &c. to be accompanied with manifests, &c. as in other cases, &c.

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 hereinafter specially provided.

Goods reported as intended to be carried over portages, &c. to be entered, &c.

Route, portage, &c. to be specified,

Form of the oath in case of goods intended to be carried over portages, &c.

§ 107. 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 reimported, 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 hereinbefore 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 reimported 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.*

The collector receiving entry of goods intended to be transported across portages, &c. to cause due examination, &c. grant a certificate, or protection, &c.
Form of certificate or protection, for goods intended to be transported across portages, &c.

§ 108. 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 hereinbefore 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: 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 reimportation] 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. 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.

§ 109. 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.

§ 110. 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 the duties on the importation of goods, wares, and merchandise, into the United States.

§ 111. 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.

§ 112. 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

No certificate in force longer than six months.

500 dols. forfeit, and imprisonment, for breaking open, &c. merchandise intended to be carried over portages, &c. by persons having the charge thereof, &c.

Nothing in this act to exempt from oaths required by any laws, &c.

The forms of official documents prescribed, being substantially observed, no penalty incurred for a deviation, &c.

The officers of the treasury, &c. may prescribe additions to the forms, &c. provided, &c.

The act mentioned, and all other acts, or parts of acts, within the purview of this act, repealed, except, &c. Act of 1790, ch. [35.] 61.

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.*]

CHAP. [129.] An act to establish the compensations of the officers employed in the collection of the duties on imports and tonnage; and for other purposes.

§ 1. *Be it enacted, &c.* That 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 collectors 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, Camden, 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,

See act of 1800, ch. 54.
act of 1802, ch. 37.
act of 1804, ch. 58, act of 1816, ch. 95.
act of 1817, ch. 222.
act of 1822 ch. 107,
act of 1824, ch. 158.
Collectors, naval officers, and surveyors, to give bond, &c.
Sums of the bonds, respectively.
Collectors.

Naval officers.

Bonds to be filed, &c.

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 —. 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 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.

Form of the bond, &c.

Where bonds have been already given, new ones not required.
Fees, &c.

§ 2. 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 stationary, 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 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, 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,

To collectors.

The fees to be equally divided between the collector and naval officer, &c.

Fees, at the option of the collector, may be received by him, &c.
Provido ; fees in case of

drawback, to be divided between the collector, naval officer, surveyor, &c.

Fees to surveyors.

Fees to be paid by the master or owner, &c.

If more than one surveyor, fees to be divided, &c.

Allowance to inspectors, &c.

Collector to pay out of the revenue, &c. Proviso; services by occasional inspectors to be particularly detailed, &c. Compensation to measurers, weighers, and gaugers. To be paid by the collector out of the revenue, &c.

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 stationary 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 a 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, cannisters, 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 districts 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 per cent; and to the collectors of all other districts, three per cent; on all moneys 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

Allowance to the surveyors or inspectors of revenue for ports, &c.

Additional allowances and per centage to the officers mentioned.

District of Columbia.

Particular sums in addition to allowances, &c. to the officers mentioned.

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, Dumfries, 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, Snow Hill, 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, Peterborough, 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, Llewellynburgh, Portland, Pawcatuck, 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, Indian Town, 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.

§ 3. 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

Collectors, &c. to keep accounts of their fees, &c. and expenditures, and transmit them to the comptroller, &c.

Collectors, &c. forfeit not exceeding 500 dolls. for neglecting to keep account, &c.

Compensation and subsistence of the officers of revenue cutters.

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 noncommissioned 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.

Pay and rations of the noncommissioned officers, &c.

§ 4. 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.*]

Whenever a collector dies, &c. the commissions to which he would have been entitled, &c. to be equally divided between his legal representative and his successor, &c.

CHAP. [130.] An act for the government of the navy of the United States.

§ 1. *Be it enacted, &c.* That the following rules and regulations be adopted and put in force, for the government of the navy of the United States: ARTICLE 1. The commanders of all ships and vessels, belonging to the United States, are strictly required to show, in themselves, a good example of honor and virtue to their officers and men, and to be very vigilant in inspecting the behavior 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. 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. 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. 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. 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 na-

Repealed. Act of 1800, ch. 33. Rules and regulations for the government of the navy. Duty of commanders, &c.

Divine service twice a day, and a sermon on Sunday, &c.

Punishment of profane swearing and drunkenness, &c.

Not more than 12 lashes for one offence, &c.

If the fault deserve greater punishment, application to be made, &c.

The commander not to discharge commission or warrant officers, &c. but

may suspend, &c.
 Officers who command by accident to correct by confinement only, &c.
 The articles of war to be hung up in the ship, &c.
 The captain to enter the time, &c. of enlisted seamen, &c.
 The captain before sailing, to make return of officers and men to the secretary of the navy, &c. keep account of desertion, death, &c.
 The men to be furnished with slops, &c.

Definition of petty officers.
 Inferior officers, seamen, &c. when turned over to another ship than the one, &c. not to be rated lower, &c.

Wages and prize money of officers, seamen, &c. may be paid to assignees, &c.

Officers, or other persons, dying, their names are to be entered on the books of the ship, &c.
 A convenient place to be set apart for sick or hurt men, &c.
 Cradles, and buckets with covers, &c.
 Some of the ship's company

vy, 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. 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. 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. 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. 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. 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. 11. All officers not having commissions or warrants, (or appointed commission or warrant officers, for the time being) are termed petty, or inferior officers. 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. 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. 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. 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. 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 per-

sons 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. 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. 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. 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. 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. 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 original 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. 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. 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. 24. Any officer, seaman, mariner, or other person, who shall disobey the orders

to be employed in fishing, being, &c.
The fish to be distributed, &c.
Commanders, &c. may shorten allowance of provisions according to exigencies, &c.
3lbs. of beef in lieu of 2lbs. of pork.
Warrant of commander of a squadron, &c. sufficient, &c. for provisions.

The captains to cause provisions to be inspected, &c.

The purser to secure the clothes, &c. of persons killed, &c.
Papers, &c. found on board captured ships to be preserved, &c.

Persons destroying papers, &c. forfeit their prize money, &c.

Punishment for embezzling or stealing cables, &c. effects of prisoners, &c.

Punishment for captain's not encouraging the officers and men to fight courageously.

Death for deserting post in time of action, &c.

Death for mutiny, or disobedience, &c.

Punishment for
seditious
words, &c.

Punishment for
quarrelling
with, or strik-
ing superior
officer.
Complaints to
be made to su-
perior officer,
&c.
No quarrelling
or fighting
among ship-
mates, &c.

Punishment
for sleeping on
watch, or ne-
gligence.
Death for mur-
der.
Robbery, &c.
not exceeding
20 dolls. to be
punished, &c.
Master of arms
dismissing pri-
soners, &c.
without orders,
to suffer in
their stead, &c.

Captains, &c.
to assist in
bringing of-
fenders to pu-
nishment, &c.

Death for hold-
ing unautho-
rized intelli-
gence with en-
emies or rebels.

Death, &c. for
not revealing
letters, mes-
sages, &c.
from enemies
or rebels, &c.

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 endeavor to make any mutinous assembly, on any pretence whatsoever, shall suffer such punishment as a court martial shall inflict. 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. 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. 27. There shall be no quarrelling or fighting between shipmates, 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. 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. 29. All murder shall be punished with death. 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. 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. 32. The captains, officers, and others, shall use their utmost endeavors 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. 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. 34. If any letter, or message, from an enemy, or 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. 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 endeavor 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. 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. 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. 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 forever afterwards rendered incapable to serve in any place or office in the navy service of the United States. 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. 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. 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

Death, &c. for spies.

Death, &c. for supplying enemies or rebels, &c.

Death, &c. for running away with vessels, or treacherously surrendering them.

Punishment for neglect in case of convoy.

Officers receiving or permitting merchandise on board their ships, without orders, except, &c. to be cashiered, &c.

No waste or embezzlement of ammunition or other stores, &c.

Death for unlawfully burning public property, &c.

Punishment for carelessness in steering and conducting ships, &c.

Officers making or signing false musters, to be cashiered, &c.

The same punishment for mutiny, desertion, &c. on shore as at sea, &c.

Punishment for maltreating inhabitants, on shore, &c.

Faults, disorders, &c. to be punished according to custom,

Courts martial to consist of not less than five nor more than thirteen, &c.

No lieutenant to sit on a court held on a captain, &c. Members of courts martial to take an oath.

Form of the oath.

Oath to be administered by the president, &c.

Form of the oath of judge advocate.

Witnesses to take an oath.

Form of the oath.

Sentences for capital offences not to be executed until confirmed, &c. Sentence, &c. to be transmitted, &c.

The commander in chief may pardon and remit.

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. 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.

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.

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. 46. All faults, disorders, and misdemeanors, which shall be committed on board any ship belonging to the United States, and which are not here-in mentioned, shall be punished according to the laws and customs in such cases at sea.

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.

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 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.

§ 2. 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.

Witnesses refusing to give evidence on oath, &c. may be imprisoned.

Imprisonment not to exceed three months. Persons guilty of perjury, &c. may be prosecuted, &c.

§ 3. 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 hereinbefore 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 hereinbefore 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.

Where crews are separated from their vessels by shipwreck, &c. the authority of the officers to continue, &c.

Pay, &c. to continue if the officers, seamen, &c. do their duty after shipwreck, &c.

Punishment for acting contrary to discipline, in case of loss of vessel, &c.

§ 4. That all the pay and wages of such 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, hereinbefore 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.

Pay and wages of officers, seamen, &c. taken by the enemy, to go on, if they did their utmost to defend the ship, &c. *Provided;* persons flying from justice to be tried and punished.

§ 5. That all captured national ships or vessels of war shall be the property of the United States; all other ships or vessels being

Captured national ships the property of the United States;

other vessels, being superior, the property of the captors; vessels of inferior force to be equally divided, &c. Distribution of prize money and bounty.

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.

§ 6. 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:—1. To the captain, actually on board at the time of taking any prize, being other than 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, sailmaker, master at arms, armorer, and cockswain, three twentieths. 6. Gunner's yeoman, boatswain's yeoman, quartermasters, quarter gunners, cooper, sailmaker'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 ship's being placed under his command, and until they

Any officer having more posts than one, to share according to the superior office only. Ships in sight, &c. to share equally.

But not privateers, &c. Commanders to transmit a true list of officers and men on board prizes, &c.

Rights and privileges of commanders in chief, commanders of squadrons, captains, &c. in relation to captures, defined.

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 especially 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.

Captains sailing under special orders, &c. act separately, &c. Bounty on captures, &c.

§ 7. 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 hereinbefore mentioned.

Rates of salvage.

§ 8. That every officer, seaman, or marine, 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.

Allowance of half pay to persons disabled in the line of duty, &c.

§ 9. That all the money accruing, or which has already accrued, from the sale of prizes, shall be and remain forever 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 marines, 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.

Prize money belonging to the United States to be a fund to discharge the half pay, &c. If the fund be more than sufficient, the surplus to be applied, &c.

§ 10. 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 of 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.

The fund to be under the management of the secretary of the navy, secretaries of the treasury, and war, &c. The secretaries mentioned to invest the sums in stock, &c. Statement to be laid before congress, &c.

Rules and regulations of commanders, &c. to conform to this act.

Custom and usage of the sea service to be kept in view.

Repealed. Act of 1802, ch. 19.

Proprietors of distilleries for the distillation of geneva, employing any one still exceeding 800 gallons, may pay duty on the quantity of spirits distilled according to proof, &c.

See act of 1802, ch. 9. Officers in the medical establishment of the United States.

Each military hospital to have a steward, &c.

Physician general, &c. to be appointed as other officers, &c.

§ 11. 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.]

CHAP. [132.] An act respecting distillers of geneva.

§ 1. *Be it enacted, &c.* 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. [133.] An act to regulate the medical establishment.

§ 1. *Be it enacted, &c.* 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.

§ 2. 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.

§ 3. 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.

Mates, and stewards, to be appointed by the physician general, &c.

Hospital surgeons to appoint nurses, &c.

§ 4. 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 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 surgeon's mates, as, in his opinion, can be with safety so withdrawn from their regiments.

Regimental surgeons, &c. with the consent of the general, to attend in the hospitals, &c.

§ 5. 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.

The physician general, &c. to frame directions relative to the admission of patients into hospitals, &c.

Proviso ; the directions being sanctioned, &c. to be operative, unless, &c.

§ 6. 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 com-

Compensation and allowance for forage, &c. to the several officers mentioned.

Proviso; none of the officers entitled to pay, &c. until called into actual service.

Temporary and permanent hospitals may be provided, &c.

The officers of the medical establishment to be liable to the rules and regulations for the government and discipline of the army, &c.

The physician general, &c. may call a medical board, &c.

pensation 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.

§ 7. 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.

§ 8. 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.

§ 9. 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 candidates for employment or promotion in the hospital department, and certify to the secretary of war the qualifications of each. [*Approved, March 2, 1799.*]

Act of 1796, ch. 46.

The 4th sec. of the act mentioned repealed.

Land set apart by the 1st sec. of the act mentioned, remaining unlocated, &c. released from the reservation, &c. Military warrants, not registered, &c. before the 1st Jan. 1802, barred, &c.

Act of 1795, ch. 115.

The secretary of state to cause all orders, resolutions, and laws, passed

CHAP. [135.] An act to amend the act, entitled "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."

§ 1. *Be it enacted, &c.* That the fourth section of an act, entitled "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.

§ 2. That all the lands set apart by the first section of the abovementioned 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 forever barred. [*Approved, March 2, 1799.*]

CHAP. [36.] An act in addition to an act, entitled "An act for the more general promulgation of the laws of the United States."

§ 1. *Be it enacted, &c.* 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 publica-

tion 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.

§ 2. 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 attorneys 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.

§ 3. 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.

§ 4. That so much of the second section of the act, entitled "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. [Approved, March 2, 1799.]

by congress, to be inserted in not exceeding three newspapers in each state, &c.
5,000 additional copies of the laws to be printed at the end of every session of congress, &c.
Distribution of the additional copies.

The constitution, &c. to be added to the laws of the session, &c.

A part of the 2d sec. of the act mentioned, repealed.
Act of 1789, ch. 14.

CHAP. [137.] An act giving eventual authority to the president of the United States to augment the army.

§ 1. *Be it enacted, &c.* 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 noncommissioned 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.

§ 2. 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.

Repealed.
Act of 1802, ch. 9.
In case of war, or danger of invasion, an additional military force may be raised.

The president, with the advice of the senate, or alone, authorized to appoint and commission officers, &c.
Proviso; general and field officers to be submitted to the senate, &c.

The officers, noncommissioned officers, privates, &c. entitled to the same pay, clothing, rations, &c. as other troops, &c. subject to the rules and articles of war, &c.

Proviso; none but recruiting officers entitled to pay until, &c.

The laws of the U. States respecting the military establishment applicable to the troops, &c. to be raised by this act; except, &c.

The president may discharge the whole, or any part, of the troops, &c.

The president authorized to organize volunteers, &c. Act of 1798, ch. 64.

Volunteers not compelled to serve longer than three months, &c.

The volunteers may be called forth, &c. for all the purposes stated in the act, mentioned, &c. Act of 1795, ch. 101.

The president not to accept a

§ 3. That the officers, noncommissioned 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, noncommissioned 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.

§ 4. 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 deliver him up to the orders of his commanding officer; and the law respecting the oath or affirmation to be taken, by officers, noncommissioned 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.

§ 5. 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.

§ 6. 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.

§ 7. 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 repel invasions, and to repeal the act now in force for these purposes."

§ 8. 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 herein-after 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.

§ 9. 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.

§ 10. 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 moneys 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.

§ 11. 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.*]

CHAP. [138.] An act providing for the security of bail in certain cases.

§ 1. *Be it enacted, &c.* 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

greater number of volunteers in any of the states, &c. than is apportioned, &c.

2,000,000 of dolls. appropriated for the execution of this act.

The president authorized to borrow the money, &c.

Proviso; the U. States may repay the sum borrowed after 15 years.

Surplus of duties pledged for paying the interest and principal of the loan, &c.

The powers vested in the president by the 1st and 2d sec. of this act to cease on the 14th May, 1800, unless, &c.

Bail to be discharged, upon commitment of defendant to prison in a district other than that where suit was first brought, &c.

The marshal to receive the prisoner, &c. upon the order of a judge, &c. The marshal to make a certificate, &c.

Upon return of certificate, the court, &c. to direct an exoneretur, &c.

Fees of the marshal, &c.

The person committed, unless, &c. to be holden in gaol until final judgment, &c.

Proviso; nothing in this act to affect cases of bail already given.

Ses act of 1801, ch. 94.

Persons who contracted with John C. Symmes, prior to the 1st of April, 1797, &c. to be entitled to a preference in purchasing, &c.

Terms of payment.

Act of 1796, ch. 29.

Persons claiming the benefit

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.

§ 2. 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.

§ 3. 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. [Approved, March 2, 1799.]

CHAP. [140.] 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 and settlers.

§ 1. *Be it enacted, &c.* 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 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, entitled "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.

§ 2. 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.

of this act, to give notice, &c.

Persons failing to make first payment, &c. right of pre-emption to cease, &c.

§ 3. 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.

The surveyor general, on the receipt of notice, to survey the lands, &c. unless, &c.

§ 4. 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.

The secretary of the treasury may credit purchasers for sums expended in surveying, provided, &c. The evidences of the public debt to be received in payment, &c. Act of 1797, ch. 68.

§ 5. 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, entitled "An act to authorize the receipt of evidences of the public debt in payment for the lands of the United States." [Approved, March 2, 1799.]

CHAP. [142.] An act in addition to "An act for the relief of sick and disabled seamen."

Act of 1798, ch. 94. act of 1802, ch. 51. act of 1811, ch. 93.

§ 1. *Be it enacted, &c.* That the president of the United States shall be, and he hereby is, authorized to direct the expenditure of any moneys 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.

The president to direct the expenditure of moneys, &c. in the state where collected, or those adjoining, except, &c.

§ 2. 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.

The secretary of the navy to deduct 20 cts. per month from the pay of officers, seamen, &c. for the purposes in the act mentioned.

§ 3. 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 abovementioned, are provided for

Officers, seamen, and marines, of the navy, entitled to the same

privileges, &c. as sick and disabled seamen in the merchant service, &c. Act of 1798, ch. 89. The president authorized to augment the marine corps by the appointments and enlistment mentioned, &c.

the relief of the sick and disabled seamen of the merchant vessels of the United States. [*Approved, March 2, 1799.*]

CHAP. [143.] An act authorizing an augmentation of the marine corps.

§ 1. *Be it enacted, &c.* 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 surgeons, 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. [*Approved, March 2, 1799.*]

Expired. Act of 1802, ch. 25. act of 1804, ch. 12.

Annual compensations, in lieu of salaries heretofore allowed to the officers mentioned. Secretary of state. Of treasury. Of war. Of the navy. Attorney general. Comptroller. Treasurer. Auditor. Commissioner of the revenue. Register. Accountant of war. Accountant of the navy. Postmaster general. Assistant postmaster general. This act limited to the 2d March, 1802.

CHAP. [144.] An act to augment the salaries of the officers therein mentioned.

§ 1. *Be it enacted, &c.* 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 compensations 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.

§ 2. That this act shall continue in force for three years, and no longer. [*Approved, March 2, 1799.*]

CHAP. [145.] An act to erect a beacon on Boon Island.

The secretary of the treasury, &c. to cause a beacon or monument to be erected on Boon Island, &c. 400 dolls. appropriated, &c.

§ 1. *Be it enacted, &c.* 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 seacoast of the district of Maine; and that the sum of four hundred dollars be appropriated for the same, out of any moneys in the treasury, not otherwise appropriated. [*Approved, March 2, 1799.*]

Repealed. Act of 1806, ch. 41. Secretaries of state, treasury, war, and navy,

CHAP. [146.] An act to regulate and fix the compensation of clerks.

§ 1. *Be it enacted, &c.* That the secretaries of the treasury, state, war, and navy, departments, shall be, and hereby are, au-

thorized 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.

may vary compensations to clerks, according to services.

Limitation of the whole amount of compensations for clerks in the departments mentioned.

§ 2. 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.

The postmaster general authorized to appoint clerks and apportion their compensations, &c. *Provided*; limiting the whole amount of compensations.

§ 3. 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.

The director of the mint authorized to allow 200 dollars per ann. additional to one of his clerks. Allowance to the secretary and accountant of the navy department for deficiencies for clerk hire, &c.

§ 4. 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.

Number of clerks, and their compensation, to the commissioners of loans mentioned, &c.

§ 5. 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. [*Approved, March 2, 1799.*]

Act of 1796, ch. 36.

CHAP. [147.] 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.

The 1st, 2d, and 3d, sections of the act mentioned, revived and continued for one year. The secretary of state to lay before congress an abstract of returns, &c.

§ 1. *Be it enacted, &c.* That the first, second, and third, sections of the act, entitled "An act for the relief and protection of American seamen," shall be, and hereby are, revived and continued in force for one year.

§ 2. That the secretary of state shall be, and hereby is, required to lay before congress, within ten days after 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.*]

Repealed by act of 1810, ch. 54, act of 1825, ch. 276.

A general post office to be established at the seat of government. Powers and duties of the postmaster general.

CHAP. [149.] An act to establish the post office of the United States.

§ 1. *Be it enacted, &c.* 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 the receipts and expen-

ditures, once in three months, or oftener, with the balances thereon arising in favor 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.

Proviso; In case of death, removal, &c. the assistant to act, until, &c.

§ 2. 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.

The postmaster general, &c. to take an oath.

A certificate of the oath to be filed. Form of the oath.

Persons employed in the management of the mail, &c. subject to penalties, &c. whether they take the oath or not.

§ 3. 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.

100 dolls. fine for obstructing the mail, &c.

10 dolls. forfeit for each half hour the mail is delayed by ferrymen.

§ 4. 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 dupli-

The postmaster general to give six weeks' public notice of intention to contract for carrying the mail, &c. Particulars of advertisement.

Duplicate of contracts, and proposals, to

be lodged in the office of the comptroller. *Provido*; no contract for a longer term than 4 years. Every postmaster to keep an office, &c. Letters brought half an hour before, &c. to be forwarded, &c. except, &c.

No fees or perquisites to be received by persons in the general post office. Rates of postage, &c.

For double and triple letters, &c.

Provido; no packet by water mail to pay more than quadruple; unless, &c. Postmasters not obliged to receive packets above three pounds. Postage on letters brought into the United States, or carried in vessels, from one port therein to another, &c. Postmasters demanding or receiving unlawful rate, gratuity, &c. forfeit 100 dollars, rendered incapable, &c. Vessels not allowed to make

cate 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.

§ 5. 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.

§ 6. 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.

§ 7. That the following rates of postage shall be charged on all letters and packets, (excepting such as hereinafter exempted,) conveyed by the posts of the United States, viz:—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.

§ 8. 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.

§ 9. 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.

§ 10. 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.

§ 11. 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.

§ 12. 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.

§ 13. 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 postriders, 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

entry, break bulk, &c. until the master has delivered letters, &c. except, &c.

The collector, &c. to require an oath of masters as to the delivery of letters.

Two cents to the masters of vessels for each letter, &c. except, &c. Postmasters to obtain a certificate, &c. Certificate, &c. to be transmitted to the postmaster general.

50 dollars, forfeit for setting up unauthorized foot or horse posts, &c. and for receiving, for conveyance, letters, &c. other than newspapers, &c. except, &c.

Proviso; letters, &c. may be sent by special messenger. Deputy postmasters to account for way letters, &c. Postriders, &c. to receive way letters, and deliver them at the first post office, &c.

One cent on each letter for

the mail carrier.

Letters directed to persons between post offices to be delivered by the carriers of the mail, &c. The mail carrier may demand two cents for every letter, &c.

Postmasters, neglecting, &c. Proviso; mail carriers not to deliver letters at places not on the post road.

Proviso; receipt and delivery of letters between post offices, &c.

Not exceeding 300 dolls. fine, and imprisonment for detaining the mail, opening or embezzling letters, &c. by persons employed in any of the departments of the general post office, &c.

Persons employed, &c. secreting or destroying letters, &c. containing bank notes, &c. or stealing bank notes, &c. out of letters, &c. to be publicly whipped, imprisoned, &c.

Not exceeding 500 dolls. forfeit for deserting the mail, &c.

50 dolls. forfeit for collecting, receiving, or

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 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.

§ 14. 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 intrusted, 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 intrusted to him as aforesaid, and which shall not contain any security for, or assurance relating to, money, as hereinafter 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 intrusted, 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, not 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 moneys, or any bond, or warrant, draught, 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.

§ 15. That if any person shall rob any carrier of the mail of the United States, or other person intrusted therewith, of such mail, or of part thereof, such offender or offenders shall, on conviction, be publickly 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, &c.* 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 labor during the period of such imprisonment.

§ 16. That the postmaster 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 vic-

carrying letters contrary to this act, &c.

Public whipping and imprisonment for robbing the mail; and death on a second conviction, &c.
Death, in the first instance, for robbing the mail, if the carrier be much wounded, &c.
Whipping and imprisonment for unsuccessful attempts to rob the mail, by falling on the carrier, shooting at him, &c.
Whipping and imprisonment for stealing the mail, or for stealing letters out of the mail or post office, &c.

Not exceeding 100 dollars, fine for taking letters, &c. with design to obstruct the correspondence, pry into secrets, &c.

Proviso; persons imprisoned, &c. to be kept at hard labor.

A list of letters remaining in the several post offices to be published, &c.

A number of lists &c. instead of publication, &c.

Dead letters to be sent to the general post office, &c.
Valuable papers, &c. found, with dead letters, to be returned, or a description published, &c.

Letters with valuable contents not demanded within two years, &c. the contents to be applied to the use of the United States, until, &c.

Letters and packets to the officers mentioned, to be received and conveyed free of postage, &c.

Newspapers free of postage to the officers mentioned, provided, &c.

Proviso; letters, &c. to be franked, &c.

The postmaster to be furnished, &c.

Proviso; all letters, &c. to and from George Washington, to continue free.

10 dollars, fine for unlawful franking.
Proviso; the

nity, 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.

§ 17. 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 revenue; 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 deposite the same, with a specimen of his signature; *Provided, also*, That all letters and packets to and from George Washington, late president of the United States, shall continue to be received and conveyed by post, free of postage.

§ 18. 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, se-

cretary 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.

§ 19. 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.

§ 20. 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. 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 labor 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. 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, beside the direction, shall be noted the

secretaries mentioned, and the postmaster general, may frank letters prepared, &c. Letters improperly received as free, to be returned, &c.

50 dolls. fine for counterfeiting frank, &c.

Every printer of newspapers may send one paper, &c.

Newspapers to be under cover, &c.

Postage on newspapers. Proviso; the postage of a single newspaper, in the same state, not to exceed a cent.

The postmaster general may require, &c.

Persons employed, detaining or destroying newspapers, &c. forfeit, &c.

Persons not authorized opening mails, &c. to pay not exceeding 20 dolls.

Persons taking or stealing packets, &c. to be imprisoned, &c.

Five dolls. forfeit for concealing letters in newspapers, &c.

Single letter postage for each article, &c.

Newspapers not to be received, unless, &c.

The postmaster general may authorize, &c.

Magazines and pamphlets may be transported, &c. at the rates of postage mentioned.

The postmaster general authorized to allow commission to postmasters, &c. Proviso; commission not to exceed, &c.

The postmaster general to cause suits to be commenced against persons refusing to account and pay over, &c. The postmaster general liable for balances if he does not cause suit to be commenced. Suits to be instituted in the name of the postmaster general, &c.

number of papers which are enclosed for subscribers, and the number for printers. 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. 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 an half for any distance over fifty, and not exceeding one hundred, miles, and two cents for any greater distance.

§ 21. That the postmaster general be authorized to allow the postmasters, respectively, such commission on the moneys 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 despatching foreign mails, whose compensation may be augmented, not exceeding twenty-five dollars in one quarter, and excepting 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 moneys 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.

§ 22. 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. That all suits which shall be hereafter commenced for the recovery of debts or balances due to the general post office, whether they appear 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." 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.

§ 23. That if any postmaster, or other person, who shall receive and open, or despatch 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.

§ 24. 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.

§ 25. 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.

§ 26. 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.

§ 27. 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

Certified copies of accounts current, &c. to be admitted as evidence, &c.

Double value of postages forfeited for neglecting to account for one month after, &c.

If no accounts at the time of trial, the jury to estimate, &c.

A moiety of penalties, &c. for the informer, &c.

The postmaster general may make provision for letters to be conveyed by sea, &c.

Postage on letters by sea, &c. The postmaster general may make arrangements with postmasters in foreign countries, &c. Postmasters, &c. exempt from militia duties, &c.

Letter carriers to be employed, &c.

Proviso; letter carriers not to distribute letters requested to be detained in the office. Postage on letters delivered at the places where lodged, &c.

shall receive one cent of the person to whom it shall be delivered.

Offenders, &c. may be prosecuted before justices of the peace, judicial courts of the states, &c.

§ 28. 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.

Judgment at the first term in suits under this act, &c. Proviso; process 20 days before return day, or continuance, if the court, &c. Proviso; defendant making affidavit of claim, not allowed, &c. the court may grant a continuance, &c.

§ 29. 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.

The postmaster general to report to congress post roads that have not produced a third, &c. The clauses and provisions of the acts mentioned, repealed. Act of 1794, ch. 23.

§ 30. 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.

Act of 1797, ch. 73.

Proviso; nothing to exonerate persons who have not performed their duty, &c. Bonds, contracts, &c. under former acts, effective.

§ 31. 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, entitled '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

Proviso; postmaster general, deputies, &c. to continue to hold their offices, &c.

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. [*Approved, March 2, 1799.*]

CHAP. [151.] An act vesting the power of retaliation, in certain cases, in the president of the United States. Obsolete.

§ 1. *Be it enacted, &c.* 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. [*Approved, March 3, 1799.*]

The president, on information of severe imprisonment, or putting to death, of impressed American citizens, under authority of the French government, for being found on board of enemy vessels, may retaliate on captured French citizens.

CHAP. [152.] An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers.

Expired. Act of 1802, ch. 13.

§ 1. *Be it enacted, &c.* 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 Lawrence; 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 Cuttaw 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,

Boundary line between the United States and various Indian tribes, according to treaties, to be ascertained and marked, &c.

on the said ridge, 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 the Little river crosses the divisional line to Tugaloo river; thence, along the South Carolina Indian boundary, to and over the Ocunna 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 hereinbefore recited.

Proviso; if the boundary line should be varied, by treaty, &c. the provisions of this act to apply, &c.

100 dolls. forfeit, or imprisonment, for crossing the boundary line to hunt, &c.

Forfeit of 50 dolls. or imprisonment for going into the Indian country south of the

§ 2. 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, or 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.

§ 3. 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.

§ 4. 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.

§ 5. 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.

§ 6. 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

river Ohio, without a passport, &c.

100 dolls. forfeit and imprisonment, for committing robbery, &c. in Indian settlements, or for being found with unauthorized hostile intentions, on Indian lands, &c.

When property is taken, &c. the offender forfeits, &c. The just value of property taken, &c. to be paid out of the treasury, &c. *Provido;* no payment out of the treasury, &c.

Persons making settlements on Indian lands, &c. forfeit their title, not exceeding 1000 dolls. and to suffer imprisonment.

The president may employ the military force, to remove persons making settlements on Indian lands, &c.

Claims, &c. forfeited under this act, vested in the United States, &c.

Death, for going into Indian settlements and committing murder, &c.

amity with the United States, such offender, on being thereof convicted, shall suffer death.

No person allowed to reside at Indian towns, &c. as traders, without license, &c.
Superintendent, &c. to issue license, for a term not exceeding two years, &c.
Bond, &c. in case of license.
Condition of the bond.

Persons issuing licenses may recall them, &c.

Bonds, on breach of condition, to be put in suit.

Forfeiture of merchandise, fine and imprisonment, for trading without license, &c.

50 dolls. forfeit, and imprisonment for purchasing or receiving guns, instruments of husbandry, &c. from Indians; except, &c.

No person permitted to purchase horses of Indians, &c. without, &c.
Superintendent, &c. to grant licenses for purchasing horses, &c.
Particular return, before sale, of horses brought out of the Indian country, &c.

100 dolls. forfeit and imprisonment, for

§ 7. 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.

§ 8. 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.

§ 9. 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.

§ 10. 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 color, 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.

§ 11. 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.

§ 12. 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.

§ 13. 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.

§ 14. 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

purchasing horses in the Indian country, without license, &c. Forfeit of the value, &c. for purchasing, &c.

Persons granting licenses to have no interest in Indian trade, &c. except, &c.

No purchase or grant of Indian lands valid, unless made by treaty, pursuant to the constitution.

Fine and imprisonment for treating with Indians without authority, &c.

Proviso; the agents of a state, with the approbation of a commissioner of the United States, may adjust Indian claims.

The president may furnish useful animals, &c.

Proviso; whole amount of presents not to exceed 15,000 dolls. per ann. In case Indians cross the boundary line into the states or territories, and steal property, commit murder, &c. the injured party to apply to the superintendent, &c. who is to make application to

the tribe to which the offending Indians belong, &c. and if the tribe refuses or neglects to make satisfaction, the superintendent to report proceedings, &c. to the president, &c.

The U. States guaranty indemnification, &c.

Proviso; the injured party forfeits all claim to indemnification if he seeks revenge, &c.

Proviso; nothing herein to prevent the legal apprehension, &c. of offending Indians.

Proviso; the president may deduct for stolen property out of the annual stipend, &c.

Superior territorial courts, &c. invested with full power to hear and determine offences, &c. against this act, &c.

In cases where the punishment is not death, the territorial county courts, &c. invested with power to hear and determine, &c.

In cases where the punishment is death, the governors of territorial districts, &c. may issue a commission of oyer and terminer, &c.

When the offender is

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.

§ 15. 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.

§ 16. 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.

§ 17. 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.

brought for trial into any of the United States, the president may issue a commission, &c. except, &c.

The district courts of Kentucky and Maine, to have jurisdiction, &c.

The military force may apprehend persons found in the Indian country, beyond the boundary line, in violation of the provisions of this act, &c. *Proviso*; no person apprehended by the military force to be detained longer than five days before removal, &c.

Officers and soldiers to treat persons in custody with humanity, &c. *Proviso*; officers having custody of persons, &c. if required, to conduct them to the nearest judge, &c. in order to bail, &c.

Offenders against this act, found within any state or territorial district, may be there apprehended and brought to trial, &c. The military force to aid in arresting offenders, &c.

Amount of fines, &c. within the limits prescribed, to be fixed by the courts, at discretion, &c. A moiety of fines and forfeitures to the informer, &c. except, &c.

Nothing in this act to prevent trade, &c. with Indians living on lands surrounded by settlements, &c. Unmolested use of the road mentioned, &c. Travelling from Knoxville to Price's settlement, &c. provided, &c.

The president authorized to cause other Indian boundary lines to be marked, &c.

Limitation of this act to the 3d March, 1802.

The act mentioned not to operate as to proceedings under this act, &c.

Act of 1799, ch. 114.

Disabilities, penalties, &c. incurred under former act, to remain, and be recovered, &c.

Obsolete.

The president authorized to make appointments to fill vacancies in the

§ 18. 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.

§ 19. 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 Merro 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.

§ 20. 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.

§ 21. 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, entitled "An act to amend an act, entitled '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. [*Approved, March 3, 1799.*]

CHAP. [153.] An act authorizing the president of the United States to fill certain vacancies in the army and navy.

§ 1. *Be it enacted, &c.* 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 hap-

pened during the present session of the senate. [*Approved, March 3, 1799.*] army and navy, &c.

CHAP. [154.] An act for the better organizing of the troops of the United States, and for other purposes.

Repealed.
Act of 1802, ch.
9.
Organization
of a regiment
of infantry, &c.

§ 1. *Be it enacted, &c.* 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 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 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.

Organization
of a regiment
of cavalry, &c.

Organization
of a regiment
of artillery, &c.

Proviso; the
number of pri-
vates for caval-
ry, &c. not to
exceed, &c.

The battalion
of riflemen, &c.
not to be rais-
ed, unless, &c.

§ 2. That every ensign and cornet, in the regiments heretofore appointed, shall be denominated hereafter second lieutenants.

Ensigns and
cornets to be
denominated
2d lieutenants.
Compensation
of the officers,

§ 3. That the officers, noncommissioned officers, and pri-

noncommissioned officers,
and privates,
when in actual
service, &c.

vates, hereinafter 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 noncommissioned officers and privates, one ration of provisions per day.

§ 4. That all noncommissioned officers, artificers, privates, and musicians, who are, and who shall be, enlisted, and the noncommissioned 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 noncommissioned 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 noncommissioned 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.

§ 5. That each noncommissioned 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 noncommissioned 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.

§ 6. 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.

§ 7. 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

Noncommissioned officers, privates, &c. exempted from personal arrests, &c.

In case of arrests, judges, &c. to issue habeas corpus, examine, &c. and commit the party to some officer, &c.

Noncommissioned officers, privates, &c. to be able bodied, &c.

Bounty of 12 dollars.

2 dolls. to the recruiting officer for each person enlisted, &c.

When officers are detached, to serve as aids, &c. their places to be supplied by promotions or new appointments, &c. The officer detached to retain his station nevertheless, &c.

Officers appointed inspectors, aids, &c. not to be of higher ranks than those mentioned.

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.

Two regiments to a brigade; two brigades to a division, &c.

Proviso; the commanding general may vary, &c.
Proviso; not necessary to appoint a greater number of general officers, &c.

A commander of the army to be appointed, and his style.

A quartermaster general of the army, &c.

The president may raise a battalion of riflemen, &c.

Deputy quartermasters general, division and brigade quartermasters chosen by quartermaster general, &c.
The provisions of this act not to affect the present quartermaster general, &c.

Deputy inspectors general, division inspectors, brigade inspectors, to be chosen by the inspector general, &c.

§ 8. 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.

§ 9. 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.

§ 10. 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.

§ 11. 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.

§ 12. 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.

§ 13. 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 ad-

dition 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.

§ 14. 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, *ex officio*, assistant inspector general, &c.

§ 15. 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.

The paymaster general to quarter at or near headquarters, &c. appoint deputies, &c.

Deputy paymasters to give security, &c.

Regimental paymasters to give bond, &c.

Compensation of the paymaster general, deputy, &c.

§ 16. 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.

Major generals entitled to two aids, &c.

Brigadier generals entitled to one aid, &c.

§ 17. That the president of the United States be authorized to engage and appoint, distinct from the officers of the corps of artillery 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.

The president authorized to appoint two engineers, distinct from the officers of the corps of artillery, &c.

§ 18. That an inspector of fortifications shall be appointed, whose duties shall be assigned by the secretary of war, under

An inspector of fortifications

to be appointed, &c.
His compensation, &c.

In case the inspector, &c. be chosen from the corps of artilleryists, &c. his place to be supplied by promotion, or, &c.
Inspector to retain his station in the corps nevertheless, &c.
Component parts of a ration of provisions, &c.

Proviso; no diminution of the ration to which troops in service are entitled, &c.
Articles of uniform clothing for the artillery and infantry, &c.

Suitable clothing to be provided for the dragoons, &c.

Commanding officers, &c. may cause rum, whiskey, &c. to be issued to the troops not exceeding, &c. except, &c.

Vinegar to be issued whenever, &c.
Commanding officers may cause clothes to be altered, so as to fit, &c.

the direction of the president of the United States; that the compensation to be allowed to the said inspector, if selected from the corps of artilleryists 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 artilleryists 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.

§ 19. 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 a 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.

§ 20. That every noncommissioned 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.

§ 21. 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.

§ 22. 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.

§ 23. 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.

Deduction from pay for the expense of altering clothes, &c.

§ 24. 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.

Clothing, camp utensils, &c. to be provided by the secretary of war, by purchase, contract, &c.

§ 25. 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.

Officers and soldiers discharged, except, &c. allowed pay and rations sufficient to travel to their places of residence, &c.

§ 26. 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. [*Approved, March 3, 1799.*]

Additional allowance to the inspector general, &c. The inspector general allowed a secretary, &c.

ACTS OF THE SIXTH 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, December 2, 1799, and ended May 14, 1800.

JOHN ADAMS, President. THOMAS JEFFERSON, Vice President, and President of the Senate. SAMUEL LIVERMORE, President of the Senate, pro tempore, on the 24th of December, 1799. URIAH TRACY, President of the Senate, pro tempore, on the 14th of May. THEODORE SEDGWICK, Speaker of the House of Representatives.

Obsolete.

CHAP. [1.] An act for reviving and continuing suits and proceedings in the circuit court for the district of Pennsylvania.

Proceedings which were discontinued by the failure to hold a session in October, 1799, revived, &c.

§ 1. *Be it enacted, &c.* That all suits, process, and proceedings, of what nature or kind soever, which were pending in the circuit court of the United States for the district of Pennsylvania, at the time appointed by law for holding a session thereof in October, one thousand seven hundred and ninety-nine, and which were discontinued by failure to hold the said court, shall be, and they are hereby, revived and continued, and the same proceedings may and shall be had in the same court, in all suits and process aforesaid, and in all things relating to the same, as by law might have been had in the same court had it been regularly holden at the time aforesaid.

Writs and other process issued by the clerk, &c. valid, &c.

§ 2. That all writs, and other process, which may have been, and which shall be, issued, by the clerk of the said court, bearing teste of April session or October session, one thousand seven hundred and ninety-nine, shall be held and deemed of the same validity and effect, as if the same court had been regularly held on the eleventh day of October, one thousand seven hundred and ninety-nine.

The judge of the district court to direct the clerk to issue process for summoning jurors, &c.

§ 3. That it shall be lawful for the judge of the district court of the district of Pennsylvania, to direct the clerk of the said circuit court to issue such process, for the purpose of causing jurors to be summoned to attend at the session of the said circuit court, on the eleventh day of April next, as hath heretofore been issued for the like purposes, returnable to any preceding session thereof; and the persons so summoned shall, in case of nonattendance, be liable to the same penalties as if such process had been issued in the ordinary course of proceeding. [Approved, December 24, 1799.]

Persons summoned and not attending, liable to penalties, &c.

CHAP. [3.] 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."

Act of 1798, ch. 87.

§ 1. *Be it enacted, &c.* That the commissioners, appointed under the act to which this is a supplement, shall have power, on consideration and examination of the lists, returns, valuations, and abstracts, rendered by the assessors, to revise, adjust, and vary, the valuations of lands and dwelling houses in each and every subdivision of the several assessment districts, by adding thereto, or deducting therefrom, such a rate per centum as shall appear to be just and reasonable: *Provided*, That the relative valuations of the different lots or tracts of land, or dwelling houses, in the same subdivision, shall not be changed or affected.

Commissioners may revise and vary the valuations in subdivisions of assessment districts, &c.

Proviso; relative valuations not to be changed.

§ 2. That the said commissioners may direct the additions or deductions, as aforesaid, to be made out and completed by the several principal assessors, or, if they shall deem it more advisable, by their clerk, and such assistants as they shall find necessary, and appoint for that purpose: *Provided*, That the compensation to be made to the said assistants shall not exceed the pay allowed to the assistant assessors by the act to which this is a supplement. [Approved, January 2, 1800.]

The commissioners may direct the variations to be made out by principal assessors or clerk, &c. Proviso; as to compensation to assistants.

CHAP. [4.] An act for the relief of persons imprisoned for debt.

§ 1. *Be it enacted, &c.* That persons imprisoned on process issuing from any court of the United States, as well at the suit of the United States, as at the suit of any person or persons 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.

Act of 1798, ch. 66, act of 1824, ch. 3. Persons imprisoned, &c. entitled to the same privileges of gaol yards, or limits, as persons confined on process from state courts. Persons imprisoned on execution, in civil actions, except, &c. may have the oath expressed administered by the district judge, &c. In case there is no district judge within twenty miles of the gaol, &c. The creditor, &c. to have thirty days' previous notice, &c. No sufficient cause appearing to the contrary, the oath may be administered, and the debtor discharged, &c.

§ 2. That any person imprisoned on process of execution issuing from any court of the United States, in civil actions, except at the suit of the United States, may have the oath or affirmation, hereinafter expressed, administered to him, by the judge of the district court of the United States, within whose jurisdiction the debtor may be confined; and in case there shall be no district judge 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 district judge: 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 and place therein mentioned, 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 shown, 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:

Form of the oath.

"You — solemnly (swear or affirm) that you have no estate, real or personal, in possession, reversion, or remainder, to the amount or value of thirty dollars, other than necessary wearing apparel; and that you have not, directly or indirectly, given, sold, leased, or otherwise conveyed to, or intrusted, any person or persons, with all, or any part, of the estate, real or personal, whereof you have been the lawful owner or possessor, with any intent to secure the same, or to receive, or expect, any profit or advantage therefrom, or to defraud your creditors, or have caused, or suffered to be done, any thing else whatsoever, whereby any of your creditors may be defrauded." 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 the judge or commissioners, in addition to the certificate by them made and delivered to the prison keeper, shall make return of their doings to the district court, with the commission, in cases where a commission hath been issued, to be kept upon the files and record of the same court. And the said judge, or commissioners, may send for books and papers, and have the same authority as a court of record, to compel the appearance of witnesses, and administer to them, as well as to the debtor, the oaths or affirmations necessary for the inquiry into, and discovery of, the true state of the debtor's property, transactions, and affairs.

The oath to be certified by the judge, &c.

Return of proceedings to be made to the district court, &c.

The judge, &c. may send for books and papers, &c.

The debtor may be removed for examination, &c. and remanded, &c.

§ 3. That when the examination and proceedings aforesaid, in the opinion of the said judge or commissioners, cannot be had with safety or convenience, in the prison wherein the debtor is confined, it shall be lawful for him or them, by warrant, under his or their hand and seals, to order the marshal or prison keeper to remove the debtor to such other place, convenient and near to the prison, as he or they may see fit; and to remand the debtor to the same prison, if, upon examination, or cause shown by the creditor, it shall appear that the debtor ought not to be admitted to take the above recited oath or affirmation, or that he is holden for any other cause.

Pains and penalties of perjury for false swearing. In case of false oath, the court to recommit the debtor, &c.

§ 4. That if any person shall falsely take any oath or affirmation, authorized by this act, such person shall be deemed guilty of perjury, and, upon conviction thereof, shall suffer the pains and penalties in that case provided. And in case any false oath or affirmation be so taken by the debtor, 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.

Persons imprisoned, &c. except, &c. may, thirty days after judgment, take the benefit of this act, when

§ 5. That any person imprisoned upon process issuing from any court of the United States, except at the suit 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 this 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, January 6, 1800.*]

ther execution be sued out or not, &c.

CHAP. [5.] An act for the preservation of peace with the Indian tribes.

§ 1. *Be it enacted, &c.* That if any citizen, or other person residing within the United States, or the territory thereof, shall send any talk, speech, message, or letter, to any Indian nation, tribe, or chief, with an intent to produce a contravention or infraction of any treaty, or other law, of the United States, or to disturb the peace and tranquillity of the United States, he shall forfeit a sum not exceeding two thousand dollars, and be imprisoned not exceeding two years.

Expired.
Act of 1802, ch. 13.
Forfeit, &c. for sending talks, messages, &c. to the Indians to contravene treaties, or laws, &c.

§ 2. That if any citizen, or other person, shall carry or deliver any such talk, speech, message, or letter, to or from any Indian nation, tribe, or chief, from or to any person or persons whatsoever, residing within the United States; or from or to any subject, citizen, or agent, of any foreign power or state, knowing the contents thereof, he shall forfeit a sum not exceeding one thousand dollars, and be imprisoned not exceeding twelve months.

Forfeit, not exceeding 1,000 dolls. and imprisonment, for carrying messages, &c. to or from Indians, &c.

§ 3. That if any citizen, or other person, residing or being among the Indians, or elsewhere within the territory of the United States, shall carry on a correspondence, by letter or otherwise, with any foreign nation or power, with an intent to induce such foreign nation or power to excite any Indian nation, tribe, or chief, to war against the United States, or to the violation of any existing treaty; or in case any citizen or other person shall alienate, or attempt to alienate, the confidence of the Indians from the government of the United States, or from any such person or persons as are, or may be, employed and intrusted by the president of the United States, as a commissioner or commissioners, agent or agents, or in any capacity whatever, for facilitating or preserving a friendly intercourse with the Indians, or for managing the concerns of the United States with them, he shall forfeit a sum not exceeding one thousand dollars, and be imprisoned not exceeding twelve months.

Forfeit, not exceeding 1,000 dolls. and imprisonment, for persons residing among the Indians, &c. carrying on correspondence with foreign powers, or alienating the confidence of the Indians, &c.

§ 4. That the provisions of the act, entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," passed the third day of March, one thousand seven hundred and ninety-nine, be, and the same are hereby, extended to carry into effect this act, and for the trial and punishment of offences against it, in the same manner as if they were herein specially recited.

The provisions of the act mentioned extended to this act, &c.
Act of 1799, ch. 152.

§ 5. That this act shall continue and be in force until the third day of March, in the year one thousand eight hundred and two, and no longer. [*Approved, January 17, 1800.*]

Limitation of this act to the 3d March, 1802.

CHAP. [6.] An act to repeal part of an act, entitled "An act to provide for mitigating or remitting the forfeitures, penalties, and disabilities, accruing in certain cases therein mentioned," and to continue in force the residue of the same.

Act of 1797, ch. 67.

§ 1. *Be it enacted, &c.* That the fourth section of an act, entitled "An act to provide for mitigating or remitting the forfeit-

The 4th sec. of the act mentioned, repealed.

ed, and the residue continued without limitation of time.

ures, penalties, and disabilities, accruing in certain cases therein mentioned," passed on the third day of March, one thousand seven hundred and ninety-seven, shall be, and the same is hereby, repealed, and the residue of the said act shall be, and the same is hereby, continued in full force, without limitation of time. [Approved, February 11, 1800.]

CHAP. [8.] An act giving further time to the holders of military warrants to register and locate the same.

The secretary of the treasury to register warrants 14 days after the nine months allowed by the act mentioned, &c.

Act of 1796, ch. 46.

Priority of location of warrants under this and former acts, &c.

Notice in a Philadelphia gazette, &c.

§ 1. *Be it enacted, &c.* That the secretary of the treasury shall, for the space of fourteen days after the expiration of the nine months heretofore allowed for that purpose, by the act, entitled "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," register warrants for military services, in the form and manner as is prescribed by the said recited act; and the priority of location of said warrants, and the warrants registered under the said recited act, shall be determined by lot, immediately after the expiration of the said fourteen days, and a day for the location shall be fixed by the secretary of the treasury, in a public notice given in one of the gazettes of the city of Philadelphia. [Approved, February 11, 1800.]

Obsolete.

CHAP. [9.] An act to suspend, in part, an act, entitled "An act to augment the army of the United States, and for other purposes."

Enlistments suspended until the further order of congress, unless, &c.

Act of 1798, ch. 93.

§ 1. *Be it enacted, &c.* That all further enlistments under the second section of an act, entitled "An act to augment the army of the United States, and for other purposes," shall be suspended until the further order of congress, unless in the recess of congress, and during the continuance of the existing differences between the United States and the French republic, war shall break out between the United States and the French republic, or imminent danger of invasion of their territory, by the said republic, shall, in the opinion of the president of the United States, be discovered to exist. [Approved, February 20, 1800.]

Expired. Act of 1799, ch. 108.

Commercial intercourse between persons residing within the U. States, &c. and persons resident within the territories of the French republic, prohibited, except, &c. Vessels and cargoes forfeited, in case of intercourse or commerce contrary to this act, &c.

CHAP. [10.] An act further to suspend the commercial intercourse between the United States and France, and the dependencies thereof.

§ 1. *Be it enacted, &c.* That all commercial intercourse between any person or persons resident within the United States, or under their protection, and any person or persons resident within the territories of the French republic, or any of the dependencies thereof, shall be, and, from and after the second day of March next, is hereby, prohibited and further suspended, excepting only in the cases hereinafter provided. And any ship or vessel, owned, hired, or employed, wholly or in part, by any person or persons resident within the United States, or any citizen or citizens thereof resident elsewhere, and sailing therefrom after that day, which, contrary to the intent hereof, shall be voluntarily carried, or shall be destined or permitted to proceed, or shall be sold, bartered, intrusted, or transferred, for the purpose that she may proceed, whether directly or from any intermediate port or place, to any port or place within the territories

of that republic, or any of the dependencies thereof; or shall be engaged in any traffic or commerce, by or for any person resident within the territories of that republic, or within any of the dependencies thereof; and also any cargo which shall be found on board of such ship or vessel, when detected and interrupted in such unlawful purpose, or at her return from such voyage to the United States, shall be wholly forfeited, and may be seized and condemned in any court of the United States having competent jurisdiction.

§ 2. That, excepting for foreign ships or vessels, owned, hired, and employed, by persons permanently residing in Europe, and commanded and wholly navigated by foreigners, no clearance for a foreign voyage shall be granted to any ship or vessel whatever, until the owner, or the employer for the voyage, or, if not resident within the district where the clearance shall be required, his factor or agent, with the master and one or more sufficient surety or sureties, to the satisfaction of the collector of the district, shall give bond to the United States, such owner, employer, or factor, with the master, in a sum equal to the value of the vessel, and of one third of her cargo; and such surety or sureties in a like sum, when it shall not exceed ten thousand dollars; and if it shall exceed, then in that sum, with condition that the ship or vessel for which a clearance shall be required, is actually destined, and shall proceed to some port or place without the limits or jurisdiction of the French republic, or any of the dependencies thereof, and during the intended voyage shall not be voluntarily carried, or permitted to proceed, or sold, intrusted, or transferred, with the purpose that she may proceed, whether directly or from any intermediate port or place, to any port or place within the territories of that republic, or any of the dependencies thereof; and shall not, at any such port or place, voluntarily deliver or unlade any part of such cargo; and if compelled by distress of weather, or taken by force into any such port or place, will not there receive on board of such ship or vessel, any goods, produce, or merchandise, other than necessary sea stores; and generally, that such ship or vessel shall not be employed in any traffic or commerce, with or for any person resident within the territory of the French republic, or any of the dependencies thereof.

§ 3. That when any ship or vessel which shall obtain a clearance for a foreign voyage, after a bond shall be given as aforesaid, shall be compelled, by distress of weather, or other casualty endangering the safety of such ship or vessel, or of the mariners on board the same, or shall be taken by any armed vessel, or other superior force, into any port or place within the territories of the French republic, or any of the dependencies thereof, and shall there necessarily unlade and deliver, or shall be deprived of any cargo then on board, then, and in such case, the master, or other person having charge of such ship or vessel, may receive compensation or payment in bills of exchange, or in money, or bullion, for such cargo, but not otherwise, and shall not be understood thereby to contravene this law, or to incur a forfeiture of the said bond.

Excepting foreign ships, &c. no clearance allowed for a foreign voyage, until bond and surety have been given, with condition not to proceed to a port or place within the jurisdiction of the French republic, &c.

The master of a vessel taken to a French port and unlading by compulsion, may receive payment in bills of exchange, money, or bullion, &c.

Vessels coming from ports in the French territories, &c. not to be admitted to entry, &c.

Vessels and cargoes arriving in contravention of this act, forfeited, &c.

Proviso; nothing herein to prohibit the entry of vessels employed for national political intercourse, &c.

Proviso; vessels owned and employed by foreigners, other than persons resident in France, &c. arriving within the United States from French ports, &c. not liable to forfeiture, until, &c. if they depart, &c.

Vessels coming from French ports, putting in from distress, &c. to be hospitably received, according to the provisions of the act mentioned, &c.

Vessels not conforming to the regulations of the act mentioned, &c. forfeited, together with their cargoes, &c.

§ 4. That no ship or vessel coming from any port or place within the territories of the French republic, or any of the dependencies thereof, whether with or without a cargo, or from any other port or place, with a cargo on board obtained for, or laden on board of such vessel at, any port or place within the said territories or dependencies, which shall arrive within the limits of the United States after the said second day of March next, shall be admitted to an entry with the collector of any district; and each and every such ship or vessel which shall arrive as aforesaid, having on board any goods, wares, or merchandise, destined to be delivered within the United States, contrary to the intent of this act, or which shall have otherwise contravened the same, together with the cargo which shall be found on board, shall be forfeited, and may be seized and condemned in any court of the United States having competent jurisdiction: *Provided*, That nothing herein contained shall be construed to prohibit the entry of any vessel having a passport granted under the authority of the French republic, and solely employed for purposes of political or national intercourse with the government of the United States, and not in any commercial intercourse, and which shall be received, and permitted by the president of the United States to remain, within the same: *And provided also*, That until the first day of August next, and no longer, any ship or vessel, wholly owned or employed by a foreigner, other than any person resident in France, or in any of the dependencies of the French republic, and which, coming therefrom, shall be destined to the United States, and shall arrive within the same, not having otherwise contravened this act, shall be required and permitted to depart therefrom, and in case she shall accordingly depart, without any unreasonable delay, and without delivery, or attempting to deliver, any cargo or lading within the United States, such ship or vessel, or any cargo which may be on board the same, shall not be liable to the forfeiture aforesaid.

§ 5. That if any ship or vessel, coming from any port or place within the territories of the French republic, or any of the dependencies thereof, or with any cargo there obtained on board, but not destined to any port or place within the United States, shall be compelled by distress of weather, or other necessity, to put into any port or place within the limits of the United States, such ship or vessel shall be there hospitably received, in the manner prescribed by the act, entitled "An act to regulate the collection of duties on imports and tonnage;" and shall be permitted to make such repairs, and to obtain such supplies, as shall be necessary to enable her to proceed according to her destination; and such repairs and supplies being obtained, shall be thereafter required and permitted to depart. But if such ship or vessel shall not conform to the regulations prescribed by the act last mentioned, or shall unlade any part of her cargo, or shall take on board any cargo or supplies whatever, without the permit of the collector of the district previously obtained therefor, or shall refuse, or unreasonably delay, to depart from, and out of, the United States, after having received a written notice to depart, which such collector may, and shall give, as soon as such

ship or vessel shall be fit for sea; or, having departed, shall return to the United States, not being compelled thereto by further distress or necessity; in each and every such case, such ship or vessel, and her cargo, shall be forfeited, and may be seized and condemned in any court of the United States having competent jurisdiction.

§ 6. That at any time after the passing of this act, it shall be lawful for the president of the United States, by his order, to remit and discontinue, for the time being, whenever he shall deem it expedient, and for the interest of the United States, all or any of the restraints and prohibitions imposed by this act, in respect to the territories of the French republic, or to any island, port, or place, belonging to the said republic, with which, in his opinion, a commercial intercourse may be safely renewed; and also, it shall be lawful for the president of the United States, whenever he shall afterwards deem it expedient, to revoke such order, and hereby to re-establish such restraints and prohibitions: And the president of the United States shall be, and he is hereby, authorized to make proclamation thereof accordingly.*

§ 7. That the whole of the island of Hispaniola shall, for the purposes of this act, be considered as a dependency of the French republic: *Provided*, That nothing herein contained shall be deemed to repeal or annul, in any part, the order or proclamation of the president of the United States, heretofore issued for permitting commercial intercourse with certain ports of that island:

§ 8. That it shall be lawful for the president of the United States to give instructions to the public armed vessels 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 this act; and if, upon examination, it shall appear that such ship or vessel is bound or sailing to or from any port or place, contrary to the true intent and meaning 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 convenient port of the United States, to be there prosecuted in due course of law, and held liable to the penalties and forfeitures provided by this act.

§ 9. That all penalties and forfeitures incurred by force of this act, shall and may be examined, mitigated, and remitted, in like manner, and under the like conditions, regulations, and restrictions, as are prescribed, authorized, and directed, by the act, entitled "An act to provide for mitigating or remitting the forfeitures, penalties, and disabilities, accruing in certain cases therein mentioned;" and all penalties and forfeitures, which may be recovered in pursuance of this act, in consequence of any seizure made by the commander of any public armed vessel of the United States, shall be distributed according to the rules prescribed by the act, entitled "An act for the government of the navy of the United States;" and all other penalties arising under this act, and which may be recovered, shall be distributed and accounted for in the manner prescribed by the act, entitled

The president, &c. may discontinue the prohibitions of this act, &c.

* Intercourse was allowed, &c. with Cape Francois, Port au Prince, &c. and, by proclamation, of 6th Sept. 1800, trade was renewed with the whole of Hispaniola.

The whole of Hispaniola, for the purposes of this act, considered a dependency of the French republic, &c. provided, &c.

The president may give instructions to the public armed vessels to stop and examine suspected ships of the United States, &c.

Vessels of the United States appearing to be bound to prohibited ports, &c. to be seized and sent into port, &c.

Penalties, &c. incurred by force of this act, may be examined, mitigated, &c. according to the act mentioned, &c. Act of 1797, ch. 67.

Penalties, &c. in consequence of seizure by public armed vessels, to be distributed according to the act mentioned, &c.

Act of 1799, ch. 130, act of 1799, ch. 128. Nothing in this act to extend to any vessel to which the president may grant permission to enter and clear; provided, &c.

Former act suspending commercial intercourse, &c. continued, &c. Act of 1799, ch. 108.

Limitation of this act to the third March, 1801; provided, &c.

"An act to regulate the collection of duties on imports and tonnage."

§ 10. That nothing contained in this act, shall extend to any ship or vessel to which the president of the United States shall grant a permission to enter and clear: *Provided*, Such ship or vessel shall be solely employed, pursuant to such permission, for purposes of national intercourse; and shall not be permitted to proceed with, or to bring to the United States, any cargo or lading whatever, other than necessary sea stores.

§ 11. That the act, entitled "An act further to suspend the commercial intercourse between the United States and France, and the dependencies thereof," shall be, and is hereby, continued, and shall be taken to be in force in respect to all offences which shall have been committed against the same before the expiration thereof; and to the intent that all seizures, forfeitures, and penalties, arising upon such offences, may be had, sued for, prosecuted, and recovered, any limitation of the said act to the contrary hereof notwithstanding.

§ 12. That this act shall be and remain in force until the third day of March, one thousand eight hundred and one: *Provided, however*, The expiration thereof shall not prevent or defeat any seizure, or prosecution for a forfeiture, incurred under this act, and during the continuance thereof. [*Approved, February 27, 1800.*]

Obsolete.

CHAP. [12.] An act providing for the second census, or enumeration, of the inhabitants of the United States.

The marshals of districts, and the secretaries of territories, to cause an enumeration of inhabitants to be taken, &c. Act of 1800, ch. 12.

Indians not taxed to be omitted, &c. and free persons to be distinguished, &c.

The marshals and secretaries may appoint assistants, &c.

The marshals, secretaries, &c.

§ 1. *Be it enacted, &c.* That the marshals of the several districts of the United States, and the secretaries of the territory of the United States northwest of the river Ohio, and of the Mississippi territory, respectively, shall be, and they are hereby, authorized and required, under the direction of the secretary of state, and according to such instructions as he shall give pursuant to this act, to cause the number of the inhabitants within their respective districts and territories 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 colors of free persons, and the free males, under ten years of age; those of ten years and under sixteen, those of sixteen and under twenty-six, those of twenty-six and under forty-five, those of forty-five and upwards. And distinguishing free females under ten years of age, those of ten years and under sixteen, those of sixteen and under twenty-six, those of twenty-six and under forty-five, those of forty-five and upwards; for effecting which purpose, the marshals and secretaries aforesaid shall have power to appoint as many assistants, within their respective districts and territories, as aforesaid, as to them shall appear necessary; assigning to each assistant a certain division of his district or territory, 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, or secreta-

ries, as the case may be, and their assistants, shall, respectively, take an oath or affirmation, before some judge or justice of the peace, resident within their respective districts or territories, previous to their entering on the discharge of the duties by this act required. The oath or affirmation of the marshal or secretary shall be: "*I, A B, marshal of the district of — (or secretary of the territory of — as the case may be) 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 or territory, and return the same to the secretary of state, agreeably to the directions of an act of congress, entitled '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 — (or the secretary of the territory of — as the case may be) and make due return thereof to the said marshal, or secretary, agreeably to the directions of an act of congress, entitled 'An act providing for the enumeration of the inhabitants of the United States,' according to the best of my abilities.*" The enumeration shall commence on the first Monday of August next, and shall close within nine calendar months thereafter. The several assistants shall, within the said nine months, transmit to the marshal or secretaries, 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, in each county, parish, township, town, or city, the several families, by the names of their master, mistress, steward, overseer, or other principal person therein, in the manner following, that is to say:

to take an oath, &c.

Form of the oath of the marshal or secretary.

Form of the oath of an assistant.

The enumeration to commence on the first Monday of Aug. 1800, and close in nine months, &c. The assistants to transmit returns, &c. Returns to be made in a schedule, &c.

Form of schedule of the whole number of persons in any division allotted to assistants, &c.

The number of persons within my division, consisting of — appears in a schedule hereto annexed, subscribed by me, this — day of —. A B, assistant to the marshal of —, or to the secretary of —.

	Name of county, parish, township, town, or city, where the family resides.
	Name of head of family.
	Free white males, under ten years of age.
	Free white males, of ten and under sixteen.
	Free white males, of sixteen and under twenty-six, including heads of families.
	Free white males, of twenty-six and under forty-five, including heads of families.
	Free white males, of forty-five and upwards, including heads of families.
	Free white females, under ten years of age.
	Free white females, of ten years and under sixteen.
	Free white females, of sixteen and under twenty-six, including heads of families.
	Free white females, of twenty-six and under forty-five, including heads of families.
	Free white females, of forty-five and upwards, including heads of families.
	All other free persons, except Indians not taxed.
	Slaves.

Schedule of the whole number of persons within the division allotted to A B.

\$200 dolls. forfeit by assistant for not making return in time or a false one, &c.

§ 2. That every assistant, failing to make a proper return, or making a false return, of the enumeration, to the marshal, or the secretary, (as the case may be) within the time by this act limited, shall forfeit the sum of two hundred dollars.

§ 3. That the marshal and secretaries shall file the several returns aforesaid, with the clerks of their respective district or superior courts, (as the case may be,) who are hereby directed to receive and carefully preserve the same: And the marshals, or secretaries, respectively, shall, on or before the first day of September, one thousand eight hundred and one, transmit to the secretary of state the aggregate amount of each description of persons within their respective districts or territories. And every marshal or secretary failing to file the returns of his assistants, or any of them, with the clerks of their respective courts, as aforesaid, or failing to return the aggregate amount of each description of persons in their respective districts or territories, as the same shall appear from said returns, to the secretary of state, 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 or territories 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 in the several districts, and of the supreme courts in the territories of the United States, as aforesaid, 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 secretary of state, 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.

§ 4. That every assistant shall receive at the rate of one dollar for every hundred persons by him returned, where such persons reside in the country; and where such persons reside in a city or town, containing more than three 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 persons shall be insufficient, the marshals or secretaries, with the approbation of the judges of their respective districts or territories, 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 and secretaries 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 Rhode Island, one hundred and fifty dollars; the marshal of the district of Connecticut, two hundred dollars; the marshal of the district of Vermont, 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

Marshals and secretaries to file their assistants' returns with the clerks of the district or superior courts, and transmit the aggregate amount to the secretary of state, &c. 800 dollars, forfeit, by marshals and secretaries, for failing to make returns, &c.

Forfeitures recoverable in the courts of districts or territories, &c. by action of debt, &c.

A moiety to the informer; but, &c.

The judges, &c. to give this act in charge, &c. and cause returns to be laid before grand juries, &c.

Compensation to assistants, &c.

Further allowance, where, &c.

Proviso; further allowance not to exceed, &c.

Compensation to the marshals and secretaries, &c.

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 dollars; the marshal of the district of South Carolina, three hundred dollars; the marshal of the district of Georgia, two hundred and fifty dollars; the marshal of the district of Tennessee, two hundred dollars; the secretary of the territory of the United States northwest of the Ohio, two hundred dollars; the secretary of the Mississippi territory, one hundred dollars.

Persons, &c. to be returned, &c. and inhabitants, &c. without settled residence, to be inserted in the column for heads of families in the division where they may be on the first Monday of August, 1800, &c. Every person above sixteen, &c. obliged to render a true account of persons belonging to families, &c. on pain of forfeiting 20 dolls. &c.

Each assistant to cause a correct copy of the schedule to be set up at two of the most public places, &c. 2 dolls. to the assistant for each copy, provided, &c.

Assistant failing to make proof, &c. to forfeit compensation, &c.

The secretary of state to transmit regulations and instructions, &c.

§ 5. 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 or territory, 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 or she usually resides in the United States.

§ 6. That each and every free person, more than sixteen years of age, whether heads of families or not, belonging to any family within any division, district, or territory, 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 to the use of the United States.

§ 7. That each assistant shall, previous to making his returns to the marshal or secretary, (as the case may be,) 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 the schedule having been so set up, and suffered to remain, shall be transmitted to the marshal or secretary, (as the case may be,) with the return of the number of the persons; and in case any assistant shall fail to make such proof to the marshal or secretary, as aforesaid, he shall forfeit the compensation by this act allowed him.

§ 8. That the secretary of state shall be, and hereby is, authorized and required to transmit to the marshals of the several states, and to the secretaries aforesaid, regulations and instructions, pursuant to this act, for carrying the same into effect, and also the forms contained therein of schedule to be returned, and proper interrogatories, to be administered by the several persons who shall be employed therein. [*Approved, February 28, 1800.*]

CHAP. [13.] An act in addition to an act, entitled "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."

Act of 1796, ch. 46. act of 1799, ch. 135. act of 1802, ch. 30.

§ 1. *Be it enacted, &c.* That the respective points of intersection of the lines actually run, as the boundaries of the several townships surveyed by virtue of the act, entitled "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," accordingly as the said lines have been marked and ascertained at the time when the same were run, notwithstanding the same are not in conformity to the act aforesaid, or shall not appear to correspond with the plat of the survey which has been returned by the surveyor general, shall be considered, and they are hereby declared to be, the corners of the said townships: That in regard to every such township as, by the plat and survey returned by the surveyor general, is stated to contain four thousand acres in each quarter thereof, the points on each of the boundary lines of such township, which are at an equal distance from those two corners of the same township which stand on the same boundary line, shall be considered, and they are hereby declared to be, corners of the respective quarters of such township; that the other boundary lines of the said quarter townships shall be straight lines, run from each of the last mentioned corners of quarter townships to the corner of quarter townships on the opposite boundary line of the same township; and that, in regard to every such township as, by the said return, is stated to contain, in any of the quarters thereof, more or less than the quantity of four thousand acres, the corners marked in the boundary lines of such township, to designate the quarters thereof, shall be considered, and they are hereby declared to be, the corners of the quarter townships thereof, although the same may be found at unequal distances from the respective corners of such townships: And such townships shall be divided, by running lines through the same, from the corners of the quarter townships actually marked, whether the interior lines thus extended shall be parallel to the exterior lines of the said township or not; and that each of the said quarter townships thus bounded, shall, in every proceeding to be had under the abovementioned, or this, act, be considered as containing the exact quantity expressed in the plat and survey thereof returned by the surveyor general.

Points of intersection of the lines actually run as boundaries, &c. are to be considered as the corners of townships, notwithstanding, &c.

In regard to townships, &c. stated to contain 4,000 acres in each quarter, the points, &c. to be considered as corners of the respective quarters, &c. The other boundary lines to be straight lines, &c.

In regard to every township, &c. stated to contain, &c. 4,000 acres, &c. to be considered the corners, &c. although, &c.

Townships to be divided by running lines, &c.

Each of the quarter townships, &c. to be considered as containing the exact quantity expressed in the plat, &c.

§ 2. That it shall be lawful for the proprietors or holders of warrants for military services, which have been, or shall be, registered at the treasury, in pursuance of the act, entitled "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," during the time, in the manner, and according to the rights of priority which may be acquired in pursuance of said act, to locate the quantities of land mentioned in the warrants by them respectively registered, as aforesaid, on any quarter township, or fractional part of a quarter township, in the general tract mentioned and described

The proprietors, &c. of military land warrants, registered pursuant to the act mentioned, &c. may locate the quantities of land mentioned on any quarter township, &c.

Provide; the fractional quarter townships mentioned to be taken, in every case, for 4,000 acres, &c.

Whenever location is made on any quarter township, stated to contain less than 4,000 acres, except, &c. the secretary of the treasury to issue certificates for the quantity remaining unsatisfied, &c.

No certificate to be granted for less than 50 acres, &c.

Whenever location is made on any quarter township stated to exceed 4,000 acres, no patent to be issued until the excess of acres be paid for, &c.

After priority of locations have been determined, and holders of warrants, &c. have designated chosen tracts, &c. the secretary of the treasury to designate, by lot, &c.

The land in the quarter townships, and fractional parts, &c. remaining unlocated, to be divided, &c. Lots to be included between parallel lines, &c.

in said act: *Provided always*, That the fractional quarter townships upon the river Sciota, and those upon the river Muskingum, adjoining the grant made to Ebenezer Zane, or the towns Salem, Gnadenhutzen, or Shoenbrun, or the Indian boundary line, shall, in every case, be accepted and taken in full satisfaction for four thousand acres.

§ 3. That whenever locations shall be made on any quarter township, which, according to the actual survey and plat thereof, returned by the surveyor general, is stated to contain less than the quantity of four thousand acres, except in the case of fractions provided for in the preceding section, it shall be lawful for the secretary of the treasury to issue, or cause to be issued, certificates, expressing the number of acres remaining unsatisfied, of any registry of warrants, for the quantity of four thousand acres, made in pursuance of the act before recited, which certificates shall have the same validity and effect, and be liable to be barred in like manner, as warrants granted for military services; but no certificate shall be granted, nor any claim allowed, for less than fifty acres, nor for the navigable water contained within the limits of any quarter township or fractional quarter township.

§ 4. That whenever a location shall be made on any quarter township, which, according to the actual survey and plat thereof, returned by the surveyor general, is stated to exceed the quantity of four thousand acres, no patent shall be issued in pursuance thereof until the person making such location shall deposite, at the treasury, warrants for military services, or certificates issued by virtue of the preceding section, equal to the excess above four thousand acres, contained in such quarter township, or shall pay into the treasury of the United States two dollars per acre, in the certificates of the six per cent. funded debt of the United States, or money, for each acre of the excess above four thousand acres, as aforesaid.

§ 5. That after the priority of location shall have been determined, and after the proprietors or holders of warrants for military services shall have designated the tracts by them respectively elected, it shall be the duty of the secretary of the treasury to designate, by lot, in the presence of the secretary of war, fifty quarter townships, of the lands remaining unlocated, which quarter townships, together with the fractional parts of townships remaining unlocated, shall be reserved for satisfying warrants granted to individuals for their military services, in the manner hereafter provided.

§ 6. That the land in each of the quarter townships designated as aforesaid, and in such of the fractional parts of quarter townships, as may then remain unlocated, shall be divided by the secretary of the treasury, upon the respective plats thereof, as returned by the surveyor general, into as many lots, of one hundred acres each, as shall be equal, as nearly as may be, to the quantity such quarter township or fraction is stated to contain; each of which lots shall be included, where practicable, between parallel lines, one hundred and sixty perches in length, and one hundred perches in width, and shall be designated by

progressive numbers, upon the plat or survey of every such quarter township and fraction, respectively.

§ 7. That from and after the sixteenth day of March next, it shall be lawful for the holder of any warrant granted for military services, to locate, at any time before the first day of January, one thousand eight hundred and two, the number of hundred acres, expressed in such warrant, on any lot or lots, from time to time, remaining unlocated within the tracts reserved as aforesaid; and upon surrendering such warrant to the treasury, the holder thereof shall be entitled to receive a patent, in the manner, and upon the conditions, heretofore prescribed by law; which patent shall, in every case, express the range, township, quarter township, or fraction, and number of the lot, located as aforesaid: But no location shall be allowed, nor shall any patent be issued, for any lot or lots of one hundred acres, except in the name of the person originally entitled to such warrant, or the heir or heirs of the person so entitled; nor shall any land, so located and patented, to a person originally entitled to such warrant, be considered as in trust for any purchaser, or be subject to any contract made before the date of such patent; and the title to lands, acquired in consequence of patents issued as aforesaid, shall and may be alienated in pursuance of the laws which have been, or shall be, passed in the territory of the United States northwest of the river Ohio, for regulating the transfer of real property, and not otherwise.

§ 8. That in all cases, after the sixteenth of March next, where more than one application is made for the same tract, at the same time, under this act, or under the act to which this is in addition, the secretary of the treasury shall determine the priority of location by lot.

§ 9. That it shall be the duty of the secretary of the treasury to advertise the tracts which may be reserved for location, in lots of one hundred acres, in one newspaper in each of the states, and in the territory aforesaid, for and during the term of three months.

§ 10. That the actual plat and survey, returned by the surveyor general, of quarter townships, and fractional parts of quarter townships, contained in the tract mentioned and described in the act to which this is a supplement, shall be considered as final and conclusive, so far as relates to the quantity of land supposed to be contained in the quarter townships, and fractions, so that no claim shall hereafter be set up against the United States, by any proprietor or holder of warrants for military services, on account of any deficiency in the quantity of land contained in the quarter township or fractional part of a quarter township, which shall have been located by such proprietor or holder, nor shall any claim be hereafter set up by the United States, against such proprietor or holder, on account of any excess in the quantity of land contained therein. [*Approved, March 1, 1800.*]

After the 16th March, 1800, and before 1st Jan. 1802, the holders of warrants may locate, &c.

Upon surrendering the warrant, the holder to receive a patent, &c.

No location or patent, for any lot of 100 acres, except in the name of the person originally entitled, &c.

Land, located and patented, not to be considered as in trust, &c. Act of 1803, ch. 83.

Titles may be alienated in pursuance of laws, &c.

Where more than one application is made for the same tract, &c.

The secretary of the treasury to advertise the tracts reserved for location, &c.

The actual plat, &c. of quarter townships, &c. contained in the tract mentioned, &c.

No claim to be hereafter set up by any proprietor, nor by the United States, on account, &c.

CHAP. [14.] An act providing for salvage in cases of recapture.

§ 1. *Be it enacted, &c.* That when any vessel, other than a vessel of war or privateer, or when any goods which shall hereafter be tak-

Vessels and goods recaptured before

condemnation, having belonged to residents within the U. States, &c. to be restored on payment in lieu of salvage, &c.

If retaken by a public vessel, 1-8th part, &c. If by a private vessel, 1-6th part, &c. Allowing and excepting, &c. If the vessel retaken had been armed, &c. the owner to pay a moiety, &c.

Vessels and goods, which formerly belonged to the U. States and having been captured, but not condemned, &c. to be restored when retaken, &c.

Payment from the treasury in lieu of salvage, &c.

1-6th part for recapture by private vessel, &c.

1-12th part for recapture by public vessel, &c.

Compensation for recapture of public armed vessels, &c.

Vessels or goods belonging to persons permanently resident in friendly foreign countries, &c. when recaptured, to be restored on payment of a proportion of

en as prize by any vessel, acting under authority from the government of the United States, shall appear to have before belonged to any person or persons, resident within, or under the protection of, the United States, and to have been taken by an enemy of the United States, or under authority, or pretence of authority, from any prince, government, or state, against which the United States have authorized, or shall authorize, defence or reprisals, such vessel or goods not having been condemned as prize by competent authority before the recapture thereof, the same shall be restored to the former owner or owners thereof, he or they paying for, and in lieu of, salvage, if retaken by a public vessel of the United States, one eighth part, and if retaken by a private vessel of the United States, one sixth part, of the true value of the vessel or goods so to be restored, allowing and excepting all imports and public duties to which the same may be liable. And if the vessel so retaken shall appear to have been set forth and armed as a vessel of war, before such capture, or afterwards, and before the retaking thereof, as aforesaid, the former owner or owners, on the restoration thereof, shall be adjudged to pay, for and in lieu of salvage, one moiety of the true value of such vessel of war, or privateer.

§ 2. That when any vessel or goods, which shall hereafter be taken as prize, by any vessel acting under authority from the government of the United States, shall appear to have before belonged to the United States, and to have been taken by an enemy of the United States, or under authority, or pretence of authority, from any prince, government, or state, against which the United States have authorized, or shall authorize, defence or reprisals, such public vessel not having been condemned as prize by competent authority before the recapture thereof, the same shall be restored to the United States. And for and in lieu of salvage, there shall be paid from the treasury of the United States, pursuant to the final decree which shall be made in such case, by any court of the United States having competent jurisdiction thereof, to the parties who shall be thereby entitled to receive the same, for the recapture as aforesaid, of an unarmed vessel, or any goods therein, one sixth part of the true value thereof, when made by a private vessel of the United States, and one twelfth part of such value when the recapture shall be made by a public armed vessel of the United States; and for the recapture, as aforesaid, of a public armed vessel, or any goods therein, one moiety of the true value thereof, when made by a private vessel of the United States, and one fourth part of such value when such recapture shall be made by a public armed vessel of the United States.

§ 3. That when any vessel or goods which shall be taken as prize, as aforesaid, shall appear to have before belonged to any person or persons permanently resident within the territory, and under the protection, of any foreign prince, government, or state, in amity with the United States, and to have been taken by an enemy of the United States, or by authority, or pretence of authority, from any prince, government, or state, against which the United States have authorized, or shall authorize, defence or

reprisals, then such vessel or goods shall be adjudged to be restored to the former owner, or owners thereof, he or they paying, for and in lieu of salvage, such proportion of the true value of the vessel or goods so to be restored, as, by the law or usage of such prince, government, or state, within whose territory such former owner or owners shall be so resident, shall be required on the restoration of any vessel or goods of a citizen of the United States, under like circumstances of recapture, made by the authority of such foreign prince, government, or state; and where no such law or usage shall be known, the same salvage shall be allowed as is provided by the first section of this act: *Provided*, That no such vessel or goods shall be adjudged to be restored to such former owner or owners, in any case where the same shall have been, before the recapture thereof, condemned as prize by competent authority, nor in any case where, by the law or usage of the prince, government, or state, within whose territory such former owner or owners shall be resident as aforesaid, the vessel or goods of a citizen of the United States, under like circumstances of recapture, would not be restored to such citizen of the United States: *Provided also*, That nothing herein shall be construed to contravene, or alter, the terms of restoration in cases of recapture, which are, or shall be, agreed on in any treaty between the United States and any foreign prince, government, or state.

§ 4. That all sums of money which may be paid for salvage, as aforesaid, when accruing to any public armed vessel, shall be divided to and among the commanders, officers, and crew, thereof, in such proportions as are or may be provided by law, respecting the distribution of prize money: And when accruing to any private armed vessel, shall be distributed to and among the owners and company concerned in such recapture, according to their agreements, if any such there be; and in case there be no such agreement, then to and among such persons, and in such proportions, as the court having jurisdiction thereof shall appoint.

§ 5. That such parts of any acts of congress of the United States, as respects the salvage to be allowed in cases of recapture, shall be, and are hereby, repealed, except as to cases of recapture made before the passing of this act. [*Approved, March 3, 1800.*]

CHAP. [15.] An act declaring the assent of congress to certain acts of the states of Maryland and Georgia.

§ 1. *Be it enacted, &c.* That the consent of congress be, and hereby is, granted to the operation of an act of the general assembly of the state of Maryland, passed on the twenty-sixth day of December, one thousand seven hundred and ninety-one, entitled "An act empowering the wardens of the port of Baltimore to levy and collect the duty therein mentioned;" and also, to so much of an act of the state of Georgia, passed February the tenth, one thousand seven hundred and eighty-seven, entitled "An act for regulating the trade, laying duties on all goods, wares, liquors, merchandise, and negroes, imported into this

value in lieu of salvage, &c. according to the law or usage of such countries, &c.

Proviso; no restoration where vessels and goods have been condemned as prize before recapture, &c. nor in any case, &c.

Distribution of salvage. Act of 1799, ch. 24. [130.] act of 1800, ch. 33.

Parts of acts, &c. respecting salvage, repealed; except, &c.

Expired. Act of 1808, ch. 47. act of 1814, ch. 119. act of 1822, ch. 29. The consent of congress granted to the operation of the act of the state of Maryland mentioned; and so much of an act of the state of Georgia, &c.

state, and also an impost on the tonnage of shipping, and for other purposes therein mentioned," as authorizes a duty of three pence per ton on all shipping entering the port of Savannah, to be set apart as a fund for clearing the river Savannah.

§ 2. That this act shall be, and continue, in force until the third day of March, one thousand eight hundred and eight, and no longer. [*Approved, March 17, 1800.*]

Limitation of this act to the 3d of March, 1808.

Obsolete.
Act of 1797, ch. 81, act of 1801, ch. 76, and ch. 103, act of 1807, ch. 50.
The sessions of the district court, &c. to be held, &c.
Process, recognisances, &c. to be returned, &c.

CHAP. [16.] An act to alter the times of holding the district court in North Carolina.

§ 1. *Be it enacted, &c.* That the sessions of the district court for the district of North Carolina, shall hereafter be holden on the first Monday in February, May, August, and November, annually.

§ 2. That all process which shall have been issued, and all recognisances returnable, and all suits, and other proceeding, which have been continued to the said district court on the first Monday in April next, shall be returned and held continued to the said court on the first Monday of May next. [*Approved, March 19, 1800.*]

Repealed.
Act of 1803, ch. 6.

Merchants, traders in gross or by retail, dealers in exchange, bankers, brokers, factors, underwriters, or marine insurers, under any of the circumstances mentioned, to be deemed bankrupts. Circumstances which constitute an act of bankruptcy, &c.

CHAP. [19.] An act to establish a uniform system of bankruptcy throughout the United States.

§ 1. *Be it enacted, &c.* That from and after the first day of June next, if any merchant, or other person residing within the United States, actually using the trade of merchandise, by buying and selling in gross, or by retail, or dealing in exchange, or as a banker, broker, factor, underwriter, or marine insurer, shall, with intent unlawfully to delay or defraud his or her creditors, depart from the state in which such person usually resides, or remain absent therefrom, or conceal him or herself therein, or keep his or her house, so that he or she cannot be taken, or served with process, or willingly or fraudulently procure him or herself to be arrested, or his or her lands, goods, money, or chattels, to be attached, sequestered, or taken in execution, or shall secretly convey his or her goods out of his or her house, or conceal them to prevent their being taken in execution, or make, or cause to be made, any fraudulent conveyance of his or her lands, or chattels, or make or admit any false or fraudulent security, or evidence of debt, or being arrested for debt, or having surrendered him or herself in discharge of bail, shall remain in prison two months, or more, or escape therefrom, or whose lands or effects being attached by process issuing out of, or returnable to, any court of common law, shall not, within two months after written notice thereof, enter special bail and dissolve the same, or in districts in which attachments are not dissolved by the entry of special bail, being arrested for debt after his or her lands and effects, or any part thereof, have been attached for a debt or debts amounting to one thousand dollars or upwards, shall not, upon notice of such attachment, give sufficient security for the payment of what may be recovered in the suit in which he or she shall be arrested, at or before the return day of the same, to be approved by the judge of the district, or some judge of the court out of which the process issued upon which he is arrested,

or to which the same shall be returnable, every such person shall be deemed and adjudged a bankrupt: *Provided*, That no person shall be liable to a commission of bankruptcy, if the petition be not preferred, in manner hereinafter directed, within six months after the act of bankruptcy committed.

Proviso; no person liable to a commission of bankruptcy, unless, &c.

§ 2. That the judge of the district court of the United States, for the district where the debtor resides, or usually resided, at the time of committing the act of bankruptcy, upon petition, in writing, against such person or persons being bankrupt, to him to be exhibited by any one creditor, or by a greater number, being partners, whose single debt shall amount to one thousand dollars, or by two creditors, whose debts shall amount to one thousand five hundred dollars, or by more than two creditors, whose debts shall amount to two thousand dollars, shall have power, by commission under his hand and seal, to appoint such good and substantial persons, being citizens of the United States, and resident in such district, as such judge shall deem proper, not exceeding three, to be commissioners of the said bankrupt, and in case of vacancy or refusal to act, to appoint others, from time to time, as occasion may require: *Provided always*, That before any commission shall issue, the creditor or creditors petitioning shall make affidavit, or solemn affirmation, before the said judge, of the truth of his, her, or their debts, and give bond, to be taken by the said judge, in the name and for the benefit of the said party so charged as a bankrupt, and in such penalty, and with such surety, as he shall require, to be conditioned for the proving of his, her, or their, debts, as well before the commissioners as upon a trial at law, in case the due issuing forth of the said commission shall be contested, and also for proving the party a bankrupt, and to proceed on such commission, in the manner herein prescribed. And if such debt shall not be really due, or, after such commission taken out, it cannot be proved that the party was a bankrupt, then the said judge shall, upon the petition of the party aggrieved, in case there be occasion, deliver such bond to the said party, who may sue thereon, and recover such damages, under the penalty of the same, as, upon trial at law, he shall make appear he has sustained, by reason of any breach of the condition thereof.

District judge to appoint commissioners upon petition of creditors, &c.

Proviso; affidavit and bond before commission, &c.

Condition of the bond.

If debts are not due, or bankruptcy cannot be proved, the aggrieved party may sue on the bond, &c.

§ 3. That before the commissioners shall be capable of acting, they shall, respectively, take and subscribe the following oath or affirmation, which shall be administered by the judge issuing the commission, or by any of the judges of the supreme court of the United States, or any judge, justice, or chancellor, of any state court, and filed in the office of the clerk of the district court: "*I, A B, do swear (or affirm,) that I will faithfully, impartially, and honestly, according to the best of my skill and knowledge, execute the several powers and trusts reposed in me, as a commissioner in a commission of bankruptcy against ——— and that without favor or affection, prejudice or malice.*" And the commissioners, who shall be sworn as aforesaid, shall proceed, as soon as may be, to execute the same; and, upon due examination, and sufficient cause appearing against the party charged, shall and may declare him or her to be a bankrupt: *Provided*, That

The commissioners, before acting, to take an oath, &c.

The oath to be filed. Form of the oath.

The commissioners may proceed, &c. and declare the party a bankrupt. Proviso; no-

tice to person charged, before examination, &c.

Person charged as bankrupt may demand a jury to inquire into facts, &c.

Person not to be declared bankrupt unless by the verdict of a jury, &c.
 Proviso; the commission may be superseded if not proceeded in within 30 days, &c. unless, &c.

The commissioners may cause the bankrupt to be arrested, provided they think there is reason to apprehend he will abscond, &c.
 Doors of houses may be broken open to take the body, &c.

The commissioners to take into possession the real and personal property of the bankrupt, books, papers, &c. until assignees are chosen, &c.
 Wearing apparel, beds, &c. excepted.

The commissioners to cause public notice of bankruptcy, &c.
 appoint time and place for

before such examination be had, reasonable notice thereof, in writing, shall be delivered to the person charged as a bankrupt; or if he, or she, be not found at his or her usual place of abode, to some person of the family, above the age of twelve years, or if no such person appear, shall be fixed at the front or other public door of the house, in which he or she usually resides, and thereupon it shall be in the power of such person, so charged as aforesaid, to demand before, or at the time appointed for, such examination, that a jury be empanelled to inquire into the fact or facts alleged as the causes for issuing the commission, and on such demand being made, the inquiry shall be had before the judge granting the commission, at such time as he may direct, and in that case such person shall not be declared bankrupt, unless, by the verdict of the jury, he or she shall be found to be within the description of this act, and shall be convicted of some one of the acts described in the first section of this act: *Provided also*, That any commission which shall be taken out as aforesaid, and which shall not be proceeded in as aforesaid, within thirty days thereafter, may be superseded by the said judge, who shall have granted the same, upon the application of the party thereby charged as a bankrupt, or of any creditor of such person, unless the delay shall have been unavoidable, or upon a just occasion.

§ 4. That the commissioners so to be appointed, shall have power, forthwith after they have declared such person a bankrupt, to cause to be apprehended, by warrant under their hands and seals, the body of such bankrupt, wheresoever to be found within the United States: *Provided*, They shall think that there is reason to apprehend that the said bankrupt intends to abscond, or conceal him or herself: and in case it be necessary, in order to take the body of the said bankrupt, shall have power to cause the doors of the dwelling house of such bankrupt to be broken, or the doors of any other house in which he or she shall be found.

§ 5. That it shall be the duty of the commissioners so to be appointed, forthwith after they have declared such person a bankrupt, and they shall have power to take into their possession, all the estate, real and personal, of every nature and description, to which the said bankrupt may be entitled, either in law or equity, in any manner whatsoever, and cause the same to be inventoried and appraised to the best value, (his or her necessary wearing apparel, and the necessary wearing apparel of the wife and children, and necessary beds and bedding, of such bankrupt, only excepted,) and also to take into their possession, and secure, all deeds and books of account, papers and writings, belonging to such bankrupt; and shall cause the same to be safely kept, until assignees shall be chosen or appointed, in manner hereafter provided.

§ 6. That the said commissioners shall, forthwith after they have declared such person a bankrupt, cause due and sufficient public notice thereof to be given, and in such notice shall appoint some convenient time and place for the creditors to meet, in order to choose an assignee or assignees of the said bankrupt's

estate and effects; at which meeting the said commissioners shall admit the creditors of such bankrupt to prove their debts; and where any creditor shall reside at a distance from the place of such meeting, shall allow the debt of such creditor to be proved by oath or affirmation, made before some competent authority, and duly certified, and shall permit any person, duly authorized by letter of attorney from such creditor, due proof of the execution of such letter of attorney being first made, to vote in the choice of an assignee or assignees of such bankrupt's estate and effects, in the place and stead of such creditor: And the said commissioners shall assign, transfer, or deliver over, all and singular the said bankrupt's estate and effects aforesaid, with all muniments and evidences thereof, to such person or persons as the major part, in value, of such creditors, according to the several debts then proved, shall choose as aforesaid: *Provided always*, That in such choice, no vote shall be given by, or in behalf of, any creditor whose debt shall not amount to two hundred dollars.

§ 7. That it shall be lawful for the said commissioners, as often as they shall see cause, for the better preserving and securing the bankrupt's estate, before assignees shall be chosen as aforesaid, immediately to appoint one or more assignees or assignees of the estate and effects aforesaid, or any part thereof; which assignee or assignees aforesaid, or any of them, may be removed at the meeting of the creditors, so to be appointed as aforesaid, for the choice of assignees, if such creditors, entitled to vote as aforesaid, or the major part, in value, of them, shall think fit; and such assignee or assignees as shall be so removed, shall deliver up all the estate and effects of such bankrupt, which shall have come to his or their hands or possession, unto such other assignee or assignees as shall be chosen by the creditors as aforesaid; and all such estate and effects shall be, to all intents and purposes, as effectually and legally vested in such new assignee or assignees, as if the first assignment had been made to him or them by the said commissioners; and if such first assignee or assignees shall refuse or neglect, for the space of ten days, next after notice in writing from such new assignee or assignees, of their apportionment, as aforesaid, to deliver over as aforesaid, all the estate and effects as aforesaid, every such assignee or assignees shall, respectively, forfeit a sum not exceeding five thousand dollars, for the use of the creditors, and shall moreover be liable for the property so detained.

§ 8. That at any time, previous to the closing of the accounts of the said assignee or assignees so chosen as aforesaid, it shall be lawful for such creditors of the bankrupt as are hereby authorized to vote in the choice of assignees, or the major part of them, in value, at a regular meeting of the said creditors, to be called for that purpose, by the said commissioners, or by one fourth, in value, of such creditors, to remove all or any of the assignees chosen as aforesaid, and to choose one or more in his or their place and stead: and such assignee or assignees as shall be so removed, shall deliver up all the estate and effects of such bankrupt, which shall have come into his or their hands

meeting of creditors and choice of assignees, &c. Creditors may prove their debts by oath, &c. Creditors may vote by attorney, &c.

The commissioners to deliver over bankrupt's effects to assignees, &c.

Proviso: no vote by a creditor whose debt is less than 200 dollars.

The commissioners, for the better preserving, &c. may immediately appoint assignees, &c. who may be removed on the meeting of the creditors, &c.

First assignees not delivering over property, on notice, &c. forfeit 5,000 dollars, &c.

The creditors may remove the assignees and choose others, &c.

Former assignees not delivering over property, on notice, &c. to new assignees, forfeit 5,000 dolls. &c.

Suits not abated by the removal of assignees, &c. The court to allow the names of new assignees to be substituted, &c.

Assignment of effects by commissioners, &c. to be good against the bankrupt and persons claiming, &c.

Proviso; bona fide purchases, previous to, and without knowledge of, bankruptcy, valid, &c. The commissioners may convey to the assignees, by deed, lands, tenements, &c.

Deeds of commissioners, &c. duly executed, &c. good against all persons whom the bankrupt, by common recovery, &c. could bar, &c. If the bankrupt has conveyed lands, &c. with condition of redemption on payment of mo-

or possession, unto such new assignee or assignees as shall be chosen by the creditors at such meeting; and all such estate and effects shall be, to all intents and purposes, as effectually and legally vested in such new assignee or assignees, as if the first assignment had been made to him or them by the said commissioners: And if such former assignee or assignees shall refuse or neglect, for the space of ten days, next after notice in writing from such new assignee or assignees, of their appointment, as aforesaid, to deliver over, as aforesaid, all the estate and effects aforesaid, every such former assignee or assignees shall, respectively, forfeit a sum not exceeding five thousand dollars, for the use of the creditors, and shall moreover be liable for the property so detained.

§ 9. That whenever a new assignee or assignees shall be chosen as aforesaid, no suit at law or in equity shall be thereby abated; but it shall and may be lawful for the court in which any suit may depend, upon the suggestion of a removal of a former assignee or assignees, and of the appointment of a new assignee or assignees, to allow the name of such new assignee or assignees, to be substituted in place of the name or names of the former assignee or assignees, and thereupon the suit shall be prosecuted in the name or names of the new assignee or assignees, in the same manner as if he or they had originally commenced the suit in his or their own names.

§ 10. That the assignment or assignments of the commissioners of the bankrupt's estate and effects as aforesaid, made as aforesaid, shall be good at law or in equity, against the bankrupt; and all persons claiming by, from, or under, such bankrupt, by any act done at the time, or after, he shall have committed the act of bankruptcy upon which the commission issued: *Provided always*, That in case of a bona fide purchase, made before the issuing of the commission from or under such bankrupt, for a valuable consideration, by any person having no knowledge, information, or notice, of any act of bankruptcy committed, such purchase shall not be invalidated or impeached.

§ 11. That the said commissioners shall have power, by deed or deeds, under their hands and seals, to assign and convey to the assignee or assignees, to be appointed or chosen as aforesaid, any lands, tenements, or hereditaments, which such bankrupt shall be seised of, or entitled to, in fee tail, at law, or in equity, in possession, remainder, or reversion, for the benefit of the creditors; and all such deeds, being duly executed, and recorded, according to the laws of the state within which such lands, tenements, or hereditaments, may be situate, shall be good and effectual against all persons whom the said bankrupt, by common recovery, or other means, might or could bar of any estate, right, title, or possibility, of or in the said lands, tenements, or hereditaments.

§ 12. That if any bankrupt shall have conveyed or assured any lands, goods, or estate, unto any person, upon condition or power of redemption, by payment of money or otherwise, it shall be lawful for the commissioners, or for any person by them duly authorized for that purpose, by writing, under their hands and

seals, to make tender of money, or other performance, according to the nature of such condition, as fully as the bankrupt might have done; and the commissioners, after such performance or tender, shall have power to assign such lands, goods, and estate, for the benefit of the creditors, as fully and effectually as any other part of the estate of such bankrupt.

§ 13. That the commissioners aforesaid shall have power to assign, for the use aforesaid, all the debts due to such bankrupt, or to any other person for his or her use or benefit; which assignment shall vest the property and right thereof in the assignee or assignees of such bankrupt, as fully as if the bond, judgment, contract, or claim, had originally belonged or been made to the said assignees; and after the said assignment, neither the said bankrupt, nor any person acting as trustee for him or her, shall have power to recover or discharge the same, nor shall the same be attached as the debt of the said bankrupt; but the assignee or assignees aforesaid shall have such remedy to recover the same, in his or their own name or names, as such bankrupt might or could have had if no commission of bankruptcy had issued: And when any action in the name of such bankrupt shall have been commenced, and shall be pending for the recovery of any debt or effects of such bankrupt, which shall be assigned, or shall or might become vested in the assignee or assignees of such bankrupt as aforesaid, then such assignee or assignees may claim to be, and shall be thereupon, admitted to prosecute such action in his or their name, for the use and benefit of the creditors of such bankrupt; and the same judgment shall be rendered in such action, and all attachments or other security taken therein, shall be in like manner holden and liable, as if the said action had been originally commenced in the name of such assignee or assignees, after the original plaintiff therein had become a bankrupt as aforesaid: *Provided*, That where a debtor shall have, bona fide, paid his debt to any bankrupt, without notice that such person was bankrupt, he or she shall not be liable to pay the same to the assignee or assignees.

§ 14. That if complaint shall be made, or information given, to the commissioners, or if they shall have good reason to believe or suspect, that any of the property, goods, chattels, or debts, of the bankrupt, are in the possession of any other person, or that any person is indebted to, or for the use of, the bankrupt, then the said commissioners shall have power to summon, or cause to be summoned by their attorney or other person duly authorized by them, all such persons before them, or the judge of the district where such person shall reside, by such process, or other means, as they shall think convenient, and upon their appearance, to examine them by parole, or by interrogatories, in writing, on oath or affirmation, which oath or affirmation they are hereby empowered to administer, respecting the knowledge of all such property, goods, chattels, and debts; and if such person shall refuse to be sworn or affirmed, and to make answer to such questions or interrogatories as shall be administered, and to subscribe the said answers, or, upon examination, shall not declare the whole truth, touching the subject matter of such examina-

ney, &c. the commissioners may tender the money, and assign the lands, &c.

The commissioners empowered to assign bankrupt's debts, &c.

The assignees may recover debts, &c. assigned, in their own names, &c. Assignees may prosecute actions, commenced in the bankrupt's name, for the benefit of creditors, &c.

Proviso; debtors having bona fide paid bankrupt, without notice, &c. not liable.

On complaint or information, the commissioners may summon persons suspected of having goods, debts, &c. of bankrupt in possession, and examine them on oath, &c.

Persons summoned refusing to be sworn, or answer, &c. may be committed to prison, and forfeit

double the value of the property, &c. concealed, &c.

Persons refusing to appear after summons, may be apprehended on warrant, and imprisoned until they submit.

Proviso; witnesses sent for allowed compensation, &c. Fine and imprisonment, &c. for perjury, or subornation of perjury, &c.

Forfeit of double value for making fraudulent or collusive claims, &c. If persons, before bankruptcy, convey lands, &c. with intent to defraud, &c. the commissioners may assign them, &c. Bankrupts who do not surrender themselves, on notice, and deliver up and convey their property, &c. and who do not, generally, conform to the provisions of this act, may be imprisoned, and deprived of the benefits of the law, &c.

tion, then it shall be lawful for the commissioners, or judge, to commit such person to prison, there to be detained until they shall submit themselves to be examined in manner aforesaid, and they shall, moreover, forfeit double the value of all the property, goods, chattels, and debts, by them concealed.

§ 15. That if any of the aforesaid persons shall, after legal summons to appear before the commissioners or judge, to be examined, refuse to attend, or shall not attend at the time appointed, having no such impediment as shall be allowed of by the commissioners or judge, it shall be lawful for the said commissioners or judge to direct their warrants to such person or persons as by them shall be thought proper, to apprehend such persons as shall refuse to appear, and to bring them before the commissioners or judge, to be examined, and upon their refusal to come, to commit them to prison, until they shall submit themselves to be examined, according to the directions of this act: *Provided*, That such witnesses as shall be so sent for, shall be allowed such compensation as the commissioners, or judge, shall think fit, to be rateably borne by the creditors; and if any person, other than the bankrupt, either by subornation of others, or by his or her own act, shall, wilfully or corruptly, commit perjury on such examination, to be taken before the commissioners as aforesaid, the party so offending, and all persons who shall procure any person to commit such perjury, shall, on conviction thereof, be fined, not exceeding four thousand dollars, and imprisoned, not exceeding two years, and moreover shall, in either case, be rendered incapable of being a witness in any court of record.

§ 16. That if any person or persons shall, fraudulently or collusively, claim any debts, or claim or detain any real or personal estate of the bankrupt, every such person shall forfeit double the value thereof, to and for the use of the creditors.

§ 17. That if any person, prior to his or her becoming a bankrupt, shall convey to any of his or her children, or other persons, any lands or goods, or transfer his or [her] debts or demands into other persons' names, with intent to defraud his or her creditors, the commissioners shall have power to assign the same, in as effectual a manner as if the bankrupt had been actually seized or possessed thereof.

§ 18. That if any person or persons, who shall become bankrupt within the intent and meaning of this act, and against whom a commission of bankruptcy shall be duly issued, upon which commission such person or persons shall be declared bankrupt, shall not, within forty-two days after notice thereof, in writing, to be left at the usual place of abode of such person or persons, or personal notice, in case such person or persons be then in prison, and notice given in some gazette, that such commission hath been issued, and of the time and place of meeting of the commissioners, surrender him or herself to the said commissioners, and sign or subscribe such surrender, and submit to be examined, from time to time, upon oath or solemn affirmation, by and before such commissioners, and in all things conform to the provisions of this act, and also, upon such his or her exami-

nation, fully and truly disclose and discover all his or her effects and estate, real and personal, and how and in what manner, to whom and upon what consideration, and at what time or times, he or she hath disposed of, assigned, or transferred, any of his or her goods, wares, or merchandise, moneys, or other effects and estate, and of all books, papers, and writings, relating thereunto, of which he or she was possessed, or in or to which he or she was any ways interested or entitled, or which any person or persons shall then have, or shall have had, in trust for him or her, or for his or her use, at any time before or after the issuing of the said commission, or whereby such bankrupt, or his or her family then hath, or may have, or expect, any profit, possibility of profit, benefit, or advantage whatsoever, except only such part of his or her estate and effects as shall have been really and bona fide before sold and disposed of, in the way of his or her trade and dealings, and except such sums of money as shall have been laid out in the ordinary expenses of his or her family, and also upon such examination, execute, in due form of law, such conveyance, assurance, and assignment of his or her estate, whatsoever and wheresoever, as shall be devised and directed by the commissioners, to vest the same in the assignees, their heirs, executors, administrators, and assigns, forever, in trust, for the use of all and every the creditors of such bankrupt, who shall come in and prove their debts under the commission; and deliver up unto the commissioners, all such part of his or her, the said bankrupt's, goods, wares, merchandises, money, effects, and estate, and all books, papers, and writings, relating thereunto, as, at the time of such examination, shall be in his or her possession, custody, or power, his or her necessary wearing apparel, and the necessary wearing apparel of the wife and children, and necessary beds and bedding, of such bankrupt, only excepted, then he or she, the said bankrupt, upon the conviction of any wilful default or omission in any of the matters or things aforesaid, shall be adjudged a fraudulent bankrupt, and shall suffer imprisonment for a term not less than twelve months, nor exceeding ten years, and shall not, at any time after, be entitled to the benefits of this act: *Provided always*, That in case any bankrupt shall be in prison, or custody, at the time of issuing such commission, and is willing to surrender and submit to be examined, according to the directions of this act, and can be brought before the said commissioners and creditors for that purpose, the expense thereof shall be paid out of the said bankrupt's effects; and in case such bankrupt is in execution, or cannot be brought before the commissioners, that then the said commissioners, or some one of them, shall, from time to time, attend the said bankrupt in prison or custody, and take his or her discovery, as in other cases; and the assignees, or one of them, or some person appointed by them, shall attend such bankrupt in prison or custody, and produce his or her books, papers, and writings, in order to enable him or her to prepare his or her discovery; a copy whereof the said assignees shall apply for, and the said bankrupt shall deliver to them, or their order, within a reasonable time after the same shall have been required.

Effects of bankrupt, bona fide sold, and money laid out for family expenses, excepted, &c.

Necessary wearing apparel, beds and bedding, excepted, &c.

Proviso; bankrupts in custody, &c. and willing to surrender and submit, &c. to have their expenses paid out of their effects, &c.
Bankrupts in execution, or who cannot be brought up, to be attended by commissioners, &c.

The commissioners to appoint three meetings within the 42 days limited for bankrupt to surrender and conform, &c. Proviso; the district judge may enlarge the time, &c. so as, &c.

The commissioners, by warrant, empowered to break open houses, chambers, trunks, &c.

The bankrupt refusing to be examined, &c. may be committed to close prison, &c. Bankrupt committing perjury, to be imprisoned from two to ten years, &c.

The bankrupt at liberty to inspect books, &c. and may make extracts or copies, &c.

Bankrupt free from arrest, in coming to surrender, or afterwards, &c. for the time, &c.

Officers detaining bankrupt after, &c. to forfeit 10 dollars for every day, &c. Persons concealing bankrupt, or assisting him to ab-

§ 19. That the said commissioners shall appoint, within the said forty-two days, so limited as aforesaid, for the bankrupt to surrender and conform as aforesaid, not less than three several meetings, for the purposes aforesaid, the third of which meetings shall be on the last of the said forty-two days: *Provided always*, That the judge of the district within which such commission issues, shall have power to enlarge the time so limited as aforesaid, for the purposes aforesaid, as he shall think fit, not exceeding fifty days, to be computed from the end of the said forty-two days, so as such order for enlarging the time be made at least six days before the expiration of said term.

§ 20. That it shall be lawful for the commissioners, or any other person or officers, by them to be appointed, by their warrant, under their hands and seals, to break open, in the day time, the houses, chambers, shops, warehouses, doors, trunks, or chests, of the bankrupt, where any of his or her goods or estate, deeds, books of account, or writings, shall be, and to take possession of the goods, money, and other estate, deeds, books of account, or writings, of such bankrupt.

§ 21. That if the bankrupt shall refuse to be examined, or to answer fully, or to subscribe his or her examination, as aforesaid, it shall be lawful for the commissioners to commit the offender to close imprisonment, until he or she shall conform him or herself; and if the said bankrupt shall submit to be examined, and, upon his or her examination, it shall appear that he or she hath committed wilful or corrupt perjury, he or she may be indicted therefor, and, being thereof convicted, shall suffer imprisonment for a term not less than two years, nor exceeding ten years.

§ 22. That every bankrupt, having surrendered, shall, at all seasonable times, before the expiration of the said forty-two days, as aforesaid, or of such further time as shall be allowed to finish his or her examination, be at liberty to inspect his or her books and writings, in the presence of some person to be appointed by the commissioners, and to bring with him or her, for his or her assistance, such persons as he or she shall think fit, not exceeding two at one time, and to make extracts and copies, to enable him or her to make a full discovery of his or her effects; and the said bankrupt shall be free from arrests, in coming to surrender, and after having surrendered to the said commissioners, for the said forty-two days, or such further time as shall be allowed for the finishing his or her examination; and in case such bankrupt shall be arrested for debt, or taken on any escape warrant or execution, coming to surrender, or after his surrender, within the time before mentioned, then, on producing such summons or notice under the hand of the commissioners, and giving the officer a copy thereof, he or she shall be discharged; and in case any officer shall afterwards detain such bankrupt, such officers shall forfeit to such bankrupt, for his or her own use, ten dollars for every day he shall detain the bankrupt.

§ 23. That every person who shall, knowingly or wilfully, receive or keep concealed any bankrupt, so as aforesaid summoned to appear, or who shall assist such bankrupt in concealing him or herself, or in absconding, shall suffer such imprisonment,

not exceeding twelve months, or pay such fine to the United States, not exceeding one thousand dollars, as, upon conviction thereof, shall be adjudged.

§ 24. That the said commissioners shall have power to examine, upon oath or affirmation, the wife of any person lawfully declared a bankrupt, for the discovery of such part of his estate as may be concealed or disposed of by such wife, or by any other person; and the said wife shall incur such penalties for not appearing before the said commissioners, or refusing to be sworn or affirmed, or examined, and to subscribe her examination, or for not disclosing the truth, as by this act is provided against any other person in like cases.

§ 25. That in case any person shall be committed by the commissioners for refusing to answer, or for not fully answering any question, or for any other cause, the commissioners shall, in their warrant, specify such question or other cause of commitment.

§ 26. That if, after the bankrupt shall have finished his or her final examination, any other person or persons shall voluntarily make discovery of any part of such bankrupt's estate, before unknown to the commissioners, such person or persons shall be entitled to five per cent. out of the effects so discovered, and such further reward as the commissioners shall think proper; and any trustee, having notice of the bankruptcy, wilfully concealing the estate of any bankrupt, for the space of ten days after the bankrupt shall have finished his final examination, as aforesaid, shall forfeit double the value of the estate so concealed, for the benefit of the creditors.

§ 27. That if any person shall become bankrupt, and, at such time, by consent of the owner, have in his or her possession and disposition, any goods whereof he or she shall be reputed owner, and take upon him or herself the sale, alteration, or disposition thereof, as owner, the commissioners shall have power to assign the same, for the benefit of the creditors, as fully as any other part of the estate of the bankrupt.

§ 28. That if any bankrupt, after the issuing any commission against him or her, pay to the person who sued out the same, or give or deliver to such person, goods, or any other satisfaction or security, for his or her debt, whereby such person shall privately have and receive a greater proportion of his or her debt than the other creditors; such preference shall be a new act of bankruptcy, and on good proof thereof, such commission shall and may be superseded, and it shall and may be lawful for either of the judges, having authority to grant the commission as aforesaid, to award any creditor petitioning another commission; and such person, so taking such undue satisfaction as aforesaid, shall forfeit and lose, as well his or her whole debts, as the whole he or she shall have taken and received, and shall pay back, or deliver up the same, or the full value thereof, to the assignee or assignees who shall be appointed or chosen under such commission, in manner aforesaid, in trust for, and to be divided amongst, the other creditors of the said bankrupt, in proportion to their respective debts.

second, subject to imprisonment or fine, &c.

The commissioners empowered to examine the bankrupt's wife for the discovery, &c.

The wife liable to penalties, &c. for not appearing, &c.

The commissioners to specify in their warrant the question for refusing to answer which, &c. Five per cent., &c. allowed for discovery of effects after bankrupt's final examination.

Trustees having notice, &c. on concealing bankrupt's estate, forfeit double the value, &c.

Goods in possession of bankrupt, &c. whereof he is reputed owner, &c. may be assigned for the benefit of creditors, &c.

If the person suing out a commission of bankruptcy accepts goods, &c. from the bankrupt, receiving thereby a greater proportion, &c. it is a new act of bankruptcy, another commission may issue, &c. and the person receiving the goods loses them and his debt, &c.

Assignees to give notice, within twelve months, of the time and place of meeting, to make dividends, &c. at which time creditors may prove their debts, &c.

Assignees to produce fair and just accounts, &c. and may be examined on oath, &c.

Assignees allowed to retain their expenses, &c.

Commissioners to order dividend, &c.

The assignees to make distribution, take receipts, &c.

Second dividend within eighteen months, &c. in case, &c.

§ 29. That every person who shall be chosen assignee of the estate and effects of a bankrupt, shall, at some time after the expiration of four months, and within twelve months from the time of issuing the commission, cause at least thirty days' public notice to be given, of the time and place the commissioners and assignees intend to meet, to make a dividend or distribution of the bankrupt's estate and effects; at which time the creditors, who have not before proved their debts, shall be at liberty to prove the same, and upon every such meeting, the assignee or assignees shall produce to the commissioners and creditors then present, fair and just accounts of all his or their receipts and payments, touching the bankrupt's estate and effects, and of what shall remain outstanding, and the particulars thereof, and shall, if the creditors then present, or a major part of them, require the same, be examined upon oath or solemn affirmation, before the same commissioners, touching the truth of such accounts; and in such accounts the said assignee or assignees shall be allowed, and retain, all such sum and sums of money as they shall have paid or expended in suing out and prosecuting the commission, and all other just allowances on account of, or by reason or means of, their being assignee or assignees; and the said commissioners shall order such part of the nett produce of the said bankrupt's estate, as by such accounts or otherwise shall appear to be in the hands of the said assignees, as they shall think fit, to be forthwith divided among such of the bankrupt's creditors as have duly proved their debts under such commission, in proportion to their several and respective debts; and the commissioners shall make such their order for a dividend in writing, under their hands, and shall cause one part of such order to be filed amongst the proceedings under the said commission, and shall deliver unto each of the assignees under such commission, a duplicate of such their order, which order of distribution shall contain an account of the time and place of making such order, and the sum total, or quantum, of all the debts proved under the commission, and the sum total of the money remaining in the hands of the assignee or assignees to be divided, and how many per cent. in particular is there ordered to be paid to every creditor of his debt; and the said assignee or assignees, in pursuance of such order, and without any deed or deeds of distribution, to be made for the purpose, shall forthwith make such dividend and distribution accordingly, and shall take receipts, in a book to be kept for the purpose, from each creditor, for the part or share of such dividend or distribution which he or they shall make and pay to each creditor, respectively; and such order and receipt shall be a full and effectual discharge to such assignee for so much as he shall fairly pay, pursuant to such order as aforesaid.

§ 30. That within eighteen months next after the issuing of the commission, the assignee or assignees shall make a second dividend of the bankrupt's estate and effects, in case the same were not wholly divided upon the first dividend, and shall cause due public notice to be given of the time and place the said commissioners intend to meet, to make a second distribution of

the bankrupt's estate and effects, and for the creditors who shall not before have proved their debts, to come in and prove the same; and at such meeting the said assignees shall produce, on oath or solemn affirmation, as aforesaid, their accounts of the bankrupt's estate and effects, and what, upon the balance thereof, shall appear to be in their hands, shall, by like order of the commissioners, be forthwith divided amongst such of the bankrupt's creditors as shall have made due proof of their debts, in proportion to their several and respective debts; which second dividend shall be final, unless any suit at law, or equity, be depending, or any part of the estate standing out, that could not have been disposed of, or that the major part of the creditors shall not have agreed to be sold or disposed of, or unless some other or future estate or effects of the bankrupt shall afterwards come to, or rest in, the said assignees, in which cases the said assignees shall, as soon as may be, convert such future or other estate and effects into money, and shall, within two months after the same be converted into money, by like order of the commissioners, divide the same among such bankrupt's creditors as shall have made due proof of their debt under such commission.

Second dividend final, unless, &c.

§ 31. That in the distribution of the bankrupt's effects, there shall be paid to every of the creditors a portion rate, according to the amount of their respective debts, so that every creditor having security for his debt by judgment, statute, recognisance, or specialty, or having an attachment under any of the laws of the individual states, or of the United States, on the estate of such bankrupt, (*Provided*, there be no execution executed upon any of the real or personal estate of such bankrupt, before the time he or she became bankrupts) shall not be relieved upon any such judgment, statute, recognisance, specialty, or attachment, for more than a rateable part of his debt, with the other creditors of the bankrupt.

Every creditor to be paid in proportion, computing in the dividends the amount of debt secured to any creditor by judgment, statute, recognisance, &c. provided, &c.

§ 32. That the assignees shall keep one or more distinct book, or books, of account, wherein he or they shall duly enter all sums of money or effects which he or they shall have received, or got into his or their possession, of the said bankrupt's estate, to which books of account, every creditor, who shall have proved his or her debt, shall, at all reasonable times, have free resort, and inspect the same as often as he or she shall think fit.

Assignees to keep books of account, &c. to which creditors who may have proved their debts may resort, &c.

§ 33. That every bankrupt, not being in prison or custody, shall, at all times after his surrender, be bound to attend the assignees, upon every reasonable notice, in writing, for that purpose given, or left at the usual place of his or her abode, in order to assist in making out the accounts of the said bankrupt's estate and effects, and to attend any court of record, to be examined touching the same, or such other business as the said assignees shall judge necessary, for which he shall receive three dollars per day.

The bankrupt, not being in prison, bound to attend assignees, &c. on notice, &c. for which he is to receive three dalls. per day.

§ 34. That all and every person and persons who shall become bankrupt as aforesaid, and who shall, within the time limited by this act, surrender him or herself to the commissioners, and in all things conform as in and by this act is directed, shall

Allowance to bankrupts who conform to the provisions of this act, &c.

5 per cent. on nett produce, if the dividend amount to 50 per cent. so as, &c.

10 per cent. on nett produce in case the dividends amount to 75 per cent.

Bankrupt to be discharged from all debts, &c.

Certificate of bankrupt to be prima facie evidence, &c.

Proviso; discharge of bankrupt not to release partners, or persons bound, &c.

If the nett proceeds, &c. will not pay 50 per cent. the bankrupt not to be allowed more than 300 dollars, &c.

Bankrupts not entitled to certificate of discharge unless the commissioners certify, &c. or unless the judge, &c.

be allowed five per cent. upon the nett produce of all the estate that shall be recovered in and received, which shall be paid unto him or her by the assignee or assignees, in case the nett produce of such estate, after such allowance made, shall be sufficient to pay the creditors of said bankrupt, who shall have proved their debts under such commission, the amount of fifty per cent. on their said debts, respectively, and so as the said five per cent. shall not exceed, in the whole, the sum of five hundred dollars; and in case the nett produce of the said estate shall, over and above the allowance hereafter mentioned, be sufficient to pay the said creditors seventy-five per cent. on the amount of their said debts, respectively, that then the said bankrupt shall be allowed ten per cent. on the amount of such nett produce, to be paid as aforesaid, so as such ten per cent. shall not, in the whole, exceed the sum of eight hundred dollars; and every such bankrupt shall be discharged from all debts by him or her due or owing, at the time he or she became bankrupt, and all which were or might have been proved under the said commission; and in case any such bankrupt shall afterwards be arrested, prosecuted, or impleaded, for or on account of any of the said debts, such bankrupt may appear without bail, and may plead the general issue, and give this act, and the special matter, in evidence: And the certificate of such bankrupt's conforming, and the allowance thereof, according to the directions of this act, shall be, and shall be allowed to be, sufficient evidence, prima facie, of the party's being a bankrupt within the meaning of this act, and of the commission, and other proceedings precedent to the obtaining such certificate, and a verdict shall thereupon pass for the defendant, unless the plaintiff in such action can prove the said certificate was obtained unfairly, and by fraud, or unless he can make appear any concealment of estate or effects, by such bankrupt, to the value of one hundred dollars: *Provided*, That no such discharge of a bankrupt shall release or discharge any person who was a partner with such bankrupt, at the time he or she became bankrupt, or who was then jointly held or bound with such bankrupt, for the same debt or debts from which such bankrupt was discharged as aforesaid.

§ 35. That if the nett proceeds of the bankrupt's estate, so to be discovered, recovered, and received, shall not amount to so much as will pay all and every of the creditors of the said bankrupt, who shall have proved their debts under the said commission, the amount of fifty per cent. on their debts, respectively, after all charges first deducted, that then, and in such case, the bankrupt shall not be allowed five per centum on such estate as shall be recovered in, but shall have and be paid by the assignees so much money as the commissioners shall think fit to allow, not more than three hundred dollars, nor exceeding three per centum on the nett proceeds of the said bankrupt's estate.

§ 36. That no person becoming a bankrupt according to the intent and provisions of this act, shall be entitled to a certificate of discharge, or to any of the benefits of the act, unless the commissioners shall certify under their hands, to the judge of the district within which such commission issues, that such bankrupt

bath made a full discovery of his or her estate and effects, and in all things conformed him or herself to the directions of this act, and that there doth not appear to them any reason to doubt of the truth of such discovery, or that the same was not a full discovery of the said bankrupt's estate and effects; or unless the said judge should be of opinion that the said certificate was unreasonably denied by the commissioners; and unless two thirds, in number and in value, of the creditors of the bankrupt, who shall be creditors for not less than fifty dollars, respectively, and who shall have duly proved their debts under the said commission, shall sign such certificate to the judge, and testify their consent to the allowance of a certificate of discharge, in pursuance of this act; which signing and consent shall be also certified by the commissioners; but the said commissioners shall not certify the same till they have proof, by affidavit or information, in writing, of such creditors, or of the persons respectively authorized for that purpose, signing the said certificate; which affidavit or affirmation, together with the letter or power of attorney to sign, shall be laid before the judge of the district within which such commission issues, in order for the allowing the certificate of discharge; and the said certificate shall not be allowed, unless the bankrupt make oath or affirmation, in writing, that the certificate of the commissioners, and consent of the creditors thereunto, were obtained fairly and without fraud; and any of the creditors of the said bankrupt are allowed to be heard, if they shall think fit, before the respective persons aforesaid, against the making or allowing of such certificates by the commissioners or judge.

§ 37. That if any creditor, or pretended creditor, of any bankrupt, shall exhibit to the commissioners any fictitious or false debt, or demand, with intent to defraud the real creditors of such bankrupt, and the bankrupt shall refuse to make discovery thereof, and suffer the fair creditors to be imposed upon, he shall lose all title to the allowance upon the amount of his effects, and to a certificate of discharge as aforesaid; nor shall he be entitled to the said allowance or certificate, if he has lost, at any one time, fifty dollars, or, in the whole, three hundred dollars, after the passing of this act, and within twelve months before he became a bankrupt, by any manner of gaming or wagering whatever.

§ 38. That if any bankrupt, who shall have obtained his certificate, shall be taken in execution or detained in prison, on account of any debts owing before he became a bankrupt, by reason that judgment was obtained before such certificate was allowed, it shall be lawful for any of the judges of the court wherein judgment was so obtained, or for any court, judge, or justice, within the district in which such bankrupt shall be detained, having powers to award or allow the writ of habeas corpus, on such bankrupt producing his certificate so as aforesaid allowed, to order any sheriff or gaoler who shall have such bankrupt in custody, to discharge such bankrupt, without fee or charge, first giving reasonable notice to the plaintiff, or his attorney, of the motion for such discharge.

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Commissioners not to certify until proof of signing certificate by creditors, &c.

Bankrupt to make oath that the certificate of the commissioners, and the consent of the creditors, were fairly obtained, &c.

The bankrupt refusing to discover false or fictitious claims exhibited, &c. loses his allowance, certificate, &c. Bankrupt not entitled to certificate of discharge, &c. if he has lost, &c. by gaming, &c.

Bankrupt, having obtained certificate, if arrested to be discharged, &c.

Plaintiff to have reasonable notice of motion to discharge, &c.

Creditors payable at future days, &c. admitted to prove their debts and contracts, &c.

Obligees of bottomry or respondentia bonds, the assured, &c. admitted to claim &c. and bankrupt to be discharged from such securities, &c.

Persons committed by warrant of commissioners, and brought up on habeas corpus, if insufficiency in form of warrant, the judge may commit, &c. unless, &c.

Gaolers forfeit 3,000 dollars for suffering prisoners to escape, &c.

Gaoler, upon request of any creditor, &c. to produce the person committed, &c. Gaoler refusing to show the person committed, liable as for escape, &c. In cases where mutual credit has been given, one debt allowed as an offset against another, &c.

§ 39. That every person who shall have, bona fide, given credit to, or taken securities, payable at future days, from persons who are, or shall become, bankrupts, not due at the time of such persons' becoming bankrupt, shall be admitted to prove their debts and contracts, as if they were payable presently, and shall have a dividend in proportion to the other creditors, discounting, where no interest is payable, at the rate of so much per centum per annum, as is equal to the lawful interest of the state where the debt was payable; and the obligee of any bottomry or respondentia bond, and the assured in any policy of insurance, shall be admitted to claim, and after the contingency or loss, to prove the debt thereon, in like manner as if the same had happened before issuing the commission; and the bankrupt shall be discharged from such securities, as if such money had been due and payable before the time of his or her becoming bankrupt; and such creditors may petition for a commission, or join in petitioning.

§ 40. That in case any person, committed by the commissioners' warrant, shall obtain a habeas corpus, in order to be discharged, and there shall appear any insufficiency in the form of the warrant, it shall be lawful for the court or judge before whom such party shall be brought by habeas corpus, by rule or warrant, to commit such persons to the same prison, there to remain until he shall conform as aforesaid, unless it shall be made to appear that he had fully answered all lawful questions put to him by the commissioners; or in case such person was committed for not signing his examination, unless it shall appear that the party had good reason for refusing to sign the same, or that the commissioners had exceeded their authority in making such commitment. And in case the gaoler to whom such person shall be committed, shall wilfully or negligently suffer such person to escape, or go without the doors or walls of the prison, such gaoler shall, for such offence, being convicted thereof, forfeit a sum not exceeding three thousand dollars, for the use of the creditors.

§ 41. That the gaoler shall, upon the request of any creditor, having proved his debt, and showing a certificate thereof, under the hands of the commissioners, which the commissioners shall give without fee or reward, produce the person so committed; and in case such gaoler shall refuse to show such person to such creditor requesting the same, such person shall be considered as having escaped, and the gaoler or sheriff so refusing, shall be liable as for a wilful escape.

§ 42. That where it shall appear to the said commissioners that there hath been mutual credit given by the bankrupt, and any other person, or mutual debts between them, at any time before such person became bankrupt, the assignee or assignees of the estate shall state the account between them, and one debt may be set off against the other, and what shall appear to be due on either side, on the balance of such account, after such set off, and no more, shall be claimed or paid on either side, respectively.

§ 43. That it shall and may be lawful to and for the assignee

or assignees of any bankrupt's estate and effects, under the direction of the commissioners, and by and with the consent of the major part in value of such of the said bankrupt's creditors as shall have duly proved their debts under the commission, and shall be present at any meeting of the said creditors, to be held in pursuance of due and public notice for that purpose given, to submit any difference or dispute for, on account of, or by reason or means of, any matter, cause, or thing whatsoever, relating to such bankrupt, or to his or her estate or effects, to the final end and determination of arbitrators, to be chosen by the said commissioners and the major part in value of such creditors as shall be present at such meeting as aforesaid, and the party or parties with whom they shall have such difference or dispute, and to perform the award of such arbitrators, or otherwise to compound and agree the matter in difference and dispute as aforesaid, in such manner as the said assignee or assignees, under the direction and with the consent aforesaid, shall think fit and can agree; and the same shall be binding on the several creditors of the said bankrupt; and the said assignee or assignees are hereby indemnified for what they shall fairly do, according to the directions aforesaid.

The assignees, under direction of commissioners, and with consent of creditors, may submit disputes relating to the bankrupt's affairs to arbitrators, &c.

Choice of arbitrators, &c.

Performance of award binding, &c.

§ 44. That the assignees shall be, and hereby are, vested with full power to dispose of all the bankrupt's estate, real and personal, at public auction or vendue, without being subject to any tax, duty, imposition, or restriction, any law to the contrary notwithstanding.

Bankrupt's estate may be disposed of at public auction, without paying duty, &c.

§ 45. That if, after any commission of bankruptcy sued forth, the bankrupt happen to die before the commissioners shall have distributed the effects, or any part thereof, the commissioners shall, nevertheless, proceed to execute the commission, as fully as they might have done if the party were living.

If the bankrupt should die, the commissioners to proceed nevertheless, &c.

§ 46. That where any commission of bankruptcy shall be delivered to the commissioners therein named, to be executed, it shall and may be lawful for them, before they take the oath or affirmation of qualification, to demand and take from the creditor or creditors prosecuting such commission, a bond, with one good security, if required, in the penalty of one thousand dollars, conditioned for the payment of the costs, charges, and expenses, which shall arise and accrue upon the prosecution of the said commission: *Provided always*, That the expenses, so as aforesaid to be secured and paid by the petitioning creditor or creditors, shall be repaid to him or them by the commissioners or assignees, out of the first moneys arising from the bankrupt's estate or effects, if so much be received therefrom.

The commissioners may take bond from the creditors prosecuting, for the payment of the expenses, &c.

Proviso; expenses to be repaid out of bankrupt's estate, &c.

§ 47. That the district judges, in each district, respectively, shall fix a rate of allowance to be made to the commissioners of bankruptcy, as compensation of services to be rendered under the commission, and it shall be lawful for any creditor, by petition to the district judge, to except to any charge contained in the account of the commissioners: And the said judge, after hearing the commissioners, may, in a summary way, decide upon the validity of such exception.

District judges to fix a rate of allowance to commissioners of bankruptcy, &c.

§ 48. That all penalties given by this act for the benefit of the

Penalties given by this act for

the benefit of creditors to be recovered, &c.

In case of action against commissioner, &c. the defendant may plead the general issue, &c. Double costs in case of nonsuit, &c.

Estate, &c. descending or reverting to bankrupt before certificate of discharge, &c. to be vested in the commissioners, assigned, &c.

Commissioners to file proceedings in the office of the clerk of the district court, &c. Final certificate of bankrupt to be recorded, &c. Certified copies of proceedings to be admitted as evidence, &c. Any creditor may attend examinations of the bankrupt, propose interrogatories, &c.

Either the bankrupt or creditor thinking himself aggrieved, &c. on petitioning the judge, &c. may have a trial by jury, &c.

creditors, shall be recovered by the assignee or assignees by action of debt, and the money so recovered, the charges of suit being deducted, shall be distributed towards payment of the creditors.

§ 49. That if any action shall be brought against any commissioner, or assignee, or other person, having authority under the commission, for any thing done or performed by force of this act, the defendant may plead the general issue, and give this act, and the special matter, in evidence; and in case of a nonsuit, discontinuance, or verdict or judgment for him, he shall recover double costs.

§ 50. That if any estate, real or personal, shall descend, revert to, or become vested in any person, after he or she shall be declared a bankrupt, and before he or she shall obtain a certificate, signed by the judge as aforesaid, all such estate shall, by virtue of this act, be vested in the said commissioners, and shall be by them assigned and conveyed to the assignee or assignees, in fee simple, or otherwise, in like manner as above directed, with the estate of the said bankrupt, at the time of the bankruptcy, and the proceeds thereof shall be divided among the creditors.

§ 51. That the said commissioners shall, once in every year, carefully file, in the clerk's office of the district court, all the proceedings had in every case before them, and which shall have been finished; including the commissions, examinations, dividends, entries, and other determinations, of the said commissioners, in which office the final certificate of the said bankrupt may also be recorded; all which proceedings shall remain of record in the said office, and certified copies thereof shall be admitted as evidence in all courts in like manner as the copies of the proceedings of the said district court are admitted in other cases.

§ 52. That it shall and may be lawful for any creditor of such bankrupt, to attend all or any of the examinations of said bankrupt, and the allowance of the final certificate, if he shall think proper, and then and there to propose interrogatories, to be put by the judge or commissioners to the said bankrupt and others, and also to produce and examine witnesses and documents before such judge or commissioners, relative to the subject matter before them. And in case either the bankrupt or creditor shall think him or herself aggrieved by the determination of the said judge or commissioners, relative to any material fact, in the commencement or progress of the said proceedings, or in the allowance of the certificate aforesaid, it shall and may be lawful for either party to petition the said judge, setting forth such facts, and the determination thereon, with the complaint of the party, and a prayer for trial by a jury to determine the same, and the said judge shall, in his discretion, make order thereon, and award a venire facias to the marshal of the district, returnable within fifteen days, before him, for the trial of the facts mentioned in the said petition, notice whereof shall be given to the commissioners and creditors concerned in the same; at which time the said trial shall be had, unless, on good cause shown, the judge shall give further time; and judgment being entered on the ver-

dict of the jury, shall be final on the said facts, and the judge or commissioners shall proceed agreeably thereto.

§ 53. That the commissioners, before the appointment of assignees, and the assignees after such appointment, may, from time to time, make such allowance, out of the bankrupt's estate, until he shall have obtained his final discharge, as, in their opinion, may be requisite for the necessary support of the said bankrupt and his family.

The commissioners, or assignees, may make allowance, out of the bankrupt's estate, for the support, &c.

§ 54. That it shall be lawful for the major part, in value, of the creditors, before they proceed to the choice of assignees, to direct in what manner, with whom, and where, the moneys arising by, and to be received from time to time out of, the bankrupt's estate, shall be lodged, until the same shall be divided among the creditors, as herein provided; to which direction every such assignee and assignees shall conform, as often as three hundred dollars shall be received.

Creditors may direct where the money arising, &c. shall be deposited, &c.

Assignees to deposits every 300 dolls.

§ 55. That every matter and thing, by this act required to be done by the commissioners of any bankrupt, shall be valid to all intents and purposes, if performed by a majority of them.

Acts of a majority of the commissioners valid.

§ 56. That in all cases where the assignees shall prosecute any debtor of the bankrupt for any debt, duty, or demand, the commission, or a certified copy thereof, and the assignment of the commissioners of the bankrupt's estate, shall be conclusive evidence of the issuing the commission, and of the person named therein being a trader and bankrupt, at the time mentioned therein.

The commission, &c. in suits against debtors of bankrupt, evidence, &c.

§ 57. That every person obtaining a discharge from his debts, by certificate as aforesaid, granted under a commission of bankruptcy, shall not, on any future commission, be entitled to any other certificate than a discharge of his person only; unless the nett proceeds of the estate and effects of such person, so becoming bankrupt a second time, shall be sufficient to pay seventy-five per cent. to his or her creditors, on the amount of their debts, respectively.

Persons becoming bankrupts a second time, entitled to a discharge of their persons only, unless the nett proceeds of their estates will pay seventy-five per cent, &c.

§ 58. That any creditor of a person, against whom a commission of bankruptcy shall have been sued forth, and who shall lay his claim before the commissioners appointed in pursuance of this act, may, at the same time, declare his unwillingness to submit the same to the judgment of the said commissioners, and his wish that a jury may be empannelled to decide thereon: And in like manner, the assignee or assignees of such bankrupt, may object to the consideration of any particular claim by the commissioners, and require that the same should be referred to a jury. In either case, such objection and request shall be entered on the books of the commissioners, and thereupon an issue shall be made up between the parties, and a jury shall be empannelled, as in other cases, to try the same in the circuit court for the district in which such bankrupt has usually resided. The verdict of such jury shall be subject to the control of the court, as in suits originally instituted in the said court, and when rendered, if not set aside by the court, shall be certified to the commissioners, and shall ascertain the amount of any such claim, and such creditor or creditors shall be considered in all respects as having proved their debts under the commission.

Claims of creditors may be tried by jury, upon their request, or objection of the assignees, &c.

The objection and request to be entered on the books of the commissioners, &c.

The lands and effects of a bankrupt may be sold, &c. Proviso; nothing herein to retard bankrupt's certificate, &c. The bankrupt may be discharged from custody by a creditor, &c. or by the commissioners, &c.

Proviso; discharge no bar, &c. Proviso; discharge no bar to subsequent imprisonment, &c.

This act not to repeal or annul state laws, &c. for the relief of insolvent debtors; except so far, &c.

Persons within the purview of this act, imprisoned for three months, entitled to relief under state laws, unless the creditors proceed, &c.

Nothing in this law to affect the right of priority in the United States, nor, &c.

Nothing in this act to impair existing liens, &c.

Limitation of this act to the 21st of April, 1806; provided, &c.

§ 59. That the lands and effects of any person becoming bankrupt, may be sold on such credit, and on such security, as a major part in value of the creditors may direct: *Provided*, nothing herein contained shall be allowed so to operate, as to retard the granting the bankrupt's certificate.

§ 60. That if any person becoming bankrupt shall be in prison, it shall be lawful for any creditor or creditors, at whose suit he or she shall be in execution, to discharge him or her from custody, or if such creditor or creditors shall refuse to do so, the prisoner may petition the commissioners to liberate him or her, and thereupon, if, in the opinion of the commissioners, the conduct of such bankrupt shall have been fair, so as to entitle him or her, in their opinion, to a certificate, when by law such certificate might be given, it shall be lawful for them to direct the discharge of such prisoner, and to enter the same in their books, which being notified to the keeper of the gaol in which such prisoner may be confined, shall be a sufficient authority for his or her discharge: *Provided*, That in either case, such discharge shall be no bar to another execution, if a certificate shall be refused to such bankrupt: *And provided also*, That it shall be no bar to a subsequent imprisonment of such bankrupt by order of the commissioners, in conformity with the provisions of this act.

§ 61. That this act shall not repeal or annul, or be construed to repeal or annul, the laws of any state now in force, or which may be hereafter enacted, for the relief of insolvent debtors, except so far as the same may respect persons who are, or may be, clearly within the purview of this act, and whose debts shall amount, in the cases specified in the second section thereof, to the sums therein mentioned. And if any person within the purview of this act, shall be imprisoned for the space of three months, for any debt, or upon any contract, unless the creditors of such prisoner shall proceed to prosecute a commission of bankruptcy against him or her, agreeably to the provisions of this act, such debtor may and shall be entitled to relief, under any such laws for the relief of insolvent debtors, this act notwithstanding.

§ 62. That nothing contained in this law shall, in any manner, affect the right of preference to prior satisfaction of debts due to the United States, as secured or provided by any law heretofore passed, nor shall be construed to lessen or impair any right to, or security for, money due to the United States, or to any of them.

§ 63. That nothing contained in this act shall be taken or construed to invalidate, or impair, any lien existing at the date of this act, upon the lands or chattels of any person who may become a bankrupt.

§ 64. That this act shall continue in force during the term of five years, and from thence to the end of the next session of congress thereafter, and no longer: *Provided*, That the expiration of this act shall not prevent the complete execution of any commission which may have been previously thereto issued. [Approved, April 4, 1800.]

CHAP. [21.] An act to allow a drawback of duties on goods exported to New Orleans, and therein to amend the act, entitled "An act to regulate the collection of duties on imports and tonnage." Repealed act of 1803, ch. 5.

§ 1. *Be it enacted, &c.* That any goods, wares, or merchandise, which shall be exported from the United States, after the tenth day of April current, in the manner prescribed by law, to the port of New Orleans, on the river Mississippi, shall be deemed and taken to be entitled to such drawbacks of duties as would be allowable thereon when exported to any other foreign port or place, any thing in the act, entitled "An act to regulate the collection of duties on imports and tonnage," to the contrary hereof notwithstanding. [Approved, April 5, 1800.] Goods, &c. exported to New Orleans, &c. to be entitled to drawback of duties, &c.

CHAP. [22.] An act to continue in force "An act concerning certain fisheries of the United States, and for the regulation and government of the fishermen employed therein," and for other purposes as therein mentioned. Obsolete.

§ 1. *Be it enacted, &c.* That the act, entitled "An act concerning certain fisheries of the United States, and for the regulation and government of the fishermen employed therein," shall be in force, and is hereby continued for the term of ten years, from the third day of March, one thousand eight hundred and until the end of the session of congress next ensuing the expiration of that term, any thing in the ninth section of the said act to the contrary hereof notwithstanding. The act mentioned continued until 3d of March, 1817. Act of 1792, ch. 6. See act of 1813, ch. 1 and ch. 34.

§ 2. That the additional allowances which were, by the sixth section of the act, entitled "An act for raising a further sum of money for the protection of the frontiers, and for other purposes therein mentioned," and by the second section of the act, entitled "An act laying an additional duty on salt, and for other purposes," respectively granted to ships or vessels employed in the bank and other cod fisheries, shall be continued to the ships and vessels, respectively, which shall be so employed, in the terms, and according to the intent, of the said first mentioned act, for and during the further continuance thereof, as aforesaid: *Provided*, That the said allowances shall not be understood to be continued for a longer time than the correspondent duties, respectively, for which the said additional allowances were granted, shall be payable. [Approved, April 12, 1800.] Additional allowances granted by the acts mentioned, &c. continued. Act of 1792, ch. 27. act of 1797, ch. 15.

Proviso; allowances not to be continued longer than duties, &c.

CHAP. [23.] An act to alter the form of certain oaths and affirmations, directed to be taken by the act, entitled "An act providing for the second census or enumeration of the inhabitants of the United States." Obsolete. Act of 1800, ch. 12.

§ 1. *Be it enacted, &c.* That so much of the first section of the act, passed during the present session of congress, entitled, "An act providing for the second census or enumeration of the inhabitants of the United States," as relates to the form of the oaths or affirmations thereby directed to be taken by the marshals, secretaries, and assistants, therein mentioned, respectively, shall be, and hereby is, repealed, and that the said oaths or affirmations shall be in the following form; that is to say: the marshals' and secretaries' oath or affirmation in the form following: "I, A B, marshal of the district of — (or the secretary of the territory of — as the case may be) do solemnly swear, or affirm, that I Form of the oaths prescribed by the act mentioned, repealed, &c. The oaths of marshals, &c. to be in the form herein prescribed, &c.

Form of the
oath of mar-
shal, &c.

Form of the
assistants'
oath.

will, well and truly, cause to be made, a just and perfect enumeration and description of the persons resident within my district, (or within the territory of — as the case may be) and will return the same to the secretary of state, agreeably to the directions of an act of congress, entitled 'An act providing for the second census or enumeration of the inhabitants of the United States,' according to the best of my ability:" and the assistants' oath or affirmation, in the form following: "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 — (or the secretary of the territory of — as the case may be) and make due return thereof to the said marshal, (or secretary) agreeably to the directions of an act of congress, entitled 'An act providing for the second census or enumeration of the inhabitants of the United States,' according to the best of my ability." [Approved, April 12, 1800.]

CHAP. [25.] 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."

The rights and
privileges given
to citizens
respecting pa-
tents, &c. ex-
tended to
aliens who
have resided
two years
within the
United States,
&c.
Act of 1793,
ch. [11.] 55.

Proviso: per-
sons petition-
ing pursuant
to this act to
make oath that
the invention
hath not been
known, &c.

The right of
applying for
and obtaining
patents de-
volves on the
legal repre-
sentatives of
deceased in-
ventors, &c.

§ 1. *Be it enacted, &c.* That all and singular the rights and privileges given, intended, or provided, to citizens of the United States, respecting patents for new inventions, discoveries, and improvements, by the act, entitled "An act to promote the progress of useful arts, and to repeal the act heretofore made for that purpose," shall be, and hereby are, extended and given to all aliens who, at the time of petitioning in the manner prescribed by the said act, shall have resided for two years within the United States, which privileges shall be obtained, used, and enjoyed, by such persons, in as full and ample manner, and under the same conditions, limitations, and restrictions, as by the said act is provided and directed in the case of citizens of the United States. *Provided always,* That every person petitioning for a patent for any invention, art, or discovery, pursuant to *this act*, shall make oath or affirmation, before some person duly authorized to administer oaths, before such patent shall be granted, that such invention, art, or discovery, hath not, to the best of his or her knowledge or belief, been known or used either in this or any foreign country; and that every patent which shall be obtained pursuant to this act, for any invention, art, or discovery, which it shall afterwards appear had been known or used previous to such application for a patent, shall be utterly void.

§ 2. That where any person hath made, or shall have made, any new invention, discovery, or improvement, on account of which a patent might, by virtue of this or the above mentioned act, be granted to such person as shall die before any patent shall be granted therefor, the right of applying for and obtaining such patent, shall devolve on the legal representatives of such person, in trust for the heirs at law of the deceased, in case he shall have died intestate; but if otherwise, then in trust for his devisees, in as full and ample manner, and under the same conditions, limitations, and restrictions, as the same was held, or

might have been claimed or enjoyed, by such person, in his or her life time; and when application for a patent shall be made by such legal representatives, the oath or affirmation, provided in the third section of the before mentioned act, shall be so varied as to be applicable to them.

§ 3. That where any patent shall be, or shall have been, granted pursuant to this or the above mentioned act, and any person, without the consent of the patentee, his or her executors, administrators, or assigns, first obtained, in writing, shall make, devise, use, or sell, the thing whereof the exclusive right is secured to the said patentee by such patent, such person, so offending, shall forfeit and pay to the said patentee, his executors, administrators, or assigns, a sum equal to three times the actual damage sustained by such patentee, his executors, administrators, or assigns, from or by reason of such offence, which sum shall and may be recovered, by action on the case, founded on this and the above mentioned act, in the circuit court of the United States having jurisdiction thereof.

§ 4. That the fifth section of the above mentioned act, entitled "An act to promote the progress of useful arts, and to repeal the act heretofore made for that purpose," shall be, and hereby is, repealed. [*Approved, April 17, 1800.*]

CHAP. [26.] An act to fix the compensation of the paymaster general, and assistant to the adjutant general.

§ 1. *Be it enacted, &c.* That the paymaster general of the army of the United States shall receive one hundred and twenty dollars per month, with the rations and forage of a major, in full compensation for his services and travelling expenses, to be computed from the commencement of the time of his actual residence at the seat of government, any thing in the "Act for the better organizing of the troops of the United States, and for other purposes," to the contrary notwithstanding.

§ 2. That the pay of the assistant of the adjutant general, in addition to his pay and other emoluments in the line of the army, shall be forty dollars per month, which shall be in full compensation for his extra services and travelling expenses, to be computed from the time of his entering upon actual service. [*Approved, April 22, 1800.*]

CHAP. [27.] An act to continue in force the act, entitled "An act to authorize the defence of the merchant vessels of the United States against French depredations."

§ 1. *Be it enacted, &c.* That the act passed on the twenty-fifth day of June, one thousand seven hundred and ninety-eight, entitled "An act to authorize the defence of the merchant vessels of the United States against French depredations," excepting such parts of the said act as relate to salvage in cases of recapture, shall continue and be in force for and during the term of one year, and from thence to the end of the next session of congress thereafter, and no longer. [*Approved, April 22, 1800.*]

The oath in the act mentioned to be varied, so as to be applicable, &c.
Persons using, &c. the inventions of patentees, without permission in writing, &c. to pay three times the actual damage, &c.
The sum forfeited recoverable by action on the case, in the circuit court, &c.

The 5th sec. of the act mentioned repealed, &c.
Act of 1793, ch. [11.] 55.

Repealed.
Act of 1802, ch. 9.
The paymaster general to receive 120 dollars per month, with rations, &c.

The pay of the assistant of the adjutant general to be forty dollars per month, additional, &c.

Obsolete.
Act of 1798, ch. 77.

The act mentioned continued to the 3d of May, 1802.
The parts relating to salvage not continued, &c.

Obsolete.
Act of 1798,
ch. 42.

The act men-
tioned con-
tinued for
four years, &c.

CHAP. [28.] An act to continue in force, for a limited time, an act, entitled "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."

§ 1. *Be it enacted, &c.* That an act, passed on the twenty-third day of January, one thousand seven hundred and ninety-eight, entitled "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," shall be and continue in force for the term of four years, and no longer. [Approved, April 22, 1800.]

CHAP. [29.] An act fixing the rank and pay of the commanding officer of the corps of marines.

§ 1. *Be it enacted, &c.* That a lieutenant colonel commandant shall be appointed to command the corps of marines, and shall be entitled to the same pay and emoluments as a lieutenant colonel in the army of the United States; any thing in the act for the establishing and organizing a marine corps to the contrary notwithstanding; and that the office of major of the said corps shall thereafter be abolished. [Approved, April 22, 1800.]

A lieut. col.
commandant
of marines to
be appointed,
his pay, &c.
Act of 1817, ch.
238, act of
1798, ch. 89.
The office of
major abolish-
ed.

Expired.
Act of 1802, ch.

CHAP. [30.] An act supplementary to the "Act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers."

§ 1. *Be it enacted, &c.* That from and after the passing of this act, it shall be lawful for any military officer, who may have charge or custody of any person or persons who may have been, or shall be, apprehended in the Indian country, over and beyond the boundary line between the United States and the said Indian tribes, in violation of any of the provisions or regulations of the act, entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," to conduct him or them to some one of the justices of the inferior or county court of any county nearest to the place of his arrest, who, if the offence is bailable, is hereby authorized to take proper bail, if offered, in like manner as the judge of the superior court of any state is authorized to do, in and by the act above recited; unless such person, holden in custody as aforesaid, shall be charged upon oath with murder, or any other offence punishable with death, in which case such justice of any inferior or county court shall not have authority to take bail for such person. [Approved, April 22, 1800.]

13.
Military officers
having
charge of per-
sons appre-
hended in the
Indian coun-
try, &c. to
conduct them
to a justice
of a county
court, &c.
Act of 1799,
ch. 152.
Justices au-
thorized to
take bail, un-
less, &c.

Repealed.
Act of 1803, ch.
19.
Superintend-
ent of stamps
to be appoint-
ed.
His duty.

CHAP. [31.] An act to establish a general stamp office.

§ 1. *Be it enacted, &c.* That there shall be appointed an officer to be denominated superintendent of stamps, whose duty it shall be to superintend the stamping and marking of all vellum, parchment, and paper; to distribute the same among the officers who are, or shall be, authorized to secure and collect the duties thereupon, and to keep fair and true records and accounts of his proceedings; which said officer, so to be appointed, shall be subject to the superintendence, control, and direction, of the treasury department, according to the respective authorities and

The superin-
tendent subject
to the control

duties of the officers thereof; and shall, for the better execution of the duties and trusts in him reposed, observe and execute such directions as he shall, from time to time, receive from said department.

§ 2. That the said superintendent shall hold his office at the seat of the government of the United States, and shall be allowed, as a compensation for his services, the sum of two thousand dollars annually, to be paid, quarter yearly, at the treasury of the United States; and shall also be allowed the necessary expenses of office rent, fuel, printing, and packing, and of procuring books and stationary for the use of his office, and that all letters and packages to and from him shall be free of postage.

§ 3. That the said superintendent shall, with the approbation of the principal officer of the treasury department, employ such number of clerks, and other assistants, in his office, as shall be found necessary; and shall apportion and vary the compensation to each, in such manner as the services rendered by each shall, in his judgment, require: *Provided*, That the whole amount of the compensations to said clerks and assistants shall not exceed two thousand five hundred dollars annually.

§ 4. That the said superintendent shall, within three months after entering upon his office, give bond, with sureties, for the true and faithful execution thereof, and for the settlement of his accounts at the periods which shall be prescribed by the proper officers at the treasury department, in the sum of ten thousand dollars, which bond shall be approved by the comptroller of the treasury, and kept in his office, to be by him put in suit for the benefit of the United States upon any breach of the conditions thereof.

§ 5. That from and after the establishment of the office aforesaid at the seat of government, and after six months' notice of the new stamps hereby directed to be prepared and issued; which notice shall be given by the secretary of the treasury, in the manner directed by the tenth section of the act, entitled "An act laying duties on stamped vellum, parchment, and paper;" so much of the act or acts heretofore passed, as empower and require the supervisors of the revenue to stamp or mark any vellum, parchment, or paper, shall cease and determine.

§ 6. That if any deed, instrument, or writing, whatever, charged by law with the payment of duty, shall have been, or shall be, written or printed, by any person or persons whomsoever, upon vellum, parchment, or paper, not stamped, or marked, according to law, or upon vellum, parchment, or paper, stamped or marked at a lower rate of duty than is by law required for such deed, instrument, or writing; then, and in every such case, it shall be lawful for the person or persons holding such deed, instrument, or writing, within twelve calendar months after the time of giving notice as aforesaid, or within six calendar months after the execution of such deed, instrument, or writing, to pay to the collector of the revenue within whose collection district such person or persons shall reside, the duty chargeable by law on such deed, instrument, or writing, together with ten dollars in addition to such duty, which duty and additional

of the treasury department, &c.

The office of superintendent to be at the seat of the general government, &c. His compensation.

Necessary expenses, &c. allowed.

Letters, &c. of the superintendent free.

Clerks, &c. to be employed, &c.

Proviso; compensation of clerks, &c. not to exceed 2,500 dolls. annually.

Superintendent to give bond, &c.

Bond to be approved by the comptroller, &c.

Upon notice, as directed, so much of any acts as require supervisors to stamp, &c. to cease, &c. Act of 1797, ch. 11.

Deeds, instruments, &c. written, &c. upon vellum, paper, &c. not stamped, or upon vellum, paper, &c. stamped at a lower rate of duty than by law required, may be legalized, on payment of the duty and ten dolls. additional, &c.

sum of ten dollars, such collector is hereby authorized and required to receive, and without fee or reward to endorse a receipt therefor under his hand and seal, upon some part of such deed, instrument, or writing, which deed, instrument, or writing, so endorsed, it shall then be lawful for such person or persons to produce to the surveyor of the revenue within whose assessment district such person or persons shall reside, which surveyor thereupon shall certify, under his hand and seal, and upon some part of the said deed, instrument, or writing, that the same, so endorsed as aforesaid, has been produced to him, and that the said endorsement is in his belief genuine; after which said endorsement and certificate, and not otherwise, such deed, instrument, or writing, shall be, to all intents and purposes, as valid and available, as if the same had been, or were, stamped, counter stamped, or marked, as by law required, any thing in any act to the contrary notwithstanding.

Collectors to keep separate accounts of money received under the 6th sec. of this act, and transmit, &c.

Surveyors to transmit true copies of certificates, &c.

50 cts. to the surveyor for every certificate, &c.
Fine not exceeding 1,000 dolls. and imprisonment for counterfeiting or forging certificates, receipts, &c.

§ 7. That every collector of the revenue shall keep a separate account of all moneys by him received in manner last aforesaid, and shall, at such times as the secretary of the treasury shall direct, transmit the said account, together with such moneys, and a memorandum of all receipts by him endorsed in manner aforesaid, to the supervisor of the district, or the inspector of the survey, as the case may be; and that every surveyor of the revenue shall, at such time as the secretary of the treasury shall direct, transmit to the said supervisor or inspector, as the case may be, a true copy of all certificates given by him as aforesaid, and of the receipts respectively certified, and thereupon such surveyor shall be entitled to receive from the supervisor or inspector fifty cents for every such certificate by him signed as aforesaid.

§ 8. That if any person, with intent to defraud the United States of any sum of moneys directed to be paid by this act, or of any of the duties or duty laid by the act, entitled "An act laying duties on stamped vellum, parchment, and paper," shall counterfeit or forge, or cause or procure to be counterfeited or forged, any of the certificates, receipts, or endorsements, provided for and directed by the sixth section of this act, or shall utter, pass away, vend, or offer in evidence, in any court of justice, any such forged or counterfeit receipt, certificate, or endorsement, knowing the same to be forged or counterfeit, then every such person so offending, and being thereof convicted, in due form of law, shall be adjudged guilty of a misdemeanor, and shall be subject to be fined in any sum not exceeding one thousand dollars, and to be imprisoned for any term not exceeding seven years.

Vellum, paper, &c. deposited by individuals at the office of a supervisor, to be transmitted, &c. and stamped, &c.

§ 9. And for the convenience of those persons who may be inclined to have their own vellum, parchment, and paper, stamped or marked: *Be it further enacted*, That when any person or persons shall deposit any vellum, parchment, or paper, at the office of any supervisor, accompanying the same with a list, which shall specify the number and denomination of the stamps or marks which are to be thereto affixed, it shall be the duty of the said supervisor to transmit the same to the stamp office at the

seat of government, where such paper, parchment, and vellum, shall be properly marked or stamped, and forthwith sent back to the said supervisor, who shall thereupon collect the duties, and deliver the vellum, parchment, and paper, pursuant to the order of the person from whom it was received.

§ 10. That all vellum, parchment, and paper, to be stamped or marked at the said office, shall, before it is delivered for sale, use, or distribution, be carried from the said office to the office of the commissioner of the revenue, and be there counter stamped or marked, under the direction of the said commissioner, and in such manner as the secretary of the treasury shall devise and direct; and after being so counter stamped or marked, shall be returned to the office of the superintendent of stamps, to be by him distributed, according to the true intent and meaning of this act; of all which vellum, parchment, and paper, so sent to be counter stamped or marked, and so returned to the office of the superintendent aforesaid, an account shall be kept by the commissioner of the revenue, and, from time to time, returned to the proper officers of the treasury department.

§ 11. That if any person or persons, with intent to defraud the United States of any of the duties or duty laid by the act, entitled "An act laying duties on stamped vellum, parchment, and paper," or by any act or acts for amending the same, shall counterfeit or forge, or shall cause or procure to be counterfeited or forged, or shall, knowingly or wilfully, aid or assist in counterfeiting or forging, any stamp, counter stamp, or mark, which shall be provided or made in pursuance of this act, or shall counterfeit or resemble, or shall, knowingly and wilfully, aid or assist in counterfeiting or resembling, or shall cause to be counterfeited or resembled, the impression of any such stamp, counter stamp, or mark, upon any vellum, parchment, or paper, or shall knowingly or wilfully utter, vend, or sell, or offer in evidence in any court of justice, any vellum, parchment, or paper, with such counterfeit mark or impression thereon, or shall privately or fraudulently use any stamp, counter stamp, or mark, directed or allowed to be used by this act, then every such person so offending, and being thereof convicted in due form of law, shall be adjudged guilty of a misdemeanor, and be subject to be fined in any sum not exceeding one thousand dollars, and imprisoned for any time not exceeding seven years. [*Approved, April 23, 1800.*]

Vellum, paper, &c. to be counter stamped at the office of the commissioner of the revenue, &c.

Account of vellum, paper, &c. sent to be counter stamped, to be kept by the commissioner of the revenue, &c.

Fine, not exceeding 1,000 dolls. and imprisonment, for counterfeiting or forging stamps, &c. or uttering or vending paper, vellum, &c. with counterfeited stamps, &c.

CHAP. [32.] An act to alter and establish sundry post roads.

§ 1. *Be it enacted, &c.* That the following post roads be discontinued, viz: From Washington to Petersburg, in Georgia: From Augusta, by Robinson's, at the White Ponds, and Gillet's Mills, to Coosawatchie: From Charlotte, by Lincolnton, to Statesville, North Carolina: From Chester Courthouse to Spartan Courthouse: From Fayetteville, by Lamberton, to Cheraw Courthouse: From Moffat's store to Danville: From Culpeper Courthouse to Orange Courthouse: From Leesburg to Fauquier Courthouse: From Tappahannock, by Richmond Courthouse, and Westmoreland Courthouse, to Kinsale: From Prince Ed-

Repealed. Act of 1810, ch. 48.

The post roads mentioned to be discontinued.

ward Courthouse to Lynchburg : From Easton, by New Market, to Vienna : From Allen's Fresh, by Hoe's ferry, to Port Conway : From Bladensburg to Upper Marlborough : From Harrisburg, by Petersburg, Millerstown, Thompsontown, Mifflintown, Lewistown, Huntingdon, Alexandria, Center Furnace, Bellefont, Milesburg, Aaronsburg, Mifflinsburg, Lewisburgh, Northumberland, and Sunbury, to Harrisburg : From Easton to Sussex Courthouse : From New Brunswick to New Germantown : From Washington, in Pennsylvania, to Wheeling, in Virginia : From Old Fort Schuyler, by Cincinnati, to Oxford : From Vergennes to Bason Harbour, to Plattsburgh : From Rome to Rotterdam : From Boston, by Taunton, to New Bedford : From Camden, by Lancaster, South Carolina, Charlotte, North Carolina, and Lincolnton, to Statesville, North Carolina : From Fayetteville to Pittsburg, in Chatham county : From Halifax Courthouse, Virginia, by Danville, to Caswell Courthouse : From Liberty, by Rocky Mount, to Martinville : From Louisburg, by Nash Courthouse, to Tarborough : From Newbern, by Beaufort and Swansborough, to Newbern : From Rutherfordton to Spartanburg : From Springfield, Massachusetts, to Northampton : From Standish, in Maine, by Flintstown, and Fryberg, to Conway, Tarnworth, and Sandwich, in New Hampshire : From Suffolk, by South Quay, to Murfreesborough : From Wilmington, North Carolina, to Georgetown, South Carolina : From Petersburg, by Sussex Courthouse, and Southampton Courthouse, to South Quay.

Post roads established.
In Georgia.

In South Carolina.

In North Carolina.

§ 2. That the following be established as post roads; viz : *In Georgia.* From Augusta, to Petersburg, by Lincola Courthouse : From Franklin Courthouse to Jackson Courthouse : From Georgetown to Warrenton : From Louisville to Saundersville : From Washington to Oglethorpe Courthouse. *In South Carolina.* From Augusta, Georgia, by the Three Runs, to Coosawatchie : The post road from Edgefield Courthouse to Augusta shall pass through Campbeltown : From Georgetown, by Willtown, Greenville, and Chatham, to Richmond Courthouse, North Carolina : From Statesburg, by Salem Courthouse, and Kingstree, to Willtown : From Columbia to Clarendon Courthouse : From Chester Courthouse, by York Courthouse, Pinkneyville, and Union Courthouse, to Spartanburg. *In North Carolina.* From Washington to Bath, and from thence, by Woodstock, to Hyde Courthouse : From Fayetteville, by M'Fall's, and Winfield's, to Cheraw Courthouse, South Carolina : From Fayetteville, by Lumberton and Barefield's Mill, to Willtown, South Carolina : From Lumberton, by Elizabethtown, to the house of John Anders, or William H. Beaty, on South River : From Fayetteville to Wilmington : From Charlotte, by Lincolnton, and Morganton, Buncomb Courthouse, the Warm Springs, and thence to Grenville, in Tennessee : The post road from Salem to Salisbury shall pass through Lexington : The post road from Raleigh to Newbern shall pass through the county of Davie : The post road from Moore Courthouse to Salisbury, to pass by the new or old Courthouse of Randolph, as may be found most eligible : From Rockford to Grayson Courthouse, Virginia.

In Tennessee. From Knoxville to Marysville. From Sullivan Courthouse, by Hawkins Courthouse, and Orr's tavern, to Knoxville: From Nashville, by Robertson Courthouse, and Montgomery Courthouse, to Palmyra: From Nashville to Natchez, in the Mississippi territory: The post road which now passes from Abington, in Virginia, to Knoxville, in Tennessee, shall hereafter pass by Sullivan Courthouse, Jonesborough, Greenville, Cheek's Cross Roads, and Jefferson Courthouse. *In Kentucky.* From Frankfort, by Versailles, and Richmond, to Orr's tavern, Tennessee: From Danville, by Standford, to Lancaster: From Frankfort, by Clarke Courthouse, Montgomery Courthouse, and Fleming Courthouse, to Washington: From Frankfort, by Scott Courthouse, Harrison Courthouse, Pendleton Courthouse, and Campbell Courthouse, to Cincinnati, Northwestern Territory: From Frankfort, by Shelbyville, Bardstown, Hardin Courthouse, and Logan Courthouse, to Robinson Courthouse, in Tennessee: The post road from Washington to Cincinnati shall pass by Bracken Courthouse: The post road from Beardstown to Louisville shall pass through Shepherdsville: From Logan Courthouse, by Christian Courthouse, Livingston Courthouse, Henderson Courthouse, to Muhlenberg Courthouse: And from Logan Courthouse, by Warren Courthouse, and Barren Courthouse, to Green Courthouse. *In the Northwestern Territory.* From Washington, Kentucky, by Manchester, in Northwestern Territory, to Chillicothe: From Louisville, Kentucky, to Vincennes: From Zanes, on the Muskingum, to Marietta. *In Virginia.* From Culpeper Courthouse, by Madison Courthouse, to Orange Courthouse: From Fredericksburg, by Spotsylvania Courthouse, and Louisa Courthouse, to Columbia: From Fredericksburg, by King George Courthouse, Mattoxbridge, Leedstown, Westmoreland Courthouse, on Templeman's Cross Roads, Richmond Courthouse and Farnham, to Kinsale: From Fredericksburg, by Rogers' Mills, Chiles's store, Chesterfield, Oxford, and Crew's store, to Goochland Courthouse: From King and Queen Courthouse, to Schackleford's store: From Gloucester Courthouse to Matthews Courthouse: From Moorfields, by Franklin, to Bath Courthouse: From Richmond, by Cole's, in Chesterfield county, Janetoe Bridge, Amelia Courthouse, Pridesville, and Ligontown, to Jamestown: From Petersburg, by Amelia Courthouse, Nottaway Courthouse, Bibb's Ferry, on Staunton River, to Halifax Courthouse: From Alexandria, by Centerville, Middleburg, Paris, and Millwood, to Winchester: From Cartersville, by New Canton, Buckingham Courthouse, and Bent Creek, to Lynchburg: From Romney, by Springfield and Frankfort, to Cumberland, in Maryland: From Centerville, by the Red House, to Fauquier Courthouse: From Washington, Pennsylvania, by Charlestown or Brooke Courthouse, in Virginia, to Wheeling: The post road from Alexandria to Leesburg shall pass through Matildaville: And the post road from Leesburg to Shepherdstown shall pass through Charlestown, in the county of Berkeley: The post road from Sweet Spring to Greenbrier Courthouse shall pass by Monroe Courthouse: From Greenbrier Courthouse to Kanhaway Courthouse: From Lexington direct to Cabellsburg: From

*In Kentucky.**In the Northwestern Territory.**In Virginia.*

- Mecklenburg Courthouse** the mail shall return by Christian's store, at Coxe's, to Lunenburg Courthouse, and Edmond's store, to Gholson's. *In Maryland.* From Baltimore, by Reisterstown, Westminster, Taneytown, and Emmitsburg, to Fairfield, Pennsylvania: From Baltimore, by Libertytown, to Fredericktown: And from Fredericktown, by Harper's Ferry, to Charlestown, in Berkeley county, Virginia: From Port Tobacco, by the Top of the Hill, to Nanjemoy: From Leonardtown, by the Great Mill, to the Ridge: From Washington to Upper Marlborough: From Washington, by Queen Ann, to Annapolis: From Easton, by Cambridge and New Market, to Vienna: From Easton, by Hillsborough, Denton, and Greensborough, to Whitelysburgh.—*In Pennsylvania.* From Lancaster, by Elizabethtown and Middletown, to Harrisburg, Sunbury, and Northumberland: From Lancaster to New Holland: From Harrisburgh, by Clark's Ferry, Millerstown, Thompsonstown, Mifflintown, Lewistown, and Huntingdon, to Alexandria: From Lewistown, by Mifflintown, Aaronsburg, Milesburg, and Bellefont, to Center Furnace: From Lewistown, by Muncey, and Milton, to Williamsport: From Northumberland to Berwick, and thence, by Cattawasee, to Northumberland: From Wilkesbarre, by Wyalusing, to Athens: From Union to New Geneva: From Pittsburg, by Franklin, Meadsville, and Le Boeuf, to Presqu'isle: From Washington to Waynesburg. *In New York.* From Hudson, by Kattskill, Harpersfield, Ouliot, Unadilla, and Union, to Athens, Pennsylvania: From Athens, Pennsylvania, by Newtown, Painted Post, and Bath, to Canandarqua: From Utica, by New Hartford, Hamilton, and Sherbourn, to Oxford: From Cooperstown, on the state road, to Scipio: From Vergennes, Vermont, by Charlotte, Vermont, and Peru, to Plattsburg. *In New Jersey.* From Easton, Pennsylvania, by Belvidere, and Johnsonburg, to Newtown: From New Brunswick, by Somerset Courthouse, and Pluckemin, to New Germantown: From Trenton, by Bordentown, Slabtown, Mount Holly, Moorestown, and Haddenfield, to Philadelphia. *In Connecticut.* From Fairfield, by Trumbull, Huntington, Newtown, and Brookfield, to New Milford. *In Massachusetts.* From Boston, by Bridgewater, and Taunton, to New Bedford: From New Bedford, by Rochester, and Wareham, to Sandwich: From Hanover, by Scituate, Marshfield, and Duxbury, to Kingston: From Truro to Provincetown: From Billerica, by Patucket Bridge, to Dracut, and Hovey's Tavern, to Pelham, and Nottingham West, in New Hampshire: From Concord, by Groton, New Ipswich, and Jaffray, to Marlborough, New Hampshire. *In Vermont.* From Westminster, by Bellows Falls, through Rockingham, Chester, and Cavendish, to Rutland: From Newbury to Danville: From Burlington, through St. Alban's, to Hyegate. *In New Hampshire.* From Exeter, by Nottingham, to Concord: From Salisbury, through Grafton, to Hanover. *In Maine.* From Portland, by Windham, Waterford, Buckfield, and Turner, to Portland: From Bucktown to Edenton.
- § 3. That nothing contained in this act shall be construed so as to affect any existing contracts for carrying the mail. [*Approved, April 23, 1800.*]
- Nothing in this act to affect existing contracts, &c.*

CHAP. [33.] An act for the better government of the navy of the United States.

§ 1. *Be it enacted, &c.* That from and after the first day of June next, the following rules and regulations be adopted and put in force, for the government of the navy of the United States. ART. 1. The commanders of all ships and vessels of war, belonging to the navy, are strictly enjoined and required to show, in themselves, a good example of virtue, honor, patriotism, and subordination; and be vigilant in inspecting the conduct of all such as are placed under their command; and to guard against, and suppress, all dissolute and immoral practices, and to correct all such as are guilty of them according to the usage of the sea service. ART. 2. The commanders of all ships and vessels in the navy, having chaplains on board, shall take care that divine service be performed in a solemn, orderly, and reverent manner, twice a day, and a sermon preached on Sunday, unless bad weather, or other extraordinary accidents, prevent it: and that they cause all, or as many, of the ship's company as can be spared from duty, to attend at every performance of the worship of Almighty God. ART. 3. Any officer, or other person, in the navy, who shall be guilty of oppression, cruelty, fraud, profane swearing, drunkenness, or any other scandalous conduct, tending to the destruction of good morals, shall, if an officer, be cashiered, or suffer such other punishment as a court martial shall adjudge: if a private, shall be put in irons, or flogged, at the discretion of the captain, not exceeding twelve lashes; but if the offence require severer punishment, he shall be tried by a court martial, and suffer such punishment as said court shall inflict. ART. 4. Every commander, or other officer, who shall, upon signal for battle, or on the probability of an engagement, neglect to clear his ship for action, or shall not use his utmost exertions to bring his ship to battle, or shall fail to encourage, in his own person, his inferior officers and men to fight courageously, such offender shall suffer death, or such other punishment as a court martial shall adjudge; or any officer neglecting, on sight of any vessel or vessels of an enemy, to clear his ship for action, shall suffer such punishment as a court martial shall adjudge: And if any person in the navy shall treacherously yield, or pusillanimously cry for quarters, he shall suffer death, on conviction thereof by a general court martial. ART. 5. Every officer or private who shall not properly observe the orders of his commanding officer, or shall not use his utmost exertions to carry them into execution, when ordered to prepare for, join in, or when actually engaged in, battle; or shall, at such time, basely desert his duty or station, either then, or while in sight of an enemy, or shall induce others to do so, every person so offending shall, on conviction thereof by a general court martial, suffer death, or such other punishment as the said court shall adjudge. ART. 6. Every officer or private who shall, through cowardice, negligence, or disaffection, in time of action, withdraw from, or keep out of, battle, or shall not do his utmost to take or destroy every vessel which it is his duty to encounter, or shall not do his utmost endeavor to afford relief to

Rules and regulations for the government of the navy after the 1st June, 1800.

Commanders to show a good example of virtue, &c.

Dissolute practices, &c. to be suppressed, &c.

Divine service twice a day, and a sermon on Sundays, unless, &c.

Ship's company to attend at divine service, &c.

Officers, &c. guilty of cruelty, fraud, &c. to be cashiered, &c.

Privates guilty of fraud, drunkenness, &c. to be put in irons, or flogged, &c. Commanders, &c. neglecting to clear their ships for action, or not encouraging officers and men to fight, to suffer death, &c.

Persons pusillanimously crying for quarters, &c. Officers or privates disobeying orders in battle, or deserting duty or station, &c. to suffer death, &c.

Officers or privates not doing their utmost to take or destroy an enemy vessel, &c. to suffer death, &c.

Papers, &c. of prize vessels to be sent to the district judge, &c.

List of officers and men entitled to prize money to be sent to the navy department, &c. Share of any capture forfeited, &c. for taking goods, &c. out of a prize vessel before condemnation.

Persons taken on board a prize not to be maltreated, &c. Death, &c. for holding intercourse, &c. with enemies or rebels, without leave, &c.

Death, &c. for not making known, or revealing, letters, &c. received by officers or privates, from an enemy or rebel, &c.

Death, &c. for spies, &c.

Death for mutiny, &c.

Punishment for mutinous words, contempt of superiors, &c.

ships belonging to the United States, every such offender shall, on conviction thereof by a general court martial, suffer death, or such other punishment as the said court shall adjudge. ART.

7. The commanding officer of every ship or vessel in the navy, who shall capture, or seize upon, any vessel as a prize, shall carefully preserve all the papers and writings found on board, and transmit the whole of the originals, unmutilated, to the judge of the district to which such prize is ordered to proceed, and shall transmit to the navy department, and to the agent appointed to pay the prize money, complete lists of the officers and men entitled to a share of the capture, inserting therein the quality of every person rating, on pain of forfeiting his whole share of the prize money resulting from such capture, and suffering such further punishment as a court martial shall adjudge. ART. 8. No person in the navy shall take out of a prize, or vessel

seized as prize, any money, plate, goods, or any part of her rigging, unless it be for the better preservation thereof, or absolutely necessary for the use of any of the vessels of the United States, before the same shall be adjudged lawful prize by a competent court; but the whole, without fraud, concealment, or embezzlement, shall be brought in, and judgment passed thereon, upon pain that every person offending herein shall forfeit his share of the capture, and suffer such further punishment as a court martial, or the court of admiralty in which the prize is adjudged, shall impose. ART. 9. No person in the navy shall strip of their clothes, or pillage, or in any manner maltreat, persons taken on board a prize, on pain of such punishment as a court martial shall adjudge. ART. 10. No person in the navy shall give, hold, or entertain, any intercourse or intelligence to or with any enemy or rebel, without leave from the president of the United States, the secretary of the navy, the commander in chief of the fleet, or the commander of a squadron; or in case of a vessel acting singly, from his commanding officer, on pain of death, or such other punishment as a court martial shall adjudge. ART. 11. If any letter or message, from an enemy or rebel, be conveyed to any officer or private of the navy, and he shall not, within twelve hours, make the same known, having opportunity so to do, to his superior or commanding officer; or if any officer commanding a ship or vessel, being acquainted therewith, shall not, with all convenient speed, reveal the same to the commander in chief of the fleet, commander of a squadron, or other proper officer whose duty it may be to take cognizance thereof, every such offender shall suffer death, or such other punishment as a court martial shall adjudge. ART. 12. Spies, and all persons who shall come or be found in the capacity of spies, or who shall bring or deliver any seducing letter or message from an enemy or rebel, or endeavor to corrupt any person in the navy to betray his trust, shall suffer death, or such other punishment as a court martial shall adjudge. ART. 13. If any person in the navy shall make or attempt to make any mutinous assembly, he shall, on conviction thereof by a court martial, suffer death; and if any person as aforesaid shall utter any seditious or mutinous words, or shall conceal or connive at any mutinous or seditious practices, or shall treat with contempt his superior, being in the

execution of his office; or, being witness to any mutiny or sedition, shall not do his utmost to suppress it, he shall be punished at the discretion of a court martial. ART. 14. No officer or private in the navy shall disobey the lawful orders of his superior officer, or strike him, or draw, or offer to draw, or raise any weapon against him, while in the execution of the duties of his office, on pain of death, or such other punishment as a court martial shall inflict. ART. 15. No person in the navy shall quarrel with any other person in the navy, nor use provoking or reproachful words, gestures, or menaces, on pain of such punishment as a court martial shall adjudge. ART. 16. If any person in the navy shall desert to an enemy or rebel, he shall suffer death. ART. 17. If any person in the navy shall desert, or shall entice others to desert, he shall suffer death, or such other punishment as a court martial shall adjudge; and if any officer, or other person belonging to the navy, shall receive or entertain any deserter from any other vessel of the navy, knowing him to be such, and shall not, with all convenient speed, give notice of such deserter to the commander of the vessel to which he belongs, or to the commander in chief, or to the commander of the squadron, he shall, on conviction thereof, be cashiered, or be punished at the discretion of a court martial. All offences committed by persons belonging to the navy, while on shore, shall be punished in the same manner as if they had been committed at sea. ART. 18. If any person in the navy shall knowingly make or sign, or shall aid, abet, direct, or procure the making or signing, of any false muster, or shall execute, or attempt, or countenance, any fraud against the United States, he shall, on conviction, be cashiered, and rendered forever incapable of any future employment in the service of the United States, and shall forfeit all the pay and subsistence due him, and suffer such other punishment as a court martial shall inflict. ART. 19. If any officer or other person in the navy shall, through inattention, negligence, or any other fault, suffer any vessel of the navy to be stranded, or run upon rocks or shoals, or hazarded, he shall suffer such punishment as a court martial shall adjudge. ART. 20. If any person in the navy shall sleep upon his watch, or negligently perform the duty assigned him, or leave his station before regularly relieved, he shall suffer death, or such punishment as a court martial shall adjudge; or, if the offender be a private, he may, at the discretion of the captain, be put in irons, or flogged, not exceeding twelve lashes. ART. 21. The crime of murder, when committed by any officer, seaman, or marine, belonging to any public ship or vessel of the United States, without the territorial jurisdiction of the same, may be punished with death, by the sentence of a court martial. ART. 22. The officers and privates of every ship or vessel, appointed as convoy to merchant or other vessels, shall diligently and faithfully discharge the duties of their appointment, nor shall they demand or exact any compensation for their services, nor maltreat any of the officers or crews of such merchant or other vessels, on pain of making such reparation as a court of admiralty may award, and of suffering such further punishment

Death, &c. for disobeying lawful orders, or striking, &c. superior officer, &c.

No person to quarrel, or use provoking words, &c.

Death for desertion to an enemy, &c. Persons deserting, &c. to suffer death, or, &c.

Officers, &c. receiving or entertaining deserters from other vessels of the navy, &c. to be cashiered, or, &c. Offences on shore to be punished the same as if committed at sea, &c.

Persons signing false musters, &c. countenancing fraud, &c. to be cashiered, forfeit pay, &c.

Punishment for negligently suffering vessels to be stranded, &c.

Death, &c. for sleeping on watch, &c.

If a private, he may be put in irons, or flogged, &c.

Death for murder, by sentence of court martial, &c.

Officers, &c. diligently to discharge their duties in relation to convoy, &c.

Punishment for maltreating officers or crews of merchant vessels, &c.

Officers to be cashiered for receiving merchandise, &c. on board their vessels without orders, except, &c.

Forfeit of pay, &c. for waste, embezzlement, &c.

Death for setting fire to public property not in possession of an enemy, &c. Punishment for destroying property in any other manner, &c.

Punishment of theft, by captain or court martial.

Punishment for maltreating inhabitants, &c. Every person in the navy to assist in apprehending offenders, &c.

Name, &c. of seamen to be entered on the ship's books, &c.

Muster roll to be transmitted to the secretary of the navy, &c.

Lists, or muster rolls, to be made out on the first of every second month, &c.

Deaths and desertions to be minuted, &c. The purser to secure the property of the deceased, &c. Provisions to be inspected, &c.

Officers and men sent from

as a court martial shall adjudge. ART. 23. If any commander, or other officer, shall receive, or permit to be received, 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 or merchandise of vessels which may be in distress, or shipwrecked, or in imminent danger of being shipwrecked, in order to preserve them for their owner, without orders from the president of the United States or the navy department, he shall, on conviction thereof, be cashiered, and be incapacitated, forever afterwards, for any place or office in the navy.

ART. 24. If any person in the navy shall waste, embezzle, or fraudulently buy, sell, or receive, any ammunition, provisions, or other public stores; or if any officer or other person shall, knowingly, permit, through design, negligence, or inattention, any such waste, embezzlement, sale, or receipt, every such person shall forfeit all the pay and subsistence then due him, and suffer such further punishment as a court martial shall direct.

ART. 25. If any person in the navy shall unlawfully set fire to, or burn, any kind of public property, not then in the possession of an enemy, pirate, or rebel, he shall suffer death: And if any person shall, in any other manner, destroy such property, or shall not use his best exertions to prevent the destruction thereof by others, he shall be punished at the discretion of a court martial.

ART. 26. Any theft, not exceeding twenty dollars, may be punished at the discretion of the captain, and above that sum, as a court martial shall direct.

ART. 27. If any person in the navy shall, when on shore, plunder, abuse, or maltreat, any inhabitant, or injure his property in any way, he shall suffer such punishment as a court martial shall adjudge. ART. 28. Every person in the navy shall use his utmost exertions to detect, apprehend, and bring to punishment, all offenders, and shall, at all times, aid and assist all persons appointed for this purpose, on pain of such punishment as a court martial shall adjudge.

ART. 29. Each commanding officer shall, whenever a seaman enters on board, cause an accurate entry to be made in the ship's books of his name, time, and term of his service; and, before sailing, transmit to the secretary of the navy a complete list or muster roll of the officers and men under his command, with the date of their entering, time and terms of their service annexed; and shall cause similar lists to be made out on the first day of every second month, to be transmitted to the secretary of the navy, as opportunities shall occur; accounting, in such lists or muster rolls, for any casualties which may have taken place since the last list or muster roll. He shall cause to be accurately minuted on the ship's books the names of, and times at which, any death or desertion may occur; and in case of death, shall take care that the purser secure all the property of the deceased for the benefit of his legal representative or representatives. He shall cause frequent inspections to be made into the condition of the provisions, and use every precaution for its preservation. He shall, whenever he orders officers and men to take charge of a prize, and proceed to the United States, and whenever officers or men are sent from his ship, for what-

ever cause, take care that each man be furnished with a complete statement of his account, specifying the date of his enlistment, and the period and terms of his service; which account shall be signed by the commanding officer and purser. He shall cause the rules for the government of the navy to be hung up in some public part of the ship, and read once a month to his ship's company. He shall cause a convenient place to be set apart for sick or disabled men, to which he shall have them removed, with their hammocks and bedding, when the surgeon shall so advise, and shall direct that some of the crew attend them and keep the place clean; and if necessary, shall direct that cradles, and buckets with covers, be made for their use: And when his crew is finally paid off, he shall attend in person, or appoint a proper officer, to see that justice be done to the men, and to the United States, in the settlement of the accounts: Any commanding officer offending herein, shall be punished at the discretion of a court martial. ART. 30. No commanding officer shall, of his own authority, discharge a commissioned or warrant officer, nor strike, nor punish him, otherwise than by suspension or confinement, nor shall he, of his own authority, inflict a punishment on any private beyond twelve lashes with a cat of nine tails, nor shall he suffer any wired, or other than a plain, cat of nine tails, to be used on board his ship; nor shall any officer who may command by accident, or in the absence of the commanding officer, (except such commander be absent for a time by leave,) order or inflict any other punishment than confinement, for which he shall account on the return of such absent commanding officer. Nor shall any commanding officer receive on board any petty officers or men turned over from any other vessel to him, unless each of such officers and men produce to him an account signed by the captain and purser of the vessel from which they came, specifying the date of such officer's or man's entry, the period and terms of service, the sums paid, and the balance due, him, and the quality in which he was rated on board such ship. Nor shall any commanding officer, having received any petty officer or man as aforesaid, rate him in a lower or worse station than that in which he formerly served: Any commanding officer offending herein, shall be punished at the discretion of a court martial. ART. 31. Any master at arms, or other person of whom the duty of master at arms is required, who shall refuse to receive such prisoners as shall be committed to his charge, or, having received them, shall suffer them to escape, or dismiss them without orders from proper authority, shall suffer in such prisoners' stead, or be punished otherwise at the discretion of a court martial. ART. 32. All crimes committed by persons belonging to the navy, which are not specified in the foregoing articles, shall be punished according to the laws and customs in such cases at sea. ART. 33. All officers, not holding commissions or warrants, or who are not entitled to them, except such as are temporarily appointed to the duties of a commissioned or warrant officer, are deemed petty officers. ART. 34. Any person entitled to wages or prize money, may have the same paid to his assignee, provided the assignment be attested by the cap-

the ship to be furnished with a statement of their accounts, &c.

Rules to be hung up, and read, &c.
A convenient place to be set apart for sick or disabled men, &c.

A proper officer to attend the final settlement of accounts with the men, &c.

Commanding officers not to discharge a commissioned officer, &c.

Not more than 12 lashes, &c.
to a private by commanding officer, &c.

Officers commanding by accident, &c.
only to punish by confinement,

except, &c.
Commanding officers not to receive men turned over, &c. unless they produce an account, &c.

Petty officers and men turned over, &c.
not to be rated lower, &c.

Masters at arms, &c. refusing to receive prisoners, or dismissing them without orders, to suffer instead, &c.

Crimes, &c. not specified, to be punished, &c.

Definition of petty officers.

Wages or prize money may be paid to assignees, &c.

Commanders to discourage selling of wages or prize money, &c. and never, &c.

tain and purser; and in case of the assignment of wages, the power shall specify the precise time they commence: But the commander of every vessel is required to discourage his crew from selling any part of their wages or prize money, and never to attest any power of attorney until he is satisfied that the same is not granted in consideration of money given for the purchase of wages or prize money.

NAVAL GENERAL COURTS MARTIAL.

General courts martial may be convened, &c.

ART. 35. General courts martial may be convened as often as the president of the United States, the secretary of the navy, or the commander in chief of the fleet, or commander of a squadron, while acting out of the United States, shall deem it necessary: *Provided*, That no general court martial shall consist of more than thirteen, nor less than five, members; and as many officers shall be summoned on every such court as can be convened without injury to the service, so as not to exceed thirteen, and the senior officer shall always preside, the others ranking agreeably to the date of their commissions; and in no case, where it can be avoided without injury to the service, shall more than one half the members, exclusive of the president, be junior to the officer to be tried. ART. 36. Each member of the court, before proceeding to trial, shall take the following oath or affirmation, which the judge advocate, or person officiating as such, is hereby authorized to administer: "*I, A B, do swear or affirm that I will truly try, without prejudice or partiality, the case now depending, according to the evidence which shall come before the court, the rules for the government of the navy, and my own conscience; and that I will not by any means divulge or disclose the sentence of the court, until it shall have been approved by the proper authority, nor will I, at any time, divulge or disclose the vote or opinion of any particular member of the court, unless required so to do before a court of justice in due course of law.*"—

General courts martial to consist of not less than five, nor more than thirteen, members, &c.

The senior officer to preside, &c.

Not more than one half the members to be junior, &c.

Each member of the court to take an oath, &c.

Form of the oath.

The president of the court to administer an oath to the judge advocate. Form of the judge advocate's oath.

This oath or affirmation being duly administered, the president is authorized and required to administer the following oath or affirmation to the judge advocate, or person officiating as such: "*I, A B, do swear (or affirm) that I will keep a true record of the evidence given to, and the proceedings of, this court; nor will I divulge, or by any means disclose, the sentence of the court until it shall have been approved by the proper authority; nor will I, at any time, divulge or disclose the vote or opinion of any particular member of the court, unless required so to do before a court of justice in due course of law.*" ART. 37. All testimony given to a general court martial shall be on oath or affirmation, which the president of the court is hereby authorized to administer; and if any person shall refuse to give his evidence as aforesaid, or shall prevaricate, or shall behave with contempt to the court, it shall and may be lawful for the court to imprison such offender, at their discretion: *Provided*, That the imprisonment in no case shall exceed two months: And every person who shall commit wilful perjury, on examination on oath or affirmation before such court, or who shall corruptly procure, or suborn, any person to commit such wilful perjury, shall and may be prosecuted by indictment or information in any court of justice of the United

All testimony to a general court martial to be on oath or affirmation, &c. Persons refusing to give evidence, &c. may be imprisoned, provided, &c. Persons, committing perjury, &c. may be prosecuted, &c.

States, and shall suffer such penalties as are authorized by the laws of the United States in cases of perjury, or the subornation thereof. And in every prosecution for perjury, or the subornation thereof, under this act, it shall be sufficient to set forth the offence charged on the defendant, without setting forth the authority by which the court was held, or the particular matters brought, or intended to be brought, before the said court.

ART. 38. All charges, on which an application for a general court martial is founded, shall be exhibited in writing, to the proper officer, and the person demanding the court shall take care that the person accused be furnished with a true copy of the charges, with the specifications, at the time he is put under arrest, nor shall any other charge or charges, than those so exhibited, be urged against the person to be tried before the court, unless it appear to the court that intelligence of such charge had not reached the person demanding the court, when the person so to be tried was put under arrest, or that some witness material to the support of such charge, who was at that time absent, can be produced; in which case, reasonable time shall be given to the person to be tried to make his defence against such new charge. Every officer so arrested is to deliver up his sword to his commanding officer, and to confine himself to the limits assigned him, under pain of dismissal from service. ART. 39.

When the proceedings of any general court martial shall have commenced, they shall not be suspended or delayed on account of the absence of any of the members, provided five or more be assembled; but the court is enjoined to sit from day to day, Sundays excepted, until sentence be given: And no member of said court shall, after the proceedings are begun, absent himself therefrom, unless in case of sickness, or orders to go on duty from a superior officer, on pain of being cashiered. ART. 40.

Whenever a court martial shall sentence any officer to be suspended, the court shall have power to suspend his pay and emoluments for the whole, or any part, of the time of his suspension.

ART. 41. All sentences of courts martial, which shall extend to the loss of life, shall require the concurrence of two thirds of the members present; and no such sentence shall be carried into execution, until confirmed by the president of the United States; or if the trial take place out of the United States, until it be confirmed by the commander of the fleet or squadron: All other sentences may be determined by a majority of votes, and carried into execution on confirmation of the commander of the fleet, or officer ordering the court, except such as go to the dismissal of a commissioned or warrant officer, which are first to be approved by the president of the United States. A court martial shall not, for any one offence not capital, inflict a punishment beyond one hundred lashes. ART. 42. The president of the United States, or, when the trial takes place out of the United States, the commander of the fleet or squadron, shall possess full power to pardon any offence committed against these articles, after conviction, or to mitigate the punishment decreed by a court martial.

Penalties of perjury, &c.

In prosecutions for perjury, sufficient to set forth the offence, &c.

All charges, on application a general court martial, to be exhibited in writing, &c.

No charges but those exhibited, unless, &c.

Reasonable time for defence, &c. Officers arrested to deliver up their swords, &c.

When the proceedings of a general court martial have commenced, they are not to be delayed, &c. Members not to absent themselves, unless, &c.

In case of sentence to suspend an officer, the court may suspend pay, &c.

Sentences extending to the loss of life, require a concurrence of two thirds, and confirmation by the president, or commander of the fleet, if, &c.

Other sentences by a majority, &c.

Not more than 100 lashes for one offence, &c. The president, or commander, when, &c. may pardon or mitigate punishment, &c.

Courts of inquiry may be ordered by the president, the secretary of the navy, &c. provided, &c. Powers and duties of courts of inquiry.

Proceedings of courts of inquiry to be authenticated, &c. and to be evidence, &c. provided, &c. The judge advocate to administer oath to members of courts of inquiry.

Form of the oath. The president of the court to administer an oath to the judge advocate.

In case of shipwreck, loss of vessels, &c. the authority of the officers to continue, &c. until the crew is discharged, &c. Officers and men performing their duty, &c. on the loss of any vessel, to receive their pay and emoluments, &c. Officers and privates acting contrary to discipline, &c. to be punished.

Pay and emoluments of officers and men who have done their duty, if taken by an enemy, to go on and be paid, &c.

Proceeds of prizes, of equal

§ 2. ART. 1. That courts of inquiry may be ordered by the president of the United States, the secretary of the navy, or the commander of a fleet or squadron: *Provided*, such courts shall not consist of more than three members who shall be commissioned officers, and a judge advocate, or person to do duty as such; and such courts shall have power to summon witnesses, administer oaths, and punish contempt, in the same manner as courts martial. But such court shall merely state facts, and not give their opinion, unless expressly required so to do in the order for convening; and the party, whose conduct shall be the subject of inquiry, shall have permission to cross examine all the witnesses. ART. 2. The proceedings of courts of inquiry shall be authenticated by the signature of the president of the court and judge advocate, and shall, in all cases not capital, or extending to the dismission of a commissioned or warrant officer, be evidence before a court martial, provided oral testimony cannot be obtained. ART. 3. The judge advocate, or person officiating as such, shall administer to the members the following oath or affirmation: "*You do swear, (or affirm) well and truly to examine and inquire, according to the evidence, into the matter now before you, without partiality or prejudice.*" After which, the president shall administer to the judge advocate, or person officiating as such, the following oath or affirmation: "*You do swear, (or affirm) truly to record the proceedings of this court, and the evidence to be given in the case in hearing.*"

§ 3. 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 were not so wrecked, lost, or destroyed, until such ship's company be regularly discharged from, or ordered again into, the service, or until a court martial shall be held to inquire into the loss of such ship or vessel; and if, by the sentence of such court, or other satisfactory evidence, it shall appear that all, or any, of the officers and men of such ship's company did their utmost to preserve her, and, after the loss thereof behaved themselves agreeably to the discipline of the navy, then the pay and emoluments of such officers and men, or such of them as shall have done their duty as aforesaid, shall go on until their discharge or death; and every officer or private who shall, after the loss of such vessel, act contrary to the discipline of the navy, shall be punished, at the discretion of a court martial, in the same manner as if such vessel had not been so lost.

§ 4. That all the pay and emoluments of such officers and men, of any of the ships or vessels of the United States taken by an enemy, who shall appear, by the sentence of a court martial, or otherwise, to have done their utmost to preserve and defend their ship or vessel, and, after the taking thereof, have behaved themselves obediently to their superiors, agreeably to the discipline of the navy, shall go on and be paid them until their death, exchange, or discharge.

§ 5. That the proceeds of all ships and vessels, and the goods

taken on board of them, which shall be adjudged good prize, shall, when of equal or superior force to the vessel or vessels making the capture, be the sole property of the captors; and when of inferior force, shall be divided, equally, between the United States and the officers and men making the capture.

§ 6. That the prize money, belonging to the officers and men, shall be distributed in the following manner: 1. To the commanding officers of fleets, squadrons, or single ships, three twentieths, of which the commanding officer of the fleet or squadron shall have one twentieth, if the prize be taken by a ship or vessel acting under his command, and the commander of single ships, two twentieths; but where the prize is taken by a ship acting independently of such superior officer, the three twentieths shall belong to her commander. 2. To sea lieutenants, captains of marines, and sailing masters, two twentieths; but where there is a captain, without a lieutenant of marines, these officers shall be entitled to two twentieths and one third of a twentieth, which third, in such case, shall be deducted from the share of the officers mentioned in article No. 3, of this section. 3. To chaplains, lieutenants of marines, surgeons, pursers, boatswains, gunners, carpenters, and master's mates, two twentieths. 4. To midshipmen, surgeon's mates, captain's clerks, schoolmasters, boatswain's mates, gunner's mates, carpenter's mates, ship's stewards, sailmakers, masters at arms, armorers, cockswains, and coopers, three twentieths and an half. 5. To gunner's yeomen, boatswain's yeomen, quartermasters, quartergunners, sailmaker's mates, sergeants and corporals of marines, drummers, fifers, and extra petty officers, two twentieths and an half. 6. To seamen, ordinary seamen, marines, and all other persons doing duty on board, seven twentieths. 7. Whenever one or more public ships or vessels are in sight at the time any one or more ships are taking a prize or prizes, they shall all share equally in the prize or prizes, according to the number of men and guns on board each ship in sight. No commander of a fleet or squadron shall be entitled to receive any share of prizes taken by vessels not under his immediate command; nor of such prizes as may have been taken by ships or vessels intended to be placed under his command, before they have acted under his immediate orders; nor shall a commander of a fleet or squadron, leaving a station where he had the command, have any share in the prizes taken by ships left on such station, after he has gone out of the limits of his said command.

§ 7. That a bounty shall be paid by the United States, of twenty dollars, for each person on board any ship of an enemy at the commencement of an engagement, which shall be sunk or destroyed by any ship or vessel belonging to the United States of equal or inferior force, the same to be divided among the officers and crew in the same manner as prize money.

§ 8. That every officer, seaman, or marine, disabled in the line of his duty, shall be entitled to receive, for life, or during his disability, a pension from the United States, according to the nature and degree of his disability, not exceeding one half his monthly pay.

or superior force, to be the sole property of the captors. If of inferior force, to be equally divided, &c. Distribution of prize money belonging to the officers and men. To commanding officers.

To sea lieutenants, &c.

To chaplains, lieutenants of marines, &c. To midshipmen, surgeon's mates, &c.

To gunner's yeomen, &c.

To seamen, &c.

Public ships in sight, &c. to share equally, &c.

Commander, &c. not to share in prizes taken by vessels not under his immediate command, &c. nor, &c.

Bounty, &c. for each person on board enemy vessels sunk or destroyed by equal or inferior force, &c. Officers, seamen, &c. disabled, &c. entitled to pensions, &c.

Money accruing to the United States from the sale of prizes, to be a fund for the payment of pensions, &c. If the fund should be more than sufficient, the surplus to be applied, &c.

The pension fund, &c. to be under the management of the secretaries mentioned, &c. who are empowered to receive and invest the sums, &c. Annual statement to be laid before congress, &c. The act mentioned repealed. Act of 1799 ch. 24. [130.]

A sum equal to the amount of cents and half cents coined, &c. appropriated for the purchase of copper, &c.

Annual appropriation for the purchase of copper, &c. out of moneys in the treasury, &c.

A sum equivalent to the expense of refining to be retained from deposits, &c. Accurate accounts to be kept, &c.

§ 9. That all money accruing, or which has already accrued, to the United States from the sale of prizes, shall be and remain forever a fund for the payment of pensions and half pay, should the same be hereafter granted, to the officers and seamen who may be entitled to receive the same: and if the said fund shall be insufficient for the 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 to the making of further provision for the comfort of the disabled officers, seamen, and marines, and for such as, though not disabled, may merit by their bravery, or long and faithful services, the gratitude of their country.

§ 10. 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 of war, for the time being, who are hereby authorized to receive any sums to which the United States may be entitled, from the sale of prizes, and employ and invest the same, and the interest arising therefrom, in any manner which a majority of them may deem most advantageous: And it shall be the duty of the said commissioners to lay before congress, annually, in the first week of their session, a minute statement of their proceedings relative to the management of said fund.

§ 11. That the act passed the second day of March, in the year one thousand seven hundred and ninety-nine, entitled "An act for the government of the navy of the United States," from and after the first day of June next shall be, and hereby is, repealed. [Approved, April 23, 1800.]

CHAP. [34.] An act respecting the mint.

§ 1. *Be it enacted, &c.* That 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 third day of March, in the year one thousand seven hundred and ninety-nine, shall be, and the same is hereby, appropriated, for the purchase of copper for the further coinage of cents and half cents; and that a sum equal to the amount of cents and half cents, which shall be hereafter coined at the mint, and delivered to the treasurer of the United States in any one year, shall be, and the same is hereby, appropriated for the annual purchase of copper, for the coinage of cents and half cents, which sums shall be payable out any moneys in the treasury not otherwise appropriated.

§ 2. That 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 such 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, with the treasury of the United States. [Approved, April 24, 1800.]

CHAP. [35.] An act to continue in force the act in addition to the act for the punishment of certain crimes against the United States.

Obsolete.
Act of 1818,
ch. 83.
The act men-
tioned continu-
ed, without
limitation of
time.
Act of 1794,
ch. 50.

§ 1. *Be it enacted, &c.* That an act passed on the fifth day of June, one thousand seven hundred and ninety-four, entitled "An act in addition to the act for the punishment of certain crimes against the United States," and which, by the tenth section thereof, was limited to continue in force for and during the term of two years from passing the same, and from thence to the end of the next session of congress thereafter, and no longer; and which said act was, by an act passed on the second day of March, one thousand seven hundred and ninety-seven, entitled "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," further continued in force for two years from the said second day of March, one thousand seven hundred and ninety-seven, and from thence to the end of the next session of congress thereafter, shall continue and be in force without limitation of time, any thing in any act to the contrary notwithstanding. [Approved, April 24, 1800.]

Act of 1797,
ch. 59.

CHAP. [36.] An act to repeal the act laying duties on mills and implements employed in the manufacture of snuff.

Obsolete.
Act of 1795,
ch. 108.
So much of the
act mentioned,
as imposes a
duty on snuff
mills, &c. re-
pealed, &c.

§ 1. *Be it enacted, &c.* That so much of the act, entitled "An act to alter and amend the act, entitled "An act laying certain duties upon snuff and refined sugar," passed on the third day of March, one thousand seven hundred and ninety-five, as imposes a duty upon mills and implements employed in the manufacture of snuff, or allows a drawback upon the exportation of snuff manufactured within the United States, shall be, and the same hereby is, repealed. [Approved, April 24, 1800.]

CHAP. [38.] An act to authorize the president of the United States to accept, for the United States, a cession of jurisdiction of the territory west of Pennsylvania, commonly called the Western Reserve of Connecticut.

§ 1. *Be it enacted, &c.* That the president of the United States be, and he hereby is, authorized to execute and deliver letters patent, in the name and behalf of the United States, to the governor of the state of Connecticut for the time being, for the use and benefit of the persons holding and claiming under the state of Connecticut, their heirs and assigns, forever, whereby all the right, title, interest, and estate, of the United States, to the soil of that tract of land lying west of the west line of Pennsylvania, as claimed by the state of Pennsylvania, and as the same has been actually settled, ascertained, and run, in conformity to an agreement between the said state of Pennsylvania and the state of Virginia, and extending from said line, westward, one hundred and twenty statute miles in length, and in breadth throughout the said limits in length, from the completion of the forty-first degree of north latitude, until it comes to forty-two degrees and two minutes north latitude, including all that territory commonly called the Western Reserve of Connecticut, and which was excepted by said state of Connecticut out of the cession by the said state heretofore made to the United States, and accept-

The president authorized to execute and deliver letters patent to the governor of Connecticut, for the use of persons holding and claiming, &c. releasing the right, &c. of the U. States, to the soil of the territory called the Western Reserve, &c.

ed by a resolution of congress of the fourteenth of September, one thousand seven hundred and eighty-six, shall be released and conveyed as aforesaid to the said governor of Connecticut, and his successors in said office, forever, for the purpose of quieting the grantees and purchasers under said state of Connecticut, and confirming their titles to the soil of the said tract of land.

Proviso; letters patent not to be executed, &c. unless the state of Connecticut, within eight months, renounces forever all territorial and jurisdictional claims to the lands described, &c.

Provided, however, That such letters patent shall not be executed and delivered, unless the state of Connecticut shall, within eight months from passing this act, by a legislative act, renounce forever, for the use and benefit of the United States, and of the several individual states who may be therein concerned, respectively, and of all those deriving claims or titles from them, or any of them, all territorial and jurisdictional claims whatever, under any grant, charter or charters whatever, to the soil and jurisdiction of any and all lands whatever, lying westward, northwestward, and southwestward, of those counties in the state of Connecticut, which are bounded westwardly by the eastern line of the state of New York, as ascertained by agreement between Connecticut and New York, in the year one thousand seven hundred and thirty-three, excepting only from such renunciation the claim of said state of Connecticut, and of those claiming from or under the said state, to the soil of said tract of land, herein described under the name of the Western Reserve of Connecticut.

Proviso; the state of Connecticut, by agents duly authorized, to execute a deed, releasing jurisdictional claim to the Western Reserve, &c. Exemplification of the act of renunciation, and deed, to be deposited in the department of state, &c.

Proviso; nothing in this act to draw into question the conclusive settlement of the dispute between Pennsylvania and Connecticut, &c.

Proviso; nothing herein to pledge the U. States to the extinguishment of Indian title, &c.

And provided, also, That the said state of Connecticut shall, within the said eight months from and after passing this act, by the agent or agents of said state, duly authorized by the legislature thereof, execute and deliver, to the acceptance of the president of the United States, a deed, expressly releasing to the United States the jurisdictional claim of the said state of Connecticut, to the said tract of land, herein described under the name of the Western Reserve of Connecticut, and shall deposit an exemplification of said act of renunciation, under the seal of the said state of Connecticut, together with said deed, releasing said jurisdiction, in the office of the department of state of the United States; which deed of cession, when so deposited, shall vest the jurisdiction of said territory in the United States: *Provided,* That neither this act, nor any thing contained therein, shall be construed so as in any manner to draw into question the conclusive settlement of the dispute between Pennsylvania and Connecticut, by the decree of the federal court at Trenton, nor to impair the right of Pennsylvania, or any other state, or of any person or persons claiming under that or any other state, in any existing dispute concerning the right, either of soil or of jurisdiction, with the state of Connecticut, or with any person or persons claiming under the state of Connecticut: *And provided, also,* That nothing herein contained shall be construed in any manner to pledge the United States for the extinguishment of the Indian title to the said lands, or further than merely to pass the title of the United States thereto. [*Approved, April 28, 1800.*]

CHAP. [39.] An act to provide for rebuilding the lighthouse at New London; for the support of a lighthouse at Clark's Point; for the erection and support of a lighthouse at Wigwam Point, and for other purposes.

§ 1. *Be it enacted, &c.* That, under the direction of the secretary of the treasury, there shall be purchased, for the use of the United States, so much land contiguous to their territory, now occupied for the lighthouse at New London, as shall be sufficient for vaults and any other purpose, necessary for the better support of the said lighthouse: *Provided*, That the legislature of the state of Connecticut shall cede to the United States the jurisdiction of such additional territory.

§ 2. That the secretary of the treasury shall be, and he is hereby, authorized, at his discretion, to procure a new lantern, with suitable distinctions, and to cause convenient vaults to be erected, and the said lighthouse at New London to be rebuilt.

§ 3. That the lighthouse lately erected at Clark's Point, so called, at the entrance of Accushnet river, within the town of New Bedford, in the state of Massachusetts, shall and may be supported at the expense of the United States: And the secretary of the treasury shall and may appoint a keeper thereof, and take further order respecting the same, as in other cases: *Provided*, That the property and jurisdiction of the said lighthouse, and sufficient territory for the accommodation thereof, shall be fully ceded, and legally vested in the United States.

§ 4. That under the direction of the secretary of the treasury, there shall be provided and maintained, at the expense of the United States, not exceeding six buoys, to be placed within Buzzard's Bay, upon the most dangerous ledges there, in such manner as the safety of navigation in that bay requires.

§ 5. That the secretary of the treasury shall be, and he is hereby, authorized and directed to cause a sufficient lighthouse to be erected on Wigwam Point, so called, within the town of Gloucester, in the state of Massachusetts, where it will best serve the purpose of discovering the entrance of Anesquam harbor, and to appoint a keeper, and otherwise to provide for the support of such lighthouse, at the expense of the United States: *Provided*, That sufficient land for the accommodation of such lighthouse, together with the jurisdiction thereof, shall be duly and legally granted to, and vested in, the United States.

§ 6. That there shall be, and hereby are, appropriated, for providing the said buoys, a sum not exceeding three hundred dollars, and, for the erection of the said lighthouse at Wigwam Point, a sum not exceeding two thousand dollars, to be paid out of any moneys which may be in the treasury of the United States, not otherwise appropriated. [*Approved, April 29, 1800.*]

CHAP. [40.] An act supplementary to the laws now in force, fixing the compensations of the officers of the senate and house of representatives.

§ 1. *Be it enacted, &c.* That, from and after the thirty-first day of December, one thousand seven hundred and ninety-nine, the officers of the senate and house of representatives, hereinafter mentioned, shall be, and hereby are, entitled to receive, in addition to their compensations as now fixed by law, the following

Land to be purchased, sufficient for vaults, &c. for the lighthouse at New London, &c. *Provido*; Connecticut to cede jurisdiction, &c.

The secretary, &c. to procure, &c. Lighthouse to be rebuilt, &c.

The lighthouse at Clark's Point to be supported, &c. The secretary, &c. to appoint a keeper, &c. *Provido*; property, &c. to be ceded, &c.

Not exceeding six buoys to be placed within Buzzard's Bay, &c.

The secretary of the treasury to cause a lighthouse to be erected on Wigwam Point, &c. appoint a keeper, &c.

Provido; land and jurisdiction to be granted, vested, &c. Appropriation of 300 dolls. for buoys and 2,000 dolls. for lighthouse, &c.

Expired. Act of 1802, ch. 35. Additional allowance of 250 dolls. to the secretary of the senate and the clerk of the house, and to

each principal and engrossing clerk, 200 dolls.

Sergeants at arms and door keepers allowed 500 dolls. per ann. and 2 dolls. per day, &c.

450 dolls. per ann. and 2 dolls. per day, to assistants, &c.

Limitation of this act to the 2d May, 1802.

Act of 1802, ch. 40. act of 1803, ch. 86. The Indiana territory constituted, its boundaries, &c.

Government of the Indiana territory, the same as that established by ordinance of 13th July, 1787, &c.

Officers of the territory to be appointed by the president and senate, to perform the duties, and receive the compensations, provided, &c.

Proviso; the president empowered to appoint and commission officers, &c.

sums, that is to say: The secretary of the senate and clerk of the house of representatives, two hundred and fifty dollars, *each*, in addition to their salaries as at present established by law; and each of their principal and engrossing clerks, in addition to their per diem allowance as established by law, two hundred dollars per annum.

§ 2. That the sergeant at arms of the senate, who also performs the duty of door keeper, the sergeant at arms of the house of representatives, and the door keeper of the house of representatives, shall be, and hereby are, entitled to receive five hundred dollars per annum each, and two dollars a day during the session; and the assistant door keepers of the senate and house of representatives, four hundred and fifty dollars per annum, each, and two dollars per day during the session, in lieu of the compensations heretofore established by law, which compensations shall commence from the commencement of the present session.

§ 3. That this act shall continue in force for and during the term of two years, and no longer. [*Approved, May 2, 1800.*]

CHAP. [41.] An act to divide the territory of the United States northwest of the Ohio into two separate governments.

§ 1. *Be it enacted, &c.* That, from and after the fourth day of July next, all that part of the territory of the United States northwest of the Ohio river, which lies to the westward of a line beginning at Ohio, opposite to the mouth of Kentucky river, and running thence to Fort Recovery, and thence north, until it shall intersect the territorial line between the United States and Canada, shall, for the purposes of temporary government, constitute a separate territory, and be called the Indiana territory.

§ 2. That there shall be established within the said territory a government, in all respects similar to that provided by the ordinance of congress, passed on the thirteenth day of July, one thousand seven hundred and eighty-seven, for the government of the territory of the United States northwest of the river Ohio; and the inhabitants thereof shall be entitled to, and enjoy, all and singular the rights, privileges, and advantages, granted and secured to the people by the said ordinance.

§ 3. That the officers for the said territory, who, by virtue of this act, shall be appointed by the president of the United States, by and with the advice and consent of the senate, shall, respectively, exercise the same powers, perform the same duties, and receive for their services the same compensations, as, by the ordinance aforesaid, and the laws of the United States, have been provided and established for similar officers in the territory of the United States northwest of the river Ohio: And the duties and emoluments of superintendent of Indian affairs shall be united with those of governor: *Provided*, That the president of the United States shall have full power, in the recess of congress, to appoint and commission all officers herein authorized; and their commissions shall continue in force until the end of next session of congress.

§ 4. That so much of the ordinance for the government of the territory of the United States northwest of the Ohio river, as relates to the organization of a general assembly therein, and prescribes the powers thereof, shall be in force and operate in the Indiana territory, whenever satisfactory evidence shall be given to the governor thereof, that such is the wish of a majority of the freeholders, notwithstanding there may not be therein five thousand free male inhabitants of the age of twenty-one years and upwards: *Provided*, That until there shall be five thousand free male inhabitants, of twenty-one years and upwards, in said territory, the whole number of representatives to the general assembly shall not be less than seven, nor more than nine, to be apportioned by the governor to the several counties in said territory, agreeably to the number of free males, of the age of twenty-one years and upwards, which they may respectively contain.

So much of the ordinance, &c. to operate in the Indiana territory, whenever, &c.

Proviso; until there are 5,000 free male inhabitants, &c. the number of representatives not to be less than 7, nor more than 9, &c.

§ 5. That nothing in this act contained shall be construed so as in any manner to affect the government now in force in the territory of the United States northwest of the Ohio river, further than to prohibit the exercise thereof, within the Indiana territory, from and after the aforesaid fourth day of July next: *Provided*, That whenever that part of the territory of the United States which lies to the eastward of a line beginning at the mouth of the Great Miami river, and running thence, due north, to the territorial line between the United States and Canada, shall be erected into an independent state, and admitted into the union on an equal footing with the original states, thenceforth said line shall become and remain permanently the boundary line between such state and the Indiana territory; any thing in this act contained to the contrary notwithstanding.

Nothing in this act to affect the government, &c. except as to the Indiana territory, &c.

Proviso; whenever the territory described is erected into a state, &c. the line between such state and Indiana, &c.

§ 6. That, until it shall be otherwise ordered by the legislatures of the said territories, respectively, Chillicothe, on Scioto river, shall be the seat of the government of the territory of the United States northwest of the Ohio river; and that Saint Vincennes, on the Wabash river, shall be the seat of the government for the Indiana territory. [*Approved, May 7, 1800.*]

Chillicothe the seat of government, &c. until, &c. Saint Vincennes the seat of government for Indiana, &c.

CHAP. [43.] An act to continue in force "An act laying an additional duty on salt imported into the United States, and for other purposes."

Obsolete, Act of 1807, ch. 75. The act mentioned continued to the 3d March, 1811. Act of 1797, ch. 15.

§ 1. *Be it enacted, &c.* That an act, passed on the eighth day of July, one thousand seven hundred and ninety-seven, entitled "An act laying an additional duty on salt imported into the United States, and for other purposes," shall be, and the same is hereby, continued in force for and during the term of ten years, from the third day of March, one thousand eight hundred, and from thence to the end of the next session of congress thereafter, and no longer. [*Approved, May 7, 1800.*]

CHAP. [45.] An act to authorize the sale and conveyance of lands, in certain cases, by the marshals of the United States, and to confirm former sales.

§ 1. *Be it enacted, &c.* That where the United States shall have obtained judgment in civil actions, brought in those states wherein, by the laws and practice of such states, lands or other

Where the U. States have obtained judgment in civil actions, in

those states, &c. where lands, &c. are delivered to the creditor, in satisfaction, &c. the marshal, &c. to expose the estate to sale, &c. Grant by the marshal to vest the right, &c.

Sales of lands, &c. by collectors, heretofore made, confirmed, &c. Proviso; Confirmation not to extend, unless, &c. Deeds not executed for lands, &c. sold by marshals who have died, &c. may be perfected by the marshal for the time being on application to, and order of, court, &c.

Sales of lands, &c. taken in execution may be completed by the successors of marshals dying, &c.

The provisions of this section extended, &c.

Additional compensation to officers of the armories, &c.

3 rations per day to a superintendent; two rations to a master armorer, &c. Fine or imprisonment for enticing artificers or workmen to leave the arsenals or armories, &c.

real estate belonging to the debtor are delivered to the creditor in satisfaction of such judgment, and shall have received *seisin* and possession of lands so delivered, it shall be lawful for the marshal of the district wherein such lands or other real estate are situated, under the directions of the secretary of the treasury, to expose the same to sale at public auction, and to execute a grant thereof to the highest bidder, on receiving payment of the full purchase money; which grant, so made, shall vest in such purchaser all the right, estate, and interest, of the United States, in and to such lands, or other real estate.

§ 2. That the sales heretofore made by collectors of certain districts of the United States, of lands, or other real estate, delivered as aforesaid to the United States, shall be, and they are hereby, confirmed: *Provided*, That this confirmation shall not extend to any sale, unless the condition of such sale has been complied with by the purchaser.

§ 3. That whenever a marshal shall sell any lands, tenements, or hereditaments, by virtue of process from a court of the United States, and shall die, or be removed from office, or the term of his commission expire, before a deed shall be executed for the same by him to the purchaser; in every such case, the purchaser, or plaintiff at whose suit the sale was made, may apply to the court from which the process issued, and set forth the case, assigning the reason why the title was not perfected by the marshal who sold the same; and thereupon the court may order the marshal for the time being to perfect the title, and execute a deed to the purchaser, he paying the purchase money and costs remaining unpaid; and where a marshal shall take in execution any lands, tenements, or hereditaments, and shall die, or be removed from office, or the term of his commission expire before sale, or other final disposition made of the same; in every such case, the like process shall issue to the succeeding marshal, and the same proceedings shall be had as if such former marshal had not died or been removed, or the term of his commission had not expired: And the provisions in this section contained shall be, and they are hereby, extended to all the cases, respectively, which may have happened before the passing of this act. [*Approved, May 7, 1800.*]

CHAP. [46.] An act for the regulation of public arsenals and magazines.

§ 1. *Be it enacted, &c.* That the several officers who now are, or hereafter may be, employed in the armories of the United States, shall be entitled to, and shall receive, the following compensations, in addition to their pay as established by law, to wit: A superintendent of such armory, three rations per day, or an equivalent in money; and a master armorer, two rations per day, or an equivalent in money.

§ 2. That if any person shall procure, or entice, any artificer, or workman, retained or employed in any arsenal, or armory, of the United States, to depart from the same during the continuance of his engagement, or avoid or break his contract with the United States, or who, after due notice of the engagement of any such workman or armorer, in any arsenal or armory, shall,

during the continuance of such engagement, retain, hire, or in any wise employ, harbor, or conceal, such artificer or workman, the person so offending shall, upon conviction, be fined, at the discretion of the court, not exceeding fifty dollars, or be imprisoned, for any term not exceeding three months.

§ 3. That if any artificer, or workman, hired, retained, or employed, in any public arsenal or armory, shall, wantonly and carelessly, break, impair, or destroy, any implements, tools, or utensils, or any stock, or materials for making guns, the property of the United States; or shall, wilfully and obstinately, refuse to perform the services lawfully assigned to him, pursuant to his contract, every such person shall forfeit a sum, not exceeding twenty dollars, for every such act of disobedience or breach of contract, to be recovered in any court having competent jurisdiction thereof.

Artificers or workmen forfeit not exceeding 20 dolls. for breaking or destroying implements, or refusing to perform the services lawfully assigned, &c.

§ 4. That all artificers, and workmen, who are or shall be employed in the said armories, shall be, and they are hereby, exempted, during their term of service, from all military service, and service as jurors in any court. [*Approved, May 7, 1800.*]

Artificers and workmen in the armories exempted from military service, &c.

CHAP. [49.] An act to establish the district of Kennebunk, and to annex Lyme to New London; and to alter the district of Bermuda Hundred and City Point; and therein to amend the act, entitled "An act to regulate the collection of duties on imports and tonnage."

Act of 1799, ch. 128.

§ 1. *Be it enacted, &c.* That, from and after the thirtieth day of June next, the towns of Wells and Arundel, in the state of Massachusetts, and all the shores and waters thereof, shall be a district, to be called the district of Kennebunk, of which the port of Kennebunk shall be the sole port of entry; and the ports of Wells and Cape Porpoise shall be ports of delivery only, and a collector for the district shall be appointed, to reside at Kennebunk.

The district of Kennebunk established; ports of entry and delivery; collector, &c.

§ 2. That ships and vessels owned in whole or in part in the towns of Edgecomb and Newcastle, in the district of Maine, having entered in due form of law at the port of Wiscasset, and taken on board an officer, shall be permitted to unlade in the parts of the said towns which adjoin Sheepscut river.

Vessels owned in Edgecomb and Newcastle, &c. entered at Wiscasset, permitted to unlade, &c. Lyme, &c. annexed to New London; as a port of delivery only, &c.

§ 3. That from and after the thirtieth day of June next, the town of Lyme, in the state of Connecticut, and the shores and waters thereof, shall be annexed, as a port of delivery only, to the district of New London, and all vessels bound to or from the said port of Lyme, shall first come to, enter, and clear, at the said port of New London: *Provided, however,* That the surveyor appointed to reside at Saybrook shall be authorized to visit and inspect ships or vessels arriving at said port of Lyme, and, generally, to perform the duties of a surveyor, as may be requisite within said port.

Proviso; the surveyor at Saybrook to inspect vessels arriving at Lyme, &c.

§ 4. That, from and after the thirtieth day of June next, the district of Bermuda Hundred and City Point, as at present constituted, in the state of Virginia, shall be called the district of Petersburg, to comprehend Petersburg, City Point, and all the waters, shores, bays, harbors, and inlets, of James River, from Hood's, and the junction of Chicahoming, to the junction of the

The district of Bermuda Hundred, &c. to be called the district of Petersburg, &c.

The district of
Richmond
formed, &c.

Collector's of-
fice at Peters-
burg and Rich-
mond.

Masters of
vessels bound
to districts of
James river,
above Sewall's
Point, &c. to
deposit a ma-
nifest with the
collector of
Norfolk, &c.
or Hampton,
&c.
The collector
may put an in-
spector on
board, &c.

Masters omit-
ting to deposit
manifests, or
refusing to re-
ceive an in-
spector, &c. to
forfeit 500
dolls. &c.
A moiety to the
collector at
each place, &c.

Part of the act
mentioned, re-
pealed.

Act of 1788,
ch. 45. act of
1789, ch. 8.

So much of the
ordinance and
act mentioned
as relates to the organiza-
tion of a gene-
ral assembly
in the north-
western terri-
tory, to be in
force in the
Mississippi

James and Appamattox rivers, and from thence to the highest tidewater of Appamattox, and also the Chicahoming, to its highest tidewater mark; and the port for the said district shall extend from Petersburg to City Point. And another district shall be formed, to be called the district of Richmond, to comprehend Richmond, and Manchester, and Bermuda Hundred, and all the waters, shores, bays, harbors, and inlets, of James River, from Bermuda Hundred, including the harbor thereof, to the highest tidewater of James River; and the port shall extend from Richmond and Manchester, to Bermuda Hundred. The office of collector for the district of Petersburg, shall be kept in the town of Petersburg; and a collector shall be appointed for the Richmond district, whose office shall be kept in the city of Richmond; and the surveyors within those two districts shall continue to reside at the places at present established by law.

§ 5. That the master of any ship or vessel, bound to any district of James River above Sewall's Point, shall, before he pass by the said Point, and immediately after his arrival, either at the same or at Hampton Road, deposit, with the collector of the port of Norfolk and Portsmouth, or of Hampton, a true manifest of the cargo on board such ship or vessel; and the said collector 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 the said collector may, whenever he shall judge it to be necessary for the security of the revenue, put an inspector of the customs on board any such ship or vessel, 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 such ship or vessel shall neglect or omit to deposit a manifest, in manner as 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.

§ 6. That such part, and so much of the act, entitled "An act to regulate the collection of duties on imports and tonnage," as comes within the purview of this act, being contrary hereto, shall be and hereby is repealed. [Approved, May 10, 1800.]

CHAP. [50.] An act supplemental to the act, entitled "An act for an amicable settlement of limits with the state of Georgia; and authorizing the establishment of a government in the Mississippi territory."

§ 1. *Be it enacted, &c.* That so much of the ordinance of congress of the thirteenth of July, one thousand seven hundred and eighty-seven, and of the act of congress of the seventh of August, one thousand seven hundred and eighty-nine, providing for the government of the territory of the United States northwest of the river Ohio, as relates to the organization of a general assembly therein, and prescribes the powers thereof, shall forthwith operate, and be in force, in the Mississippi territory: *Provided, That* until the number of free male inhabitants, of full age, in the said

territory shall amount to five thousand, there shall not be returned to the general assembly more than nine representatives.

§ 2. That until the number of free male inhabitants, of full age, in the Mississippi territory shall amount to five thousand, the county of Adams shall be entitled to choose four representatives to the general assembly, the county of Pickering four, and the Tensaw and Tombigbee settlements, one.

§ 3. That the first election for representatives to the general assembly, shall be on the fourth Monday in July next, and that all subsequent elections shall be regulated by the legislature.

§ 4. That it shall be the duty of the governor of the Mississippi territory to cause the said election to be holden, on the day aforesaid, at the most convenient place in the counties and settlements aforesaid, and to nominate a proper officer or officers to preside at and conduct the same, and to return to him the names of the persons who may have been duly elected.

§ 5. That the representatives shall be convened, by the governor, at the town of Natchez, on the fourth Monday in September next.

§ 6. That so soon as the number of free male inhabitants of full age shall amount to, or exceed, five thousand, the number of representatives to the general assembly shall be determined, and the apportionment made, in the way prescribed in the ordinance.

§ 7. That nothing in this act shall in any respect impair the right of the state of Georgia to the jurisdiction, or of the said state, or of any person or persons, to the soil of the said territory, but the rights and claims of the said state, and all persons interested, are hereby declared to be as firm and available as if this act had never been made.

§ 8. That the general assembly shall meet, at least, once in every year, and such meeting shall be on the first Monday of December, unless they shall by law appoint a different day: *Provided*, That the governor shall have power, on extraordinary occasions, to convene the general assembly.

§ 9. That neither house, during the session of the general assembly, 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.

§ 10. That it shall be lawful for the commissioners appointed, or who may hereafter be appointed, on the part of the United States, in pursuance of the act, entitled "An act for an amicable settlement of limits with the state of Georgia; and authorizing the establishment of a government in the Mississippi territory," or any two of them, finally to settle, by compromise, with the commissioners which have been, or may be, appointed by the state of Georgia, any claims mentioned in said act, and to receive, in behalf of the United States, a cession of any lands therein mentioned, or of the jurisdiction thereof, on such terms as to them shall appear reasonable: And also, that the said com-

territory, &c. provided, &c.

Number of representatives in the general assembly from the counties, &c. mentioned, until, &c.

The first election for representatives to the general assembly to be on the 4th Monday in July, 1800, and &c.

The governor to cause the election to be holden at the most convenient place, &c.

The representatives to be convened at Natchez, &c. When the free male inhabitants amount to 5,000, the number of representatives to be, &c.

Act of 1808, ch. 9. Nothing in this act to impair the right of Georgia, or the rights of individuals, &c.

The general assembly to meet once a year, &c. provided, &c.

Neither house without the consent of the other, to adjourn, &c.

The commissioners under the act mentioned, &c. to settle, compromise, &c. with the commissioners of Georgia; receive a cession of lands, &c. Act of 1798, ch. 45.

The commissioners authorized to inquire into claims of settlers, receive propositions of compromise, and lay a statement before congress, &c.

Proviso; settlement before 4th March, 1803.

Proviso; commissioners not to contract for the payment of money other than, &c.

Act of 1794, ch. 11. act of 1803, ch. 63, act of 1807, ch. 67. Citizens or residents prohibited from holding any right or property in vessels employed in transporting slaves from one foreign country to another, on pain of forfeiture, &c.

Citizens or residents not to serve on board vessels of the United States employed, &c. on pain of fine and imprisonment, &c.

Citizens voluntarily serving on board foreign ships employed in the slave trade, liable to disabilities, penalties, &c.

Commissioned vessels of the United States may seize, &c. employed, &c.

missioners on the part of the United States, or any two of them, be authorized to inquire into the claims which are, or shall be, made by settlers, or any other persons whatsoever, to any part of the aforesaid lands, and to receive from such settlers and claimants any propositions of compromise which may be made by them, and lay a full statement of the claims, and the propositions which may be made to them, by the settlers or claimants, to any part of the said lands, together with their opinion thereon, before congress, for their decision thereon, as soon as may be: *Provided*, That the settlement shall be made and completed before the fourth day of March, one thousand eight hundred and three: *And provided, also*, That the said commissioners shall not contract for the payment of any money from the treasury of the United States to the state of Georgia, other than the proceeds of the same lands. [*Approved, May 10, 1800.*]

CHAP. [51.] 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."

§ 1. *Be it enacted, &c.* That it shall be unlawful for any citizen of the United States, or other person residing within the United States, directly or indirectly, to hold or have any right or property in any vessel employed, or made use of, in the transportation or carrying of slaves from one foreign country or place to another, and any right or property belonging as aforesaid, shall be forfeited, and may be libelled and condemned, for the use of the person who shall sue for the same; and such person, transgressing the prohibition aforesaid, shall also forfeit and pay a sum of money equal to double the value of the right or property in such vessel, which he held as aforesaid; and shall also forfeit a sum of money equal to double the value of the interest which he may have had in the slaves, which at any time may have been transported or carried in such vessel, after the passing of this act, and against the form thereof.

§ 2. That it shall be unlawful for any citizen of the United States, or other person residing therein, to serve on board any vessel of the United States, employed, or made use of, in the transportation or carrying of slaves from one foreign country or place to another; and any such citizen, or other person, voluntarily serving as aforesaid, shall be liable to be indicted therefor, and, on conviction thereof, shall be liable to a fine not exceeding two thousand dollars, and be imprisoned not exceeding two years.

§ 3. That if any citizen of the United States shall voluntarily serve on board of any foreign ship or vessel, which shall hereafter be employed in the slave trade, he shall, on conviction thereof, be liable to, and suffer, the like forfeitures, pains, disabilities, and penalties, as he would have incurred had such ship or vessel been owned or employed, in whole or in part, by any person or persons residing within the United States.

§ 4. That it shall be lawful for any of the commissioned vessels of the United States, to seize and take any vessel employed in carrying on trade, business, or traffic, contrary to the true in-

tent and meaning of this, or the said act, to which this is in addition; and such vessel, together with her tackle, apparel, and guns, and the goods or effects, other than slaves, which shall be found on board, shall be forfeited, and may be proceeded against in any of the district or circuit courts, and shall be condemned for the use of the officers and crew of the vessel making the seizure, and be divided in the proportion directed in the case of prize. And all persons interested in such vessel, or in the enterprise or voyage in which such vessel shall be employed at the time of such capture, shall be precluded from all right or claim to the slaves, found on board such vessel as aforesaid, and from all damages or retribution on account thereof: And it shall, moreover, be the duty of the commanders of such commissioned vessels, to apprehend, and take into custody, every person found on board of such vessel so seized and taken, being of the officers or crew thereof, and him or them convey, as soon as conveniently may be, to the civil authority of the United States, in some one of the districts thereof, to be proceeded against in due course of law.

§ 5. That the district and circuit courts of the United States shall have cognizance of all acts and offences against the prohibitions herein contained.

§ 6. That nothing in this act contained shall be construed to authorize the bringing into either of the United States, any person or persons, the importation of whom is, by the existing laws of such state, prohibited.

§ 7. That the forfeitures which shall hereafter be incurred under this, or the said act to which this is in addition, not otherwise disposed of, shall accrue and be, one moiety thereof to the use of the informer, and the other moiety 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. [Approved, May 10, 1800.]

CHAP. [53.] An act to provide for equalizing the valuations of unseated lands.

§ 1. *Be it enacted, &c.* That the commissioners appointed under the act, entitled "An act to provide for the valuation of lands and dwelling houses, and the enumeration of slaves within the United States," in those states, the valuations and enumerations whereof are not yet closed and returned to the treasury department, shall be, and hereby are, authorized and empowered, on examination and consideration, at some general meeting, to be convened pursuant to law, of the lists, returns, valuations, and abstracts, rendered to them by the assessors, within their respective states, to revise the valuations of unseated lands in each and every assessment district of their respective states, and in each and every subdivision of such districts, respectively, and to vary and adjust the said valuations, by adding thereto, or deducting therefrom, such rate per centum as to them shall appear just and reasonable: *Provided always*, That the relative valuations of different tracts of unseated land in the same subdivision shall not be changed or affected.

§ 2. That the said commissioners may direct the deductions

Vessels seized for trading in slaves contrary to this act, together with tackle, guns, goods on board, &c. except in case, forfeited, &c. Act of 1800, ch. 33.

Commanders of commissioned vessels to take officers and crews of vessels employed contrary to this act, &c. into custody, &c. District and circuit courts to have cognizance, &c. Nothing in this act to authorize the bringing into any state prohibited persons, &c. A moiety of forfeitures to informers, except, &c.

Obsolete.

Act of 1798, ch. 87. The commissioners appointed under the act mentioned, in states where valuations, &c. are not yet closed, &c. empowered to revise the valuations of unseated lands, &c.

Proviso; relative valuations in the same subdivision not to be changed.

The commissioners may direct the deductions, &c. to be made out, &c. *Provido*; as to compensation of assistants.

and additions aforesaid to be made out and completed by the principal assessors of the aforesaid assessment districts, respectively, or, if they shall deem it more proper, by their own clerk, and by such assistants as they shall find necessary and appoint for that purpose: *Provided always*, That the compensation to be made to the said assistants, shall not exceed the pay allowed to the assistant assessors by the act aforesaid. [*Approved, May 10, 1800.*]

Act of 1799, ch. 129.

CHAP. [54.] An act supplementary to an act, entitled "An act to establish the compensation of the officers employed in the collection of the duties on impost and tonnage."

Additional allowances, after the 30th June, 1800, to the collectors and surveyors in the districts mentioned, &c. See act of 1822, ch. 107.

§ 1. *Be it enacted, &c.* That from and after the thirtieth day of June next, there shall be allowed and paid, annually, to and for the use of the several collectors and surveyors appointed and to be appointed pursuant to law, and employed in the collection of the duties of imports and tonnage, in the districts hereinafter mentioned, in addition to their fees and emoluments otherwise allowed by law, the sums following, respectively, that is to say: To the collectors of Passamaquoddy, Waldoborough, and St. Mary's, two hundred and fifty dollars each: to the collectors of Machias, Great Egg Harbor, Little Egg Harbor, Perth Amboy, Bridgetown, Sunbury, and Georgetown, in Maryland, one hundred dollars each; and to the collectors of Sagg Harbor, Brunswick, in Georgia, and Dumfries, fifty dollars each: to the surveyors of Bermuda Hundred, one hundred and fifty dollars; and to the surveyors of Newport, Providence, Port Royal, Alexandria, and Saybrook, one hundred dollars each.

Allowance to the collectors mentioned, after the 30th June, 1800, in lieu of commissions heretofore allowed, &c.

§ 2. That, in lieu of the commissions heretofore allowed by law, there shall, from and after the thirtieth day of June next, be allowed to the collectors for the districts of Alexandria, Petersburg, and Richmond, respectively, two and an half per centum on all moneys which shall be collected and received by them: To the collector for the district of Boston and Charlestown, and to the collectors of Baltimore, and Philadelphia, three eighths of one per centum: To the collectors of Charleston, South Carolina, Salem, and Norfolk, and Portsmouth, three quarters of one per centum: To the collector of the district of Portland, one per centum, for and on account of the duties arising on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships and vessels.

The collectors of the districts mentioned to deposit bonds for collection in the bank of the U. States, &c. Commissions allowed to the collectors on the money collected by the bank, &c.

§ 3. That it shall be the duty of the collectors of the several districts of Philadelphia, New York, Boston, Baltimore, Norfolk, and Charleston, and they are hereby, respectively, directed, to deposit, for collection, in the bank of the United States, or at an office of discount and deposit of the said bank, all the bonds taken, or to be taken, by them, for duties, by virtue of any law of the United States; but on all money collected by the said banks the commissions aforesaid are to be allowed the said collectors in like manner as if received by them. [*Approved, May 10, 1800.*]

CHAP. [55.] An act to amend the act, entitled "An act providing for the sale of the lands of the United States in the territory northwest of the Ohio, and above the mouth of Kentucky river."

§ 1. *Be it enacted, &c.* That, for the disposal of the lands of the United States, directed to be sold by the act, entitled "An act providing for the sale of the lands of the United States, in the territory northwest of the Ohio, and above the mouth of Kentucky river," there shall be four land offices established in the said territory: One at Cincinnati, for lands below the Little Miami, which have not heretofore been granted; one at Chillicothe, for lands east of the Sciota, south of the lands appropriated for satisfying military bounties to the late army of the United States, and west of the fifteenth range of townships; one at Marietta, for the lands east of the sixteenth range of townships, south of the beforementioned military lands, and south of a line drawn due west from the northwest corner of the first township of the second range, to the said military lands; and one at Steubenville, for the lands north of the last mentioned line, and east or north of the said military lands: Each of the said offices shall be under the direction of an officer, to be called "The Register of the Land Office," who shall be appointed by the president of the United States, by and with the advice and consent of the senate, and shall give bond to the United States, with approved security, in the sum of ten thousand dollars, for the faithful discharge of the duties of his office; and shall reside at the place where the land office is directed to be kept.

§ 2. That it shall be the duty of the surveyor general, and he is hereby expressly enjoined, to prepare and transmit, to the registers of the several land offices, before the days herein appointed for commencing sales, general plats of the lands hereby directed to be sold at the said offices, respectively, and also to forward copies of each of the said plats to the secretary of the treasury.

§ 3. That the surveyor general shall cause the townships west of the Muskingum, which, by the abovementioned act, are directed to be sold in quarter townships, to be subdivided into half sections of three hundred and twenty acres each, as nearly as may be, by running parallel lines through the same from east to west, and from south to north, at the distance of one mile from each other, and marking corners, at the distance of each half mile on the lines running from east to west, and at the distance of each mile on those running from south to north, and making the marks, notes, and descriptions, prescribed to surveyors by the abovementioned act: And the interior lines of townships intersected by the Muskingum, and of all the townships lying east of that river, which have not been heretofore actually subdivided into sections, shall also be run and marked in the manner prescribed by the said act, for running and marking the interior lines of townships directed to be sold in sections of six hundred and forty acres each: And in all cases where the exterior lines of the townships, thus to be subdivided into sections or half sections, shall exceed, or shall not extend, six miles, the

Act of 1796, ch. 29. act of 1818, ch. 70. act of 1819, ch. 197. act of 1820, ch. 26. Four land offices to be established in the territory northwest of the Ohio, &c. One at Cincinnati. One at Chillicothe. See act of 1803, ch. 83. One at Marietta.

One at Steubenville.

Each land office to be under the direction of a register.

The surveyor general to prepare and transmit plats to the registers, and copies to the secretary of the treasury, &c.

The surveyor general to cause the townships west of the Muskingum to be subdivided, &c.

Act of 1804, ch. 35. The interior lines of townships intersected by the Muskingum, &c. not heretofore subdivided, &c. to be run and marked, &c. Where the exterior lines, &c. exceed, or do

not extend, six miles, the excess or deficiency to be noted, &c.

Sections, &c. to be sold as containing the quantity expressed, &c. Other sections as, &c.

The president to fix the compensation of deputy surveyors, &c.

provided, &c. The lands subdivided to be offered for sale in sections and half sections, at the places mentioned, &c. Act of 1804, ch. 35.

The sales to remain open for three weeks, &c. Superintendents to observe rules, &c. Lands remaining unsold, may be disposed of at private sale, &c. The register at Steubenville may proceed to sell, &c.

The register at Marietta may proceed to sell, &c.

excess or deficiency shall be specially noted, and added to, or deducted from, the western and northern ranges of sections or half sections in such township, according as the error may be in running the lines from east to west, or from south to north; the sections and half sections bounded on the northern and western lines of such townships shall be sold as containing only the quantity expressed in the returns and plats, respectively, and all others as containing the complete legal quantity: And the president of the United States shall fix the compensation of the deputy surveyors, chain carriers, and axe men: *Provided*, The whole expense of surveying and marking the lines, shall not exceed three dollars for every mile that shall be actually run, surveyed, and marked.

§ 4. That the lands thus subdivided (excluding the sections reserved by the abovementioned act) shall be offered for sale in sections and half sections, subdivided as before directed, at the following places and times, that is to say: those below the Little Miami shall be offered at public vendue, in the town of Cincinnati, on the first Monday of April, one thousand eight hundred and one, under the direction of the register of the land office there established, and of either the governor or secretary of the northwestern territory: The lands east of Sciota, south of the military lands, and west of the fifteenth range of townships, shall be offered, in like manner, for sale at Chillicothe, on the first Monday of May, one thousand eight hundred and one, under the direction of the register of the land office, there established, and of either the governor or secretary of the said territory: The lands east of the sixteenth range of townships, south of the military lands and west of the Muskingum, including all the townships intersected by that river, shall be offered for sale, in like manner, at Marietta, on the last Monday of May, one thousand eight hundred and one, under the direction of the governor or secretary, or surveyor general, of the said territory. The sales shall remain open at each place for three weeks, and no longer. The superintendents shall observe the rules and regulations of the abovementioned act, in classing and selling fractional with entire sections, and in keeping and transmitting accounts of the sales. All lands remaining unsold, at the closing of either of the public sales, may be disposed of at private sale by the registers of these respective land offices, in the manner hereinafter prescribed; and the register of the land office at Steubenville, after the first day of July next, may proceed to sell, at private sale, the lands situate within the district assigned to his direction, as hereinbefore described, disposing of the same in sections, and classing fractional with entire sections, according to the provisions and regulations of the abovementioned act, and of this act: And the register of the land office at Marietta, after the said first day of July next, may proceed to sell, at private sale, any of the lands within the district assigned to his direction as aforesaid, which are east of the river Muskingum, excluding the townships intersected by that river, disposing of the same in sections, and classing fractional with entire sections, as aforesaid.

§ 5. That no lands shall be sold by virtue of this act, at either public or private sale, for less than two dollars per acre, and payment may be made for the same by all purchasers, either in specie, or in evidences of the public debt of the United States, at the rates prescribed by the act, entitled "An act to authorize the receipt of evidences of the public debt in payment for the lands of the United States," and shall be made in the following manner, and under the following conditions, to wit:—1. At the time of purchase, every purchaser shall, exclusively of the fees hereafter mentioned, pay six dollars for every section, and three dollars for every half section, he may have purchased, for surveying expenses, and deposit one twentieth part of the amount of purchase money, to be forfeited, if, within forty days, one fourth part of the purchase money, including the said twentieth part, is not paid. 2. One fourth part of the purchase money shall be paid within forty days after the day of sale as aforesaid; another fourth part shall be paid within two years; another fourth part within three years; and another fourth part within four years after the day of sale. 3. Interest, at the rate of six per cent. a year, from the day of sale, shall be charged upon each of the three last payments, payable as they respectively become due. 4. A discount, at the rate of eight per cent. a year, shall be allowed on any of the three last payments, which shall be paid before the same shall become due, reckoning this discount always upon the sum which would have been demandable by the United States, on the day appointed for such payment. 5. If the first payment of one fourth part of the purchase money shall not be made within forty days after the sale, the deposit, payment, and fees, paid and made by the purchaser, shall be forfeited, and the lands shall and may, from and after the day when the payment of one fourth part of the purchase money should have been made, be disposed of at private sale, on the same terms and conditions, and in the same manner, as the other lands directed by this act to be disposed of at private sale: *Provided*, That the lands which shall have been sold at public sale, and which shall, on account of such failure of payment, revert to the United States, shall not be sold at private sale for a price less than the price that shall have been offered for the same at public sale. 6. If any tract shall not be completely paid for within one year after the date of the last payment, the tract shall be advertised for sale by the register of the land office within whose district it may lie, in at least five of the most public places in the said district, for at least thirty days before the time of sale: And he shall sell the same at public vendue, during the sitting of the court of quarter sessions of the county in which the land office is kept, for a price not less than the whole arrears due thereon, with the expenses of sale; the surplus, if any, shall be returned to the original purchaser, or to his legal representative; but if the sum due, with interest, be not bidden and paid, then the land shall revert to the United States. All moneys paid therefor shall be forfeited, and the register of the land office may proceed to dispose of the same to any purchaser, as in case of other lands, at private sale.

No lands to be sold for less than 2 dolls. per acre, payable in specie, or evidences of the public debt, &c. Act of 17 ch. 68. Manner and conditions of payment. Six dolls. for every section, &c. to be paid at the time of purchase, for surveying expenses, &c. and 1-20th of the price to be deposited, &c. Act of 1804, ch. 35. A fourth part of purchase money to be paid in 40 days, in 2 years, in 3 years, and 4 years. Interest on the three last payments, &c. A discount on any of the three last payments, if paid before due, &c. If the first payment is not made, &c. the deposit, &c. are forfeited, and the land may be sold, &c. *Proviso*; land reverting on account of failure in payment, not to be sold for less at private, &c. than at public sale, &c. Tracts not paid for within one year, &c. to be advertised for sale by the register, &c.

Payments to be made to the treasurer, or receivers of public moneys, &c.

Receivers of public moneys to give bond, &c.

Treasurer and receiver to give receipts, &c. transmit accounts of moneys received to the secretary of the treasury and to the registers, &c.

Receivers to transmit moneys quarterly, to the treasurer, &c.

One per cent. to receivers, &c. Act of 1796, ch. 29.

The registers of the land offices to receive and enter applications of purchasers in the manner prescribed, &c.

If two or more persons apply for the same tract, the register to determine by lot, &c. Register to file receipts, give copies, &c.

§ 6. That all and every the payments, to be made by virtue of the preceding section, shall be made either to the treasurer of the United States, or to such person or officer as shall be appointed by the president of the United States, with the advice and consent of the senate, receiver of public moneys for lands of the United States, at each of the places, respectively, where the public and private sales of the said lands are to be made; and the said receiver of public moneys shall, before he enters upon the duties of his office, give bond, with approved security, in the sum of ten thousand dollars, for the faithful discharge of his trust; and it shall be the duty of the said treasurer, and receiver of public moneys, to give receipts for the moneys by them received, to the persons respectively paying the same; to transmit, within thirty days, in case of public sale, and quarterly, in case of private sale, an account of all the public moneys by them received, specifying the amount received from each person, and distinguishing the sums received for surveying expenses, and those received for purchase money, to the secretary of the treasury, and to the registers of the land office, as the case may be. The said receivers of public moneys shall, within three months after receiving the same, transmit the moneys by them received to the treasurer of the United States; and the receivers of public moneys for the said sales, and also the receivers of public moneys for the sales which have taken place at Pittsburg, under the act, entitled "An act providing for the sale of the lands of the United States in the territory northwest of the Ohio, and above the mouth of Kentucky river," shall receive one per cent. on the money received, as a compensation for clerk hire, receiving, safe keeping, and transmitting it to the treasury of the United States.

§ 7. That it shall be the duty of the registers of the land offices, respectively, to receive and enter, on books kept for that purpose only, and on which no blank leaves or space shall be left between the different entries, the applications of any person or persons who may apply for the purchase of any section or half section, and who shall pay him the fee hereafter mentioned, and produce a receipt from the treasurer of the United States, or from the receiver of public moneys appointed for that purpose, for three dollars for each half section such person or persons may apply for, and for at least one twentieth part of the purchase money, stating, carefully, in each entry, the date of the application, the date of the receipt to him produced, the amount of money specified in the said receipt, and the number of the section or half section, township, and range, applied for. If two or more persons shall apply at the same time for the same tract, the register shall immediately determine by lot, in presence of the parties, which of them shall have preference. He shall file the receipt for moneys produced by the party, and give him a copy of his entry, and, if required, a copy of the description of the tract, and a copy of the plat of the same, or either of them; and it shall be his duty to inform the party applying for any one tract, whether the same has already been entered, purchased, or paid for, and, at his request, to give him a copy of the

entry or entries concerning the same. He shall, three months after the date of each application, if the party shall not have within that time produced to him a receipt of the payment of one fourth part of the purchase money, including the twentieth part abovementioned, enter, under its proper date, in the said book of entries, that the payment has not been made, and that the land has reverted to the United States, and he shall make a note of the same in the margin of the book opposite to the original entry. And if the party shall, either at the time of making the original entry, or at any time within three months thereafter, produce a receipt to him, for the fourth part of the purchase money, including the twentieth part aforesaid, he shall file the receipt, make an entry of the same, under its proper date, in the said book of entries, make a note of the same in the margin of the book, opposite to the original entry, and give to the party a certificate, describing the land sold, the sum paid on account, the balance remaining due, the time and times when such balance shall become due, and 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; he shall, also, upon any subsequent payment being made, and a receipt from the receiver being produced to him, file the original receipt, give a receipt for the same to the party, and enter the same to the credit of the party, in a book kept for that purpose, in which he shall open an account in the name of each purchaser, for each section or half section that may be sold, either at public or private sale, and in which he shall charge the party for the whole purchase money, and give him credit for all his payments; making the proper charges and allowances for interest or discount, as the case may be, according to the provisions of the fourth section of this act; and upon the payment being completed and the account finally settled, he shall give a certificate of the same to the party; and on producing, to the secretary of the treasury, the same final 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.

§ 8. That the registers of the land offices, respectively, shall also note, on the book of surveys, or original plat transmitted to them, every tract which may be sold, by inserting the letter A on the day when the same is applied for, and the letter P on the day when a receipt for one fourth part of the purchase money is produced to them, and by crossing the said letter A on the day when the land shall revert to the United States, on failure of the payment of one fourth part of the purchase money within three months after the date of application. And the said book of surveys, or original plat, shall be open, at all times, in presence of the register, for the inspection of any individual applying for the same and paying the proper fee.

§ 9. That it shall be the duty of the registers of the land offices to transmit, quarterly, to the secretary of the treasury, and to the surveyor general, an account of the several tracts applied

The party not producing a receipt of payment of 1-4th in three months, the register to make entry accordingly, &c. The party, at any time within three months after entry, &c. producing a receipt, &c. entry to be made thereon, a certificate given, &c.

Credit to be given for subsequent payments, &c.

Proper charges and allowances for interest or discount, &c. Upon final settlement, a certificate to be given, &c. On producing the final certificate, &c. the president to issue a patent, &c. Act of 1812, ch. 68. Registers to note the sales upon the surveys, &c.

Book of surveys, &c. to be open for inspection, &c.

The registers to transmit to the secretary of the treasury,

and surveyor general, quarterly accounts of tracts applied for, &c. An account of payments entered, &c. to be also transmitted, &c.

Registers not to enter their own applications, &c. Registers wishing to purchase may do it by application to the surveyor general, &c.

Registers, nevertheless, to note their applications and payments, &c.

Applications for tracts applied for by others, if insisted on, &c. to be entered by the register, who is to note, &c. Upon application, &c. the party may withdraw and apply in lieu, &c. provided, &c.

The secretary of the treasury, &c. manner of keeping books, &c.

Allowance of one half per cent. to registers, &c.

Register's fees, payable by the parties, &c.

for, of the several tracts for which the payment of one fourth part of the purchase money has been made, of the several tracts which have reverted to the United States on failure of the said payment; and also, an account of all the payments of moneys by them entered, according to the receipts produced to them, specifying the sums of money, the names of the persons paying the same, the names of the officers who have received the same, and the tracts for which the same have been paid.

§ 10. That the registers aforesaid shall be precluded from entering on their books any application for lands in their own name, and in the name of any other in trust for them; and if any register shall wish to purchase any tract of land, he may do it by application in writing to the surveyor general, who shall enter the same on books kept for that purpose by him, who shall proceed in respect to such applications, and to any payments made for the same, in the same manner which the registers by this act are directed to follow, in respect to applications made to them for lands by other persons. The registers shall, nevertheless, note on the book of surveys, or original plat, the applications and payments thus by them made, and their right to the pre-emption of any tract shall bear date from the day when their application for the same shall have been entered by the surveyor general in his own book. And if any person applying for any tract shall, notwithstanding he shall have received information from the register that the same has already been applied for by the said register, or by any other person, insist to make the application, it shall be the duty of the register to enter the same, noting in the margin that the same tract is already purchased; but upon application of the party, made in writing, and which he shall file, he may and shall, at any future time, enter under its proper date, that the party withdraws his former application, and applies in lieu thereof for any other tract: *Provided always*, That the party shall never be allowed thus to withdraw his former application, and to apply in lieu thereof for another tract, except when the tract described in his former application shall have been applied for previous to the date of that his former application.

§ 11. That the secretary of the treasury shall and may prescribe such further regulations, in the manner of keeping books and accounts, by the several officers in this act mentioned, as to him may appear necessary and proper, in order fully to carry into effect the provisions of this act.

§ 12. That the registers of the land offices, respectively, shall be entitled to receive from the treasury of the United States, one half per cent. on all the moneys expressed in the receipts by them filed and entered, and of which they shall have transmitted an account to the secretary of the treasury, as directed by this act; and they shall further be entitled to receive, for their own use, from the respective parties, the following fees for services rendered, that is to say, for every original application for land, and a copy of the same, for a section three dollars, for a half section two dollars; for every certificate stating that the first fourth part of the purchase money is paid, twenty-five

cents; for every subsequent receipt for moneys paid, twenty-five cents; for the final settlement of account and giving the final certificate of the same, one dollar; for every copy, either of an application or of the description of any section or half section, or of the plat of the same, or of any entry made on their books, or of any certificate heretofore given by them, twenty-five cents for each; and for any general inspection of the book of surveys, or general plat, made in their presence, twenty-five cents.

§ 13. That the superintendents of the public sales, to be made by virtue of this act, and the superintendents of the sales which have taken place by virtue of the act, entitled "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," shall receive five dollars a day, for every day whilst engaged in that business; and the accounting officers of the treasury are hereby authorized to allow a reasonable compensation for books, stationary, and clerk hire, in settling the accounts of the said superintendents.

Superintendents of public sales to receive five dolls. per day whilst engaged, &c. Act of 1796, ch. 29. A reasonable allowance for stationary, clerk hire, &c.

§ 14. That the fee to be paid for each patent, for half a section shall be four dollars, and for every section five dollars, to be accounted for by the receiver of the same.

Fees for patents, &c. Act of 1804, ch. 35.

§ 15. That the lands of the United States reserved for future disposition, may be let upon leases, by the surveyor general, in sections or half sections, for terms not exceeding seven years, on condition of making such improvements as he shall deem reasonable.

Lands reserved may be let upon leases, &c.

§ 16. That each person who, before the passing of this act, shall have erected, or begun to erect, a grist mill or saw mill upon any of the lands herein directed to be sold, shall be entitled to the pre-emption of the section including such mill, at the rate of two dollars per acre: *Provided*, the person or his heirs, claiming such right of pre-emption, shall produce, to the register of the land office, satisfactory evidence that he or they are entitled thereto, and shall be subject to and comply with the regulations and provisions by this act prescribed for other purchasers.

Persons who have erected, or begun to erect, grist or saw mills, entitled to pre-emption; *provided*, &c.

§ 17. That so much of the "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," as comes within the purview of this act, be, and the same is hereby, repealed. [Approved, May 10, 1800.]

So much of the act mentioned, &c. repealed. Act of 1796, ch. 29.

CHAP. [56.] An act to ascertain the compensation of public ministers.

§ 1. *Be it enacted*, &c. That, exclusive of an outfit, which shall in no case exceed the amount of one year's full salary, to any minister plenipotentiary or charge des affaires, to whom the same may be allowed, the president of the United States 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 charge des affaires: nor a greater sum for the same than

Repealed. Act of 1810, ch. 61. The president not to allow more than 9,000 dolls. per ann. exclusive of an outfit, to a minister, &c.

4,500 dolls. per annum, &c.

1,350 dolls. per ann. to the secretary of a minister, &c. The president to cause annual settlements for expenses of foreign intercourse, &c.

The president's certificate a voucher, &c.

one thousand three hundred and fifty dollars per annum to the secretary of any minister plenipotentiary.

§ 2. That where any sum or sums of money shall be drawn from the treasury, under any law making appropriation for the contingent expenses of intercourse between the United States and foreign nations, 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 specially in all instances wherein the expenditure thereof may, in his judgment, be made public, and by making a certificate 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, May 10, 1800.]

Act of 1789, ch. 12.

The secretary of the treasury to prepare, and lay before congress, at the commencement of every session, a report on the subject of finance, &c.

CHAP. [58.] An act supplementary to the act, entitled "An act to establish the treasury department."

§ 1. *Be it enacted, &c.* That it shall be the duty of the secretary of the treasury to digest, prepare, and lay before congress, at the commencement of every session, a report on the subject of finance, containing estimates of the public revenue, and public expenditures, and plans for improving or increasing the revenues, from time to time, for the purpose of giving information to congress in adopting modes of raising the money requisite to meet the public expenditures. [Approved, May 10, 1800.]

Act of 1807, ch. 76.

Patents may issue on surveys made within the territory reserved by Virginia, &c. on warrants for military services, issued, &c.

Proviso; as to the quantity of land to be patented, and the deposit of surveys.

Proviso; this act not to give validity to entries, &c. interfering with persons claiming under entries heretofore made, &c.

CHAP. [59.] An act to authorize the issuing certain patents.

§ 1. *Be it enacted, &c.* That it shall be lawful, and the proper officer is hereby authorized, to issue patents on surveys which have been, or may be, made within the territory reserved by the state of Virginia, northwest of the river Ohio, and being part of her cession to congress, on warrants for military services, issued in pursuance of any resolution of the legislature of that state, previous to the passing of this act, in favor of persons who had served in the Virginia line on the continental establishment: *Provided*, That the whole quantity of land for which patents shall issue, by virtue of this act, shall not exceed sixty thousand acres; and that the surveys aforesaid shall be completed and deposited in the office of the secretary of war, on or before the first day of December, one thousand eight hundred and three: *And provided also*, That this act shall not give any force or validity to the entries, locations, or surveys, heretofore made, in pursuance of these warrants, so far as such entries, locations, or surveys, interfere in any manner with those of persons claiming the same lands under entries, locations, or surveys, heretofore made, in pursuance of warrants granted by the state of Virginia to the officers and soldiers in the line of that state on continental establishments.

§ 2. That in every case of interfering claims, under military warrants, to lands within the territory so reserved by the state of Virginia, when either party to such claims shall lose, or be evicted from, the land, every such party shall have a right, and

In case of eviction, warrants may be withdrawn and entered elsewhere, &c.

hereby is authorized, to withdraw his, her, or their warrant, respectively, to the amount of such loss or eviction, and to enter, survey, and patent the same, on any vacant land within the bounds aforesaid, and in the same manner as other warrants may be entered, surveyed, and patented. [*Approved, May 13, 1800.*]

CHAP. [60.] An act to enlarge the powers of surveyors of the revenue.

§ 1. *Be it enacted, &c.* That whenever it shall appear to the surveyor of the revenue, appointed, or to be appointed, in any assessment district within the United States, under the act, entitled "An act to provide for the valuation of lands and dwelling houses, and the enumeration of slaves within the United States," that any tract of land or dwelling house, situated within his said district, and directed by the said act to be included in the lists thereby required to be rendered and kept, hath been omitted in the said lists, then, and in every such case, it shall be the duty of such surveyor, and he hereby is authorized and required, to inform himself of the value of such tract of land or dwelling house, by entry, view, or other lawful ways and means, and to make a list and valuation thereof, in the form and manner prescribed in and by the said act, and to enter and record the said list, and valuation, with and among the lists and valuations by him to be kept and recorded pursuant to the said act; and to charge the amount of the said valuation to the person or persons to whom the same ought to be charged, pursuant to the said act, and to the act, entitled "An act to lay and collect a direct tax within the United States;" and that where any assessor, no list having been rendered, shall have estimated any tract of unseated land to contain a greater number of acres than the said tract shall, by the patent or survey of the same, actually appear to contain, it shall appear to the surveyor of the assessment district in which the said land shall be situate, by the production of the said patent or survey thereof, that there has been a mistake in estimating the said number of acres, it shall be lawful for such surveyor to credit the proprietor or proprietors thereof with the number of acres so overcharged: *Provided*, That the said credit shall not operate to lessen the sum directed to be collected by virtue of the present law to lay and collect a direct tax: *And provided also*, That no credit 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; and if any error has happened, by charging any person with being the proprietor of any tract or parcel of unseated land, who was not the owner thereof on the first day of October, one thousand seven hundred and ninety-eight, or by assessing to any person any tract or parcel of unseated land more than once as proprietor thereof, it shall be lawful, in all or any of these cases, for the surveyor of the district in which the said error shall have happened, to correct the same, by giving the person so charged such credit in his account respecting the said land as may be just and equitable.

§ 2. That, for the services aforesaid, the surveyors of the re-

Repealed.
Act of 1801, ch.
104.

Surveyors of
the revenue,
&c. to inform
themselves of
the value of
tracts of land
or dwelling
houses, omitted
in the lists, &c.
by entry, view,
&c.
Act of 1798, ch.
87.

Lists and valuations to be
made of omitted
lands and
dwelling houses,
&c.

Act of 1798, ch.
75.

Assessors having estimated
tracts of unseated land to
contain a greater number of
acres than by patent, the surveyor,
in case of mistake, may credit
proprietors with the over charge,
&c.

Proviso; the credit not to
lessen, &c.

Proviso; no credit valid until
approved, &c.

In case of error in charging
persons not the owners of unseated
land, or by assessing any tract to a
person more than once, the surveyor
may give credit, &c.

Compensations
to the survey-

ors of the revenue for the services enjoined by this act.

Accounts for compensations to be presented to the supervisors, &c.

Persons charged pursuant to the acts mentioned, with the amount of valuations, and afterwards ejected in due course of law, &c. to be discharged on the payment or tender of one dollar, &c.

Act of 1789, ch. 20.

Jurors to serve in the courts of the United States to be designated by lot, or otherwise, &c. according to the mode in the highest courts of law, so far, &c.

See act of 1802, ch. 26.

Two and a half per cent. on the amount of drawbacks, to be retained, &c.

No part of the additional duty on goods,

venue shall, respectively, be entitled to, and receive, from the United States, the following compensations, that is to say: For every tract of land or dwelling house, valued and recorded as aforesaid, without entry and view, seventy-five cents; for every tract of land or dwelling house, so valued and recorded, with entry and view, two dollars; for every mile of necessary travel in going to make such entry and view and returning, five cents; and that the accounts for the said compensations shall be presented to the supervisors of the districts, respectively, and if allowed by them, shall be paid by them and credited to their accounts, respectively, in the settlement thereof with the treasury department.

§ 3. That whenever any person shall have been charged, pursuant to the abovementioned acts, or either of them, or to this act, with the amount of the valuation of any tract of land or dwelling house; and such person, or his or her legal representatives or assigns, shall afterwards, in due course of law, have been ejected from such land or dwelling house, or have had a decision against him, her, or them, upon the title thereof, then, and in every such case, it shall be the duty of the surveyor of the revenue within whose assessment district the said land or dwelling house shall be situated, and he is hereby authorized and required, on the application of such person, or of his or her legal representatives or assigns, as the case may be, and on the payment or tender by them, or any of them, of the sum of one dollar for every such tract of land or dwelling house, which sum the said surveyor is hereby authorized to demand and receive in such case, to cancel the valuation on such land or dwelling house, so far as respects the persons so applying, and to discharge him or her therefrom. [Approved, May 13, 1800.]

CHAP. [61.] An act to amend an act, entitled "An act to establish the judicial courts of the United States."

§ 1. *Be it enacted, &c.* That jurors to serve in the courts of the United States shall be designated by lot, or otherwise, in each state, or district, respectively, according to the mode of forming juries to serve in the highest courts of law therein now practised, so far as the same shall render such designation practicable by the courts and marshals of the United States. [Approved, May 13, 1800.]

CHAP. [64.] An act to retain a further sum on drawbacks, for the expenses incident to the allowance and payment thereof, and in lieu of stamp duties on debentures.

§ 1. *Be it enacted, &c.* That, from and after the thirtieth day of June next, two and one half per centum on the amount of all drawbacks allowed, or to be allowed, by law, upon and for the re-exportation from the United States of goods, wares, or merchandises, imported thereinto, shall be retained for the use of the United States, by the collectors paying such drawbacks, respectively, and in addition to the sum of one and one quarter per centum heretofore directed by law to be so retained.

§ 2. That in case of the re-exportation from the United States of goods, wares, and merchandises, imported thereinto, in for-

sign ships or vessels, no part of the additional duty imposed by law on such goods, wares, and merchandises, on account of their importation in such ships or vessels, shall be allowed to be drawback; but that the whole of the said additional duty shall be retained in manner aforesaid, in addition to the rate per centum by this and former acts directed to be retained. [*Approved, May 13, 1800.*]

CHAP. [66.] An act to lay additional duties on certain articles imported.

§ 1. *Be it enacted, &c.* That, from and after the thirtieth day of June next, the following duties, in addition to those now in force, and payable on the several articles hereinafter enumerated, shall be laid, levied, and collected, upon those articles, respectively, at their importation into the United States from any foreign port or place, that is to say: upon all brown sugar, one half cent per pound; upon all sugar candy, two cents and one half per pound; upon all molasses, one cent per gallon; and upon all goods, wares, and merchandises, now paying a duty of ten per centum ad valorem, two and one half per centum ad valorem.

§ 2. That from and after the thirtieth day of June next, the duties now imposed and payable on wines, imported into the United States from any foreign port or place, shall cease and be abolished; and that, in lieu thereof, the following duties shall thenceforth be laid, levied, and collected, upon all wines so imported in casks, bottles, or other vessels, that is to say: Upon all Malmsey, Madeira, and London particular Madeira wine, fifty-eight cents per gallon; upon all other Madeira wine, fifty cents per gallon; upon all Burgundy, Champaign, Rhenish, and Tokay, wine, forty-five cents per gallon; upon all Sherry wine, forty cents per gallon; upon all Saint Lucar wine, forty cents per gallon; upon all claret, and other wines not enumerated, when imported in bottles or cases, thirty-five cents per gallon; upon all Lisbon, Oporto, and other Portugal wines, thirty cents per gallon; upon all Teneriffe, Fayal, Malaga, Saint George, and other Western Island wine, twenty-eight cents per gallon; and upon all other wines, when imported otherwise than in bottles or cases, twenty-three cents per gallon.

§ 3. 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 merchandises, as aforesaid, as shall, after the said thirtieth day of June, be imported in ships or vessels not of the United States.

§ 4. 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 hereinbefore enumerated.

§ 5. 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 thirty-first day of December next, be added to the drawbacks now allowed by law on sugar refined within the United States and exported therefrom, and on spirits

on account of importation in foreign vessels, to be allowed as drawback, &c.

Repealed.
Act of 1816,
ch. 107.
Additional duties after the 30th June, 1800, on sugar, molasses, and merchandises, paying 10 per cent. ad valorem, &c.

Duties on wines, after the 30th June, 1800, in lieu of others, which are abolished, &c.

Addition of ten per cent. to the rates of duties, &c. on goods, &c.

The duties laid by this act to be levied, &c. as other duties on the same articles, &c.
Additional drawback after the 31st Dec. 1800, on sugar refined, and spirits distilled from

molasses, in the United States, &c. Act of 1802, ch. 19.

distilled from molasses within the United States and exported therefrom, that is to say : 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.

The proceeds of the duties laid by this act appropriated to the discharge, &c.

§ 6. That the proceeds of the duties, laid by this act, shall be solely appropriated and applied for the discharge of the interest and principal of the debts of the United States, heretofore contracted, or to be contracted during the present year. [*Approved, May 13, 1800.*]

Obsolete.

CHAP. [67.] An act appointing the time, and directing the place, of the next meeting of congress.

Congress to meet at Washington, &c.

[This act provides that the next session of congress shall be held at the city of Washington, in the District of Columbia, on the third Monday of November, 1800.] [*Approved, May 13, 1800.*]

CHAP. [68.] An act to make provision relative to rations for Indians, and to their visits to the seat of government.

The president authorized to cause rations to be issued to Indians visiting military posts, &c.

§ 1. *Be it enacted, &c.* That the president of the United States shall be, and hereby is, authorized and empowered to cause such rations as he shall judge proper, and as can be spared from the army provisions without injury to the service, to be issued, under such regulations as he shall think fit to establish, to Indians who may visit the military posts of the United States on the frontiers, or within their respective nations.

The president authorized to cause the reasonable expenses of Indians to be defrayed while on visits at the seat of government, &c. bestow presents, &c. A separate account of rations, &c.

§ 2. That the president of the United States shall be, and hereby is, further authorized and empowered to cause to be defrayed, on the part of the United States, the reasonable expenses of such Indians as may, from time to time, visit the seat of government thereof, for their journeys to, stay at, and return from, the same ; and also to cause to be given to such Indians, during their stay as aforesaid, such presents as he shall judge necessary.

§ 3. That a separate account of all rations issued, and expenses defrayed, as aforesaid, and of the expenditures occasioned by such presents, as are aforesaid, shall be kept at the department of war. [*Approved, May 13, 1800.*]

Repealed. Act of 1802, ch. 9.

CHAP. [69.] An act supplementary to the act to suspend part of an act, entitled "An act to augment the army of the United States, and for other purposes."

The president may suspend military appointments under the acts mentioned, &c. Act of 1798, ch. 93. act of 1799, ch. 154.

§ 1. *Be it enacted, &c.* That it shall be lawful for the president of the United States to suspend any further military appointments under the act to augment the army of the United States and for other purposes ; and under the ninth section of the act for the better organizing of the troops of the United States, and for other purposes, according to his discretion, having reference to economy and the good of the service.

The president authorized to discharge officers, privates, &c. appointed

§ 2. That the president of the United States shall be, and hereby is, authorized and empowered to discharge, on or before the fifteenth day of June next, all such officers, noncommissioned

ed officers, and privates, as have heretofore been appointed, commissioned, or raised, under and by virtue of the said acts, or either of them, 'except the engineers, inspector of artillery, and inspector of fortifications: *Provided always*, That nothing in this act contained shall be construed to authorize any reduction of the first four regiments of infantry, the two regiments of artillerists and engineers, the two troops of light dragoons, or of the general and other staff, authorized by the several laws for the establishing and organizing of the aforesaid corps.

§ 3. That to each officer, noncommissioned officer, and private, who shall be discharged from service by virtue of this act, there shall be allowed and paid, in addition to the pay and allowances to which they are now entitled by law, a sum of money equal to three months' pay of such officer, noncommissioned officer, and private, respectively. [*Approved, May 14, 1800.*]

or raised under the acts mentioned, &c. except the engineers, &c. Proviso; nothing in this act to authorize the reduction of the regiments mentioned.

Three months' pay additional, to be allowed to officers and privates discharged.

CHAP. [70.] An act supplementary to the act establishing the mint, and regulating the coins of the United States.

Obsolete.

§ 1. *Be it enacted, &c.* That, until the fourth day of March, one thousand eight hundred and one, the mint shall remain in the city of Philadelphia, and be carried on, as heretofore, under the laws now in force; any law to the contrary notwithstanding. [*Approved, May 14, 1800.*]

The mint to continue in Philadelphia, &c. See act of 1801, ch. 92.

ACTS OF THE SIXTH CONGRESS

OF

THE UNITED STATES :

Passed at the second session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, November 17, 1800, and ended March 3, 1801.

JOHN ADAMS, President. THOMAS JEFFERSON, Vice President, and President of the Senate. JAMES HILLHOUSE, President of the Senate, pro tempore, from the 2d of March. THEODORE SEDGWICK, Speaker of the House of Representatives.

Obsolete.

CHAP. [72.] An act extending the privilege of franking letters to the delegate from the territory of the United States northwest of the river Ohio; and making provision for his compensation.

The delegate from the north-western territory may send and receive letters free of postage, &c.

§ 1. *Be it enacted, &c.* That the present delegate to congress from the territory of the United States northwest of the river Ohio, and every future delegate from the said territory, shall 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, entitled "An act to establish the post office of the United States."

The present delegate to receive free, &c. letters which arrived prior, &c.

§ 2. That the present delegate from the aforesaid territory be authorized to receive, free of postage, under the said restrictions, any letters directed to him, and which shall have arrived at the seat of government prior to the passage of this act.

The delegate from the north-western territory to receive the same compensation as members of the house of representatives, &c.

§ 3. That the said delegate, and every future delegate, from the territory of the United States northwest of the river Ohio, shall receive for his travelling expenses and attendance in congress, the same 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 the same manner. [Approved, December 15, 1800.]

The secretary of the treasury to cause a lighthouse to be erected on Cape Poge, &c.

CHAP. [74.] An act to provide for the erection and support of a lighthouse on Cape Poge, at the northeasterly part of Martha's Vineyard.

Proviso; land, &c. and the ju-

§ 1. *Be it enacted, &c.* That the secretary of the treasury shall be, and he is hereby, authorized and directed to cause a sufficient lighthouse to be erected on Cape Poge, (so called,) on Martha's Vineyard, in the state of Massachusetts, and to appoint a keeper, and otherwise to provide for the support of such lighthouse, at the expense of the United States: *Provided, That suffi-*

cient land for the accommodation of such lighthouse, together with the jurisdiction thereof, shall be duly and legally granted to, and vested in, the United States.

§ 2. That there shall be, and hereby is, appropriated for the erection of said lighthouse on Cape Poge, a sum not exceeding two thousand dollars, to be paid out of any moneys which may be in the treasury of the United States, not otherwise appropriated. [*Approved, January 30, 1801.*]

jurisdiction thereof to be vested in the United States. Not exceeding 2,000 dols. appropriated for the lighthouse on Cape Poge, &c.

CHAP. [75.] An act to provide for the more convenient organization of the courts of the United States.

Repealed. Act of 1802, ch. 8.

§ 1. *Be it enacted, &c.* That, from and after the next session of the supreme court of the United States, the said court shall be holden, by the justices thereof, or any four of them, at the city of Washington, and shall have two sessions in each and every year thereafter, to commence on the first Monday of June and December, respectively; and that if four of the said justices shall not attend within ten days after the times hereby appointed for the commencement of the said sessions, respectively, the said court shall be continued over till the next stated session thereof: *Provided always*, That any one or more of the said justices, attending as aforesaid, shall have power to make all necessary orders touching any suit, action, appeal, writ of error, process, pleadings, or proceeding, returned to the said court, or depending therein, preparatory to the hearing, trial, or decision, of such action, suit, appeal, writ of error, process, pleadings, or proceedings.

The supreme court to be holden, by any four of the justices thereof, at the city of Washington, twice in every year, &c. If four justices do not attend, the court to be continued over, &c. *Proviso*; one or more justices attending empowered to make necessary orders, &c.

§ 2. That the said court shall have power, and is hereby authorized, to issue writs of prohibition, mandamus, scire facias, habeas corpus, certiorari, procedendo, and all other writs not specially provided for by statute, which may be necessary for the exercise of its jurisdiction, and agreeable to the principles and usages of law.

The supreme court empowered to issue all writs necessary, &c. not specially provided for by statute, &c.

§ 3. That from and after the next vacancy that shall happen in the said court, it shall consist of five justices only; that is to say, of one chief justice, and four associate justices.

After the next vacancy, the court to consist of five justices only.

§ 4. That, for the better establishment of the circuit courts of the United States, the said states shall be, and hereby are, divided into districts, in manner following; that is to say: one to consist of that part of the state of Massachusetts which is called the district of Maine, and to be called the district of Maine; one to consist of the state of New Hampshire, and to be called the district of New Hampshire; one to consist of the remaining part of the state of Massachusetts, and to be called the district of Massachusetts; one to consist of the state of Rhode Island and Providence Plantations, and to be called the district of Rhode Island; one to consist of the state of Connecticut, and to be called the district of Connecticut; one to consist of the state of Vermont, and to be called the district of Vermont; one to consist of that part of the state of New York which lies north of the counties of Dutchess and Ulster, and to be called the district of Albany; one to consist of the remaining part of the state of New York, and to be called the district of New York; one to consist

The states divided into districts, for the better establishment of circuit courts, &c.

of the state of New Jersey, and to be called the district of Jersey; one to consist of that part of the state of Pennsylvania which lies east of the river Susquehanna, and the northeast branch thereof, to the line betwixt Northumberland and Luzerne counties, thence westwardly along said line, betwixt Northumberland and Luzerne, and betwixt Luzerne and Lycoming counties, until the same strikes the line of the state of New York, and to be called the eastern district of Pennsylvania; one to consist of the remaining part of the state of Pennsylvania, and to be called the western district of Pennsylvania; one to consist of the state of Delaware, and to be called the district of Delaware; one to consist of the state of Maryland, and to be called the district of Maryland; one to consist of that part of the state of Virginia, which lies to the eastward of a line to be drawn from the river Potowmac, at Harper's Ferry, along the Blue Ridge, with the line which divides the counties on the east side thereof from those on the west side thereof, to the North Carolina line, to be called the eastern district of Virginia; one to consist of the remaining part of the said state of Virginia, to be called the western district of Virginia; one to consist of the state of North Carolina, and to be called the district of North Carolina; one to consist of the state of South Carolina, and to be called the district of South Carolina; one to consist of the state of Georgia, and to be called the district of Georgia; one to consist of that part of the state of Tennessee which lies on the east side of Cumberland mountain, and to be called the district of east Tennessee; one to consist of the remaining part of said state, and to be called the district of west Tennessee; one to consist of the state of Kentucky, and to be called the district of Kentucky; and one to consist of the territory of the United States northwest of the Ohio and the Indiana territory, and to be called the district of Ohio.

Waters, water courses, mountains, &c. dividing adjoining districts, to be considered within both, &c.

The districts classed into six circuits, &c.

§ 5. That where any two adjoining districts of the United States shall be divided from each other, in whole or in part, by any river, bay, water, water course, or mountain, the whole width of such river, bay, water, water course, or mountain, as the case may be, shall be taken and deemed, to all intents and purposes, to be within both of the districts so to be divided thereby.

§ 6. That the said districts shall be classed into six circuits, in manner following; that is to say: the first circuit shall consist of the districts of Maine, New Hampshire, Massachusetts, and Rhode Island; the second, of the districts of Connecticut, Vermont, Albany, and New York; the third, of the districts of Jersey, the Eastern and Western districts of Pennsylvania, and Delaware; the fourth, of the districts of Maryland, and the Eastern and Western districts of Virginia; the fifth, of the districts of North Carolina, South Carolina, and Georgia; and the sixth, of the districts of East Tennessee, West Tennessee, Kentucky, and Ohio.

Three judges in each circuit, except the 6th, and one of them to be chief judge, &c.

§ 7. That there shall be, in each of the aforesaid circuits, except the sixth circuit, three judges of the United States, to be called circuit judges, one of whom shall be commissioned as chief judge; and that there shall be a circuit court of the

United States, in and for each of the aforesaid circuits, to be composed of the circuit judges within the five first circuits, respectively, and, in the sixth circuit, by a circuit judge, and the judges of the district courts of Kentucky and Tennessee; the duty of all of whom it shall be to attend, but any two of whom shall form a quorum; and that each and every of the said circuit courts shall hold two sessions annually, at the times and places following, in and for each district contained within their several circuits, respectively; that is to say: the circuit court of the first circuit, at Providence, on the eighth day of May, and at Newport, on the first day of November, in and for the district of Rhode Island; at Boston, in and for the district of Massachusetts, on the twenty-second day of May and fifteenth day of October; at Portsmouth on the eighth day of June, and at Exeter on the twenty-ninth day of September, in and for the district of New Hampshire; in and for the district of Maine, at Portland, on the fifteenth day of June, and at Wiscasset on the twenty-second day of September. The circuit court of the second circuit, at New Haven, on the fifteenth day of April, and at Hartford, on the twenty-fifth day of September, in and for the district of Connecticut; at Windsor, on the fifth day of May, and at Rutland, on the fifteenth day of October, in and for the district of Vermont; at the city of Albany, in and for the district of Albany, on the twentieth day of May and twenty-fifth day of October; at the city of New York, in and for the district of New York, on the fifth day of June and the tenth day of November. The circuit court of the third circuit, at Trenton, in and for the district of Jersey, on the second days of May and October; at the city of Philadelphia, in and for the Eastern district of Pennsylvania, on the eleventh day of May and eleventh day of October; at Bedford, in and for the western district of Pennsylvania, on the twenty-fifth day of June and twenty-fifth day of November; and at Dover, in and for the district of Delaware, on the third day of June and twenty-seventh day of October. The circuit court of the fourth circuit, at Baltimore, in and for the district of Maryland, on the twentieth day of March, and fifth day of November; at Lexington, in Rockbridge county, in and for the western district of Virginia, on the fifth day of April and twentieth day of November; and at the city of Richmond, in and for the eastern district of Virginia, on the twenty-fifth day of April, and fifth day of December. The circuit court of the fifth circuit, at Raleigh, in and for the district of North Carolina, on the first day of June and first day of November; at Charleston, on the sixth day of May, and at Columbia, on the thirtieth day of November, in and for the district of South Carolina; at Savannah, on the tenth day of April, and at Augusta, on the fifteenth day of December, in and for the district of Georgia; and the circuit court of the sixth circuit, at Knoxville, in and for the district of East Tennessee, on the twenty-fifth day of March, and twenty-fifth day of September; at Nashville, in and for the district of West Tennessee, on the twentieth day of April, and twentieth day of October; and at Bairdstown, in and for the district of Kentucky, on the fifteenth day of May

A circuit court for each circuit, &c.

Two judges to form a quorum.

Two sessions annually, &c.

Places and times of holding the circuit courts.

Proviso; when any of the days appointed happen on a Sunday, the court to be holden on the next day, &c. Judge for the sixth circuit, his duty, &c. In case the office of district judge in Kentucky and Tennessee becomes vacant, their places to be supplied, &c. Circuit courts empowered to hold special sessions for the trial of criminal causes, &c. If any judge of a circuit court shall deem it dangerous to hold the next stated term at the place appointed by law, he may issue an order to the marshal to adjourn the session to another place within the district, &c.

The circuit courts invested with all the powers heretofore granted, unless, &c. Jurisdiction of the circuit courts, &c.

and fifteenth day of November; and at Cincinnati, in and for the district of Ohio, on the tenth day of June, and on the tenth day of December; and so on, the several days, and at the several places, aforesaid, in each and every year afterwards: *Provided always*, That when any of the said days shall happen on Sunday, then the said court, hereby directed to be holden on such day, shall be holden on the next day thereafter; *And provided also*, That there shall be appointed, in the sixth circuit, a judge of the United States, to be called a circuit judge, who, together with the district judges of Tennessee and Kentucky, shall hold the circuit courts, hereby directed to be holden, within the said circuit; and that whenever the office of district judge, in the districts of Kentucky and Tennessee, respectively, shall become vacant, such vacancies shall, respectively, be supplied by the appointment of two additional circuit judges, in the said circuit, who, together with the circuit judge first aforesaid, shall compose the circuit court of the said circuit.

§ 8. That the said circuit courts, hereby established, shall have power, and hereby are authorized, to hold special sessions, for the trial of criminal causes, at any other time or times than is hereby directed, at their discretion.

§ 9. That if, in the opinion of any judge of any of the said circuit courts, it shall be dangerous to hold the next stated session of such court, for any district within the circuit to which such judge shall belong, at the place by law appointed for holding the same, it shall be lawful for such judge to issue his order, under his hand and seal, to the marshal of such court, directing him to adjourn the said session to such other place, within the same district, as the said judge shall deem convenient; which said marshal shall, thereupon, adjourn the said court pursuant to such order, by making, in one or more public papers, printed within the said district, publication of such order and adjournment, from the time when he shall receive such order, to the time appointed by law for commencing such stated session: And that the court so to be held, according to, and by virtue of, such adjournment, shall have the same powers and authorities, and shall proceed in the same manner, as if the same had been held at the place appointed by law for that purpose.

§ 10. That the circuit courts shall have, and hereby are invested with, all the powers heretofore granted by law to the circuit courts of the United States, unless where otherwise provided by this act.

§ 11. That the said circuit courts, respectively, shall have cognizance of all crimes and offences cognizable under the authority of the United States, and committed within their respective districts, or upon the high seas; and also of all cases in law or equity, arising under the constitution and laws of the United States, and treaties made, or which shall be made, under their authority; and also of all actions or suits of a civil nature, at common law, or in equity, where the United States shall be plaintiffs or complainants; and also of all seizures on land or water, and all penalties and forfeitures, made, arising, or accruing, under the laws of the United States; which cognizance of

all penalties and forfeitures, shall be exclusively of the state courts, in the said circuit courts, where the offence, by which the penalty or forfeiture is incurred, shall have been committed within fifty miles of the place of holding the said courts; and also of all actions, or suits, matters, or things, cognizable by the judicial authority of the United States, under and by virtue of the constitution thereof, where the matter in dispute shall amount to four hundred dollars, and where original jurisdiction is not given by the constitution of the United States to the supreme court thereof, or exclusive jurisdiction by law to the district courts of the United States: *Provided always*, That in all cases where the title, or bounds, of land shall come into question, the jurisdiction of the said circuit courts shall not be restrained by reason of the value of the land in dispute.

§ 12. That the said circuit courts, respectively, shall have cognizance, concurrently with the district courts, of all cases which shall arise, within their respective circuits, under the act to establish an uniform system of bankruptcy throughout the United States; and that each circuit judge, within his respective circuit, shall and may perform all and singular the duties enjoined by the said act, upon a judge of a district court: And that the proceedings under a commission of bankruptcy, which shall issue from a circuit judge, shall, in all respects, be conformable to the proceedings under a commission of bankruptcy which shall issue from a district judge, *mutatis mutandis*.

§ 13. That where any action or suit shall be, or shall have been, commenced in any state court within the United States, against an alien, or by a citizen or citizens of the state in which such suit or action shall be, or shall have been, commenced against a citizen, or citizens of another state, and the matter in dispute, except in cases where the title or bounds of land shall be in question, shall exceed the sum or value of four hundred dollars, exclusive of costs, and the defendant or defendants in such suit or action shall be personally served with the original process therein, or shall appear thereto; or where, in any suit or action, so commenced, or to be commenced, final judgment, for a sum exceeding four hundred dollars, exclusive of costs, shall have been rendered in such state court, against such defendant, or defendants, without return of personal service on him, her, or them, of the original process in such suit or action, and without an appearance thereto, by him, her, or them, and a writ of error, or writ of review, shall be brought by such defendant or defendants, in such state court, to reverse the said judgment; or where any suit or action shall have been, or shall be, commenced in any such court, against any person or persons, in any case arising under the constitution or laws of the United States, or treaties made or to be made under their authority; then, and in any of the said cases, it shall be lawful for the defendant or defendants, in such suit or action, at the time of entering his, her, or their, appearance thereto, and for the plaintiff, or plaintiffs, in such writ of error, or writ of review, at the time when such writ shall be returnable, to file in such court a petition for the removal of such suit, action, writ of error, or writ of review, to the

Cognizance of penalties and forfeitures to be exclusively of the state courts, &c. where, &c.

Proviso; where the title or bounds of land come in question, jurisdiction of circuit courts not restrained by reason of value, &c. Circuit courts to have cognizance concurrently with district courts under the bankrupt law, &c.

Cases in which actions, suits, &c. may be removed from state courts to circuit courts of the U. States, on filing a petition, &c.

The state court to accept security, stay proceedings, discharge bail, &c.

Proviso; attachment of goods, &c. by the original process, &c. to hold the estate, &c.

Suits or actions, wherein the title or bounds of land are brought in question between parties claiming under grants from different states, may be removed from any state court, on motion, to the next circuit court of the United States, &c.

next circuit court of the United States, hereby directed to be holden in and for the district within which such state court *shall* be holden, and to offer to such state court, good and sufficient surety for entering, in such circuit court, on the first day of its next ensuing session, true copies of the process and proceedings, in such action, suit, writ of error, or writ of review, and also for his, her, or their, appearance in the said circuit court, at the period aforesaid, and then and there entering *special bail* in the said suit, or action, if special bail was originally *demandable*, and demanded therein; whereupon it shall be the duty of the said state court to accept the said security, and to stay all further proceedings in such suit, action, writ of error, or writ of review, and to discharge any bail that may have been given therein; and that the said copies being filed as aforesaid in such circuit court, and special bail, in manner aforesaid, being given therein, such suit, action, writ of error, or writ of review, shall be therein proceeded on, tried, heard, and determined, in the same manner as if there originally commenced or brought: *Provided always*, That any attachment, of the goods or estate of the defendant, by the original process in such suit or action, shall hold the goods or estate so attached, to answer the final judgment in the said circuit court, in the same manner as by the laws of the state they would have been holden to answer the final judgment, had it been rendered by the court in which the suit or action was commenced.

§ 14. That when any suit or action, commenced, or to be commenced, in any state court within the United States, between citizens of the same state, the title or bounds of land *shall come* into question, it shall be lawful for either party, before trial, to state to the said court, and make affidavit, if thereby required, that he, she, or they, doth or do claim under, and at the hearing or trial shall rely upon, a right or title to the lands in dispute, under a grant, or grants, from a state other than that wherein such suit or action is, or shall be, pending; and to produce to the said court the original grant, or grants, so claimed under, or exemplifications thereof, except in cases where the loss of public records shall put it out of his, her, or their, power so to do; and to move that the adverse party do inform the said court, forthwith, whether he, she, or they, doth or do claim the land in dispute, under a grant or grants from the state wherein such suit or action is, or shall be, pending; whereupon the said adverse party shall give such information, or otherwise not be allowed to plead, or give in evidence, in the cause any such grant; and that if it shall appear from such information, that the said adverse party doth claim the said lands, under any such grant, or grants, then it shall be lawful for the party moving for such information, if plaintiff or complainant in the said suit or action, to remove the same, by motion, to the next circuit court of the United States, hereby directed to be holden in and for the district within which such state court shall be holden; and if defendant in the said suit or action, then to remove the same, as aforesaid, in the same manner, and under the like regulations, terms, and conditions, as are provided in and by the preceding section of

this act, in the cases of actions thereby directed to be removed; and that the said circuit courts, respectively, into which such suit or action shall be removed, pursuant to the provisions in this section contained, shall proceed in, try, hear, and determine, the same, in like manner as if therein brought by original process: *Provided always*, That neither party, so removing any suit or action, shall be allowed, on the trial or hearing thereof, to plead, give evidence of, or rely on, any other title than that by him, her, or them, so stated as aforesaid, as the ground of his, her, or their, claim.

§ 15. That any one judge of any of the said circuit courts shall be, and hereby is, authorized and empowered, to hold the same from day to day, not exceeding five days, to empanel and charge the grand jury, to order process on any indictment or presentment found in the said court; to direct subpoenas for witnesses to attend the same, and the requisite process on the non-attendance of witnesses or jurors; to receive any presentment or indictment from the grand jury; to take recognizance for the attendance of any witness, or for the appearance of any person presented or indicted; to award and issue process, and order commitment for contempts; to commit any person presented or indicted, for want of security or otherwise; to order publication of testimony; to issue commissions for the examination of witnesses, where allowable by law; to grant rules and orders of survey; to take order, where necessary, relative to jurors, to serve at the next stated session of the said court; to direct the examination of witnesses *de bene esse*, where allowed by law; to make rules of reference by consent of parties; and to grant continuances on the motion of either party, upon such terms and conditions, as shall be agreeable to practice and the usages of law; and that if some other judge of the said court shall not attend the same within five days after the commencement thereof, inclusive, then the said court shall, by virtue of this act, be continued over to the next stated session thereof; in which case, all writs, process, and recognisances, returned and returnable to the said court, and all actions, suits, process, pleadings, and other proceedings, of what nature or kind soever, depending before the said court, shall, by virtue of this act, be continued to the next stated session of the same.

§ 16. That no person shall be arrested in one of the said districts, for trial in another, before any of the said circuit courts, in any civil action; and that no civil action or suit shall be brought before any of the said courts, by any original process, against an inhabitant of the United States, 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 favor 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.

§ 17. That the trials of all issues of fact, before any of the circuit courts hereby established, except in cases of equity, and admiralty and maritime jurisdiction, shall be by jury.

Proviso; neither of the parties removing a suit, &c. allowed to plead any other title than that stated, &c.

One judge of the circuit court may hold the court for five days, empanel and charge the grand jury, order process on presentment, &c.

If some other judge does not attend within five days, the court to be continued over, &c.

No person to be arrested in one district for trial in another, &c. No civil action to be brought by original process, against an inhabitant, in any other district, &c. No district or circuit court to have cognizance, &c. except, &c.

Trial of issues of fact to be by jury.

Any judge empowered to grant writs of ne exeat, &c.

If, in the opinion of any circuit judge, the life of any person confined in prison is in danger, &c. he may direct the marshal to cause him to be removed to the next adjacent prison, &c. The removal at the expense of the United States.

Actions, suits, process, &c. depending or existing in any of the present circuit courts, or district courts, acting, &c. continued over, as mentioned.

Actions, suits, process, &c. depending, &c. continued over, &c.

§ 18. That any judge of any of the said circuit courts shall be, and hereby is, authorized and empowered, in all cases cognizable by the circuit court, whereof he shall be a judge, to grant writs of ne exeat, and writs of injunction to stay waste, or to stay proceedings at law, on any judgment rendered by such circuit court, upon the like terms and conditions as such writs may be now granted by the justices of the supreme court of the United States.

§ 19. That if, in the opinion of any circuit judge, of the circuit within which such district may be situated, the life or lives of any person or persons, confined in the prison of such district, under or by virtue of any law of the United States, shall be in imminent danger, arising from the place of such confinement, it shall, in such case, be lawful for such judge, and he is hereby authorized and empowered, to direct the marshal of such district to remove, or cause to be removed, the person or persons so confined, to the next adjacent prison, there to be confined until he, she, or they, may safely be removed back to the place of his, her, or their, first confinement; and that the said removals shall be at the expense of the United States.

§ 20. That all actions, suits, process, pleadings, and other proceedings, of what nature or kind soever, depending or existing in any of the present circuit courts of the United States, or in any of the present district courts of the United States, acting as circuit courts, shall be, and hereby are, continued over to the circuit courts established by this act, in manner following; that is to say: all such as shall, on the fifteenth day of June next, be depending and undetermined, or shall then have been commenced and made returnable before the district court of Maine, acting as a circuit court, to the next circuit court hereby directed to be holden within and for the district of Maine; all such as shall be depending and undetermined before the circuit court for the district of New Hampshire, to the next circuit court hereby directed to be holden within and for the district of New Hampshire; all such as shall be depending and undetermined before the circuit court for the district of Massachusetts, to the next circuit court hereby directed to be holden within and for the district of Massachusetts; all such as shall be depending and undetermined before the circuit court of the district of Rhode Island, to the next circuit court hereby directed to be holden within and for the district of Rhode Island; all such as shall be depending or undetermined before the circuit court for the district of Connecticut, to the next circuit court hereby directed to be holden within and for the district of Connecticut; all such as shall be depending and undetermined before the circuit court for the district of Vermont, to the next circuit court hereby directed to be holden within and for the district of Vermont; all such as shall be depending and undetermined before the circuit court for the district of New York, to the next circuit court hereby directed to be holden within and for the district of New York; all such as shall be depending and undetermined before the circuit court for the district of New Jersey, to the next circuit court hereby directed to be holden within and for the dis-

trict of Jersey; all such as shall be depending and undetermined before the circuit court for the district of Pennsylvania, to the next circuit court hereby directed to be holden within and for the eastern district of Pennsylvania; all such as shall be depending and undetermined before the circuit court for the district of Delaware, to the next circuit court hereby directed to be holden within and for the district of Delaware; all such as shall be depending and undetermined before the circuit court for the district of Maryland, to the next circuit court hereby directed to be holden within and for the district of Maryland; all such as shall be depending and undetermined before the circuit court for the district of Virginia, to the next circuit court hereby directed to be holden within and for the eastern district of Virginia; all such as shall be depending and undetermined before the circuit court for the district of North Carolina, to the next circuit court hereby directed to be holden within and for the district of North Carolina; all such as shall be depending and undetermined before the circuit court for the district of South Carolina, to the next circuit court hereby directed to be holden within and for the district of South Carolina; all such as shall be depending and undetermined before the circuit court for the district of Georgia, to the next circuit court hereby directed to be holden within and for the district of Georgia; all such as shall be depending and undetermined before the district court of Tennessee, acting as a circuit court, to the next circuit court hereby directed to be holden within and for the district of East Tennessee; all such as shall be depending and undetermined before the district court of Kentucky, acting as a circuit court, to the next circuit court hereby directed to be holden within and for the district of Kentucky; and shall there be equally regular and effectual, and shall be proceeded in, in the same manner as they could have been if this act had not been made.

§ 21. That, for the better despatch of the business of district courts of the United States, in the districts of Jersey, Maryland, Virginia, and North Carolina, additional district courts shall be established therein, in manner following, that is to say: The said district of Jersey shall be divided into two districts; one to consist of that part thereof which is called East New Jersey, and to be called the district of East Jersey; a district court, in and for which shall be holden at New Brunswick, by the district judge of the district of Jersey, on the fourth Tuesday in May, and on the fourth Tuesday in November, in each and every year; and one other, to consist of the remaining part of the said district of Jersey, and to be called the district of West Jersey, a district court, in and for which shall be holden at Burlington, by the district judge last aforesaid, on the fourth Tuesday in February, and on the fourth Tuesday in August, in each and every year: And a new district shall be established in the districts of Maryland and Virginia, to consist of the territory of Columbia, of all that part of the district of Maryland which lies west and southwest of the river Patuxent, and of the western branch thereof, and south of the line which divides the county of Montgomery, in the last mentioned district, from the county of

Additional district courts to be established in Jersey, Maryland, Virginia, and North Carolina, &c. In Jersey.

In Maryland and Virginia.

Frederick, and of a line to be drawn from the termination of the last mentioned line a northeast course, to the western branch of the Patuxent; and of all that part of the district of Virginia which lies north of the river Rappahannock, and east of the line which divides the counties of Fauquier and Loudon, in the last mentioned district, from the counties of Fairfax, Prince William, and Stafford; which new district shall be called the district of Potowmac, and a district court in and for the same shall be holden at Alexandria, by the district judge of the district of Maryland, on the first Tuesday in April, and the first Tuesday in October, in each and every year: And there shall be a new district established in the district of Virginia, to be called the district of Norfolk, and to consist of all that part of the said district of Virginia which is contained within the counties of Isle of Wight, Nansemond, Norfolk, Princess Anne, James City, New Kent, Warwick, York, Elizabeth City, Gloucester, Matthews, Middlesex, Accomac, and Northampton; a district court, in and for which district of Norfolk, shall be holden at Norfolk, by the district judge of the district of Virginia, on the first Tuesday in February, on the first Tuesday in May, on the first Tuesday in August, and on the first Tuesday in November, in each and every year: And the district of North Carolina shall be divided into three districts; one to consist of all that part thereof, which, by the laws of the state of North Carolina, now forms the districts of Edenton and Halifax; which district shall be called the district of Albemarle, and a district court, in and for the same, shall be holden at Edenton, by the district judge of the district of North Carolina, on the third Tuesday in April, on the third Tuesday in August, and on the third Tuesday in December, in each and every year; one other to be called the district of Pamptico, and to consist of all that part of the district of North Carolina aforesaid, which, by the laws of the said state, now forms the district of Newbern and Hillsborough, together with all that part of the district of Wilmington which lies to the northward and eastward of the river called New river, and, for which district of Pamptico, a district court shall be holden at Newbern, by the district judge last aforesaid, on the first Tuesday in April, on the first Tuesday in August, and on the first Tuesday in December, in each and every year: And one other, to consist of the remaining part of the said district of North Carolina, and to be called the district of Cape Fear, in and for which a district court shall be holden at Wilmington, by the district judge last aforesaid, on the last Tuesday in March, on the last Tuesday in July, and on the last Tuesday in November, in each and every year; which said courts, hereby directed to be holden, shall, severally and respectively, have and exercise, within their several and respective districts, the same powers, authority, and jurisdiction, in all cases and respects whatsoever, which are vested by law in the district courts of the United States.

In North Carolina.

The courts hereby directed to be holden, &c. to exercise the powers, &c. vested by law in district courts, &c.

Clerks for each of the courts, to be appointed by the judges;

§ 22. That there shall be clerks for each of the said courts, to be appointed by the judge thereof, which clerks shall reside and keep the records of the said courts, at the places of holding the

courts, whereto they respectively shall belong, and shall perform the same duties, and be entitled to and receive the same emoluments and fees, which are established by law for the clerks of the district courts of the United States, respectively; and that the marshals and attorneys of the United States, for the districts which are hereby divided, or within the limits of which new districts are hereby erected, shall continue to be marshals and attorneys for the courts hereby appointed to be holden within the limits of their present districts, respectively, and shall have, exercise, and perform, within the jurisdictions of those courts, respectively, all the powers and duties, and receive all the fees and emoluments, appointed and established by law, for the marshals and attorneys of the United States.

§ 23. That the stated sessions of the district court of the district of Maryland shall hereafter be holden at Baltimore only.

§ 24. That the district courts of the United States, in and for the districts of Tennessee and Kentucky, shall be and hereby are abolished; and that all and singular the powers, authority, and jurisdiction, of the said courts, respectively, shall be, and hereby are, vested in, and shall be exercised by, the circuit courts, by this act directed to be holden in and for the districts of East Tennessee, West Tennessee, and Kentucky, respectively, within the limits of their respective jurisdictions; and that the circuit judges to be appointed for the sixth circuit aforesaid, severally, shall be invested with, possess, and exercise, all and singular the powers, now vested by law in the district judges of the United States.

§ 25. That in case of the inability of the district judge of either of the districts of the United States, to perform the duties of his office, and satisfactory evidence thereof being shown to the circuit court, in and for such district, it shall be the duty of such circuit court, from time to time, as occasion may require, to direct one of the judges of said circuit court to perform the duties of such district judge, within and for said district, for and during the period the inability of the district judge shall continue: And it shall be the duty of the circuit judge, to whom the duties of the district judge shall be assigned, in manner aforesaid, and he is hereby authorized, to perform the duties of said district judge, during the continuance of his disability.

§ 26. That the several circuit courts hereby established, shall have power to appoint clerks for their respective courts; that is to say, one for each district within which such court is or shall be directed by law to be holden; which clerks respectively shall take the same oath or affirmation, and give the like bonds, as are by law required to be taken and given by the clerk of the supreme court of the United States; and shall be entitled to demand and receive for their services, respectively, the same fees, to be recovered in the same manner, as have heretofore been allowed by law, for the like services, to the clerks of the circuit and district courts of the United States.

§ 27. That the circuit courts of the United States, heretofore established, shall cease, and be abolished; and that the records and office papers of every kind, belonging to those courts, re-

their duties, &c.

Marshals and attorneys to continue, &c.

Sessions, &c. at Baltimore only.

The district courts of Tennessee and Kentucky abolished, and their authority to be exercised by the circuit courts mentioned, &c.

The judges of the 6th circuit vested with the powers now vested in district judges.

In case of the inability of a district judge, &c. a judge of the circuit court to perform the duties, &c.

The circuit courts to appoint clerks, &c. who are to give bond, &c.

Fees of the clerks as heretofore, &c.

The circuit courts previously established to cease, &c.

records, &c. to be safely kept, &c.

Supreme, &c. courts, &c. to be courts of record.

Writs, &c. from the circuit courts after the 1st of April, 1801, to bear teste of the presiding judge, &c. to be signed by the clerks, &c. Return of writs and processes, &c.

Justices, judges, &c. empowered to grant writs of habeas corpus, &c.

Proviso; no writ of habeas corpus, unless, &c.

The courts authorized to grant new trials, establish necessary rules and regulations, &c.

Proviso; rules, &c. not to be repugnant to the laws, &c. The courts and judges authorized to administer oaths, to bind to the peace, &c.

Judges of the circuit court to take an oath.

Form of the oath.

spectively, shall be safely kept by the clerks thereof, who shall continue in all respects to act as heretofore in the business of the said courts, until it shall otherwise be ordered by the courts hereby established.

§ 28. That the supreme, circuit, and district, courts of the United States, shall be, and hereby are constituted, courts of record.

§ 29. That all writs and processes whatsoever, issuing from any of the circuit courts hereby established, shall, after the first day of April next, bear teste of the presiding judge of such court; before which time they shall bear teste of the chief justice of the United States; all which said writs and processes shall be signed by the clerks of the courts, respectively, from which the same shall issue, and shall be made returnable to the next stated or special session of such court, and all writs and processes which have issued, or which may issue, before the first day of April next, returnable to the circuit courts heretofore established, or to any district court acting as a circuit court, shall be returned to the circuit courts hereby established, and shall be there proceeded in, in the same manner as they could had they been originally returnable to the circuit courts hereby established.

§ 30. That every justice of the supreme court of the United States, and every judge of any circuit or district court shall be, and hereby is, authorized and empowered to grant writs of habeas corpus, for the purpose of inquiring into the cause of commitment, and thereupon to discharge from confinement, on bail or otherwise: *Provided always*, That no writ of habeas corpus, to be granted under this act, shall extend to any prisoner or prisoners in gaol, unless such prisoner or prisoners be in custody, under or by color of the authority of the United States, or be committed for trial before some court of the same; or be necessary to brought into court to give testimony.

§ 31. That the several courts of the United States shall be, and hereby are, authorized and empowered to grant new trials and rehearings, on motion and cause shown, and to make and establish all necessary rules and regulations, for returning writs, filing pleas, and other proceedings, and for regulating the practice, and enforcing the orderly conduct of business, in the said courts, respectively: *Provided always*, That the said rules and regulations be not repugnant to the laws of the United States: and that all the courts of the United States, and each of the justices and judges thereof, shall be, and hereby are, authorized and empowered to administer all necessary oaths and affirmations, and to bind to the peace or good behavior, with surety, where necessary, in all cases arising under the authority of the United States.

§ 32. That every person who shall be appointed a judge of any circuit court hereby established, shall, before he shall begin to exercise the duties of his said office, take the following oath or affirmation; that is to say: "*I, A B, do solemnly swear (or affirm) that I will administer justice without respect to persons; and will do equal right to all persons; and will, in all things, faithfully and impartially discharge and perform all the duties incumbent on*

me as a judge of — according to the best of my abilities and understanding, and to the constitution and laws of the United States."

§ 33. That from all final judgments or decrees in any of the district courts of the United States, an appeal, where the matter in dispute, exclusive of costs, shall exceed the sum or value of fifty dollars, shall be allowed to the circuit court next to be holden, in the district where such final judgment or judgments, decree or decrees, may be rendered; and the circuit court or courts are hereby authorized and required to receive, hear, and determine, such appeal; and that from all final judgments or decrees in any circuit court in any cases of equity, of admiralty and maritime jurisdiction, and of prize or no prize, an appeal, where the matter in dispute, exclusive of costs, shall exceed the sum or value of two thousand dollars, shall be allowed to the supreme court of the United States; and that upon such appeal, a transcript of the libel, bill, answer, depositions, and all other proceedings of what kind soever in the cause, shall be transmitted to the said supreme court; and that no new evidence shall be received in the said court, on the hearing of such appeal; and that such appeals shall be subject to the same rules, regulations, and restrictions, as are prescribed by law in case of writs of error; and that the said supreme court shall be, and hereby is, authorized and required to receive, hear, and determine, such appeals.

§ 34. That all final judgments in civil actions at common law, in any of the circuit courts hereby established, whether brought by original process in such court, or removed thereto from any state court, and all final judgments in any of the district courts of the United States, may, where the matter in dispute, exclusive of costs, shall exceed the sum or value of two thousand dollars, be re-examined, and reversed or affirmed, in the supreme court of the United States, by writ of error; whereto shall be annexed, and returned therewith, at the day and place therein mentioned, an authenticated transcript of the record and assignment of errors, and prayer for reversal, and also a citation to the adverse party, signed by a judge of such circuit court, or by the district judge, as the case may be; which citation shall be served on the adverse party personally, or by leaving a true copy thereof at his or their usual place or places of residence, at least thirty days before the time mentioned in such writ of error, for the return thereof.

§ 35. That the stipulation, bond, or security, taken upon any writ of error, or appeal to be brought or allowed, as aforesaid, shall be returned by the judge taking the same, to the clerk or register of the court where the judgment or decree complained of was rendered, to be by him annexed to the transcript of the record, hereby directed to be sent up to the supreme court of the United States.

§ 36. That there shall be appointed, in and for each of the districts established by this act, a marshal, whose duty it shall be to attend the circuit courts of the United States hereby established, when sitting within such district, and who shall have and exercise, within such district, the same powers, perform the

Appeals allowed, from final judgments, where the matter in dispute exceeds the value of 50 dollars, from the district to the circuit courts, &c.

Appeals, &c. allowed from a circuit to the supreme court, where the matter in dispute exceeds the value of 2,000 dollars. &c.

Final judgments in the circuit and district courts, &c. may be reversed or affirmed in the supreme court by writ of error, &c.

Citation to be served on the adverse party, &c.

Bond taken on writ of error, &c. to be returned to the clerk or register of the court where the judgment or decree was rendered, &c. A marshal to be appointed for each district, &c.

same duties, be subject to the same penalties, give the same bond, with sureties, take the same oath, be entitled to and receive the same compensation and emoluments, and in all respects be subject to the same regulations, as are now prescribed by law, in respect to the marshals of the United States heretofore appointed: *Provided always*, That the several marshals of the United States now in office, shall, during the periods for which they were respectively appointed, unless sooner removed by the president of the United States, be and continue marshals for the several districts hereby established, within which they respectively reside; and shall perform the duties, exercise the powers, and receive the emoluments, hereby directed to be performed, exercised, and received, by marshals therein.

Proviso; the marshals now in office to continue, &c.

Attorney to be appointed for each district, &c.

§ 37. That there shall be appointed, for each of the districts hereby established, a person learned in the law, to act as attorney for the United States within such district, and in the circuit and district courts which may be holden therein; which attorney shall take an oath or affirmation for the faithful performance of the duties of his office, and shall prosecute, in such district, all delinquents for crimes and offences cognizable under the authority of the United States, and all civil actions or suits in which the United States shall be concerned, except actions or suits in the supreme court of the United States; and shall be entitled to, and receive, for their services, respectively, such compensations, emoluments, and fees, as by law are or shall be allowed to the district attorneys of the United States: *Provided always*, That the district attorneys of the United States now in office shall, severally and respectively, be attorneys for those districts hereby established, within which they reside, until removed by the president of the United States; and shall perform the duties, exercise the powers, and receive the emoluments, hereby directed to be performed, exercised, and received, by the attorney of the United States therein.

Proviso; the district attorneys now in office to continue, &c.

Jurors and witnesses to receive the same compensations as heretofore, &c.

§ 38. That jurors and witnesses attending any of the courts hereby established, shall be entitled to and receive the same compensations, respectively, as heretofore have been allowed by law to jurors and witnesses attending the circuit and district courts of the United States.

Records of circuit courts, &c. where the courts are holden.

Proviso; where there is more than one place, &c. the records may be kept in either, &c.

Privilege from arrest of persons attending court, to continue from, &c. till, &c.

Proviso; the time not to exceed one day for every twenty miles, &c.

§ 39. That the records of the several circuit courts hereby established, shall hereafter be kept at the respective places at which the said courts are hereby directed to be holden: *Provided always*, That in the district wherein there are more than one place directed by this act for holding said circuit courts, the records of the circuit court in such district shall hereafter be kept in either of such places, as the said court in such district shall direct.

§ 40. That the privilege from arrest of every person going to, attending at, or returning from, any court of the United States, shall be computed and continue from the time of his or her departure from his or her habitation, until his or her return thereto: *Provided*, That such time shall not exceed one day, Sundays excluded, for every twenty miles of the distance which such person must necessarily travel in so going and returning, over and above the time of attendance.

§ 41. That each of the circuit judges of the United States, to be appointed by virtue of this act, shall be allowed, as a compensation for his services, an annual salary of two thousand dollars, to be paid quarter yearly, at the treasury of the United States; except the judges of the sixth circuit, who shall be allowed the sum of fifteen hundred dollars each, to be paid in like manner; and that the salaries of the district judges of Kentucky and Tennessee shall be, and hereby are, severally augmented to the like sum of fifteen hundred dollars, annually, to be paid in like manner. [Approved, February 13, 1801.]

Each circuit judge allowed an annual salary of 2,000 dolls. except, &c.

Salaries of the district judges of Kentucky and Tennessee augmented, &c.

CHAP. [76.] An act regulating the grants of land appropriated for the refugees from the British provinces of Canada and Nova Scotia.

§ 1. *Be it enacted, &c.* That the surveyor general be, and he is hereby, directed to cause those fractional townships of the sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, and twenty-second, ranges of townships, which join the southern boundary line of the military lands, to be subdivided into half sections, containing three hundred and twenty acres each; and to return a survey and description of the same to the secretary of the treasury, on or before the first Monday of December next; and that the said lands be, and they are hereby, set apart and reserved for the purpose of satisfying the claims of persons entitled to lands under the act, entitled "An act for the relief of the refugees from the British provinces of Canada and Nova Scotia."

Act of 1798, ch. 43. act of 1803, ch. 98. act of 1816, ch. 153.

The surveyor general directed to cause the fractional townships mentioned to be subdivided and to return a survey, &c. to the secretary of the treasury, &c. The lands to be set apart for satisfying the claims of persons under the act mentioned, &c.

§ 2. That the secretary of the treasury shall, within thirty days after the survey of lands shall have been returned to him as aforesaid, 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 persons entitled to lands as aforesaid. The persons thus entitled shall severally make their locations on the second Tuesday of January next, and the patents for the lands thus located shall be granted in the manner directed for military lands, without requiring any fee whatever.

The secretary of the treasury, &c. to determine by lot the priority of location of the persons entitled, &c.

Patents to be granted, &c. without fee, &c.

§ 3. That the following persons claiming lands under the abovementioned act, shall, respectively, be entitled to the following quantities of land; that is to say: Martha Walker, widow of Thomas Walker, John Edgar, P. Francis Cazeau, John Allen, and Seth Harding, respectively, two thousand two hundred and forty acres, each; Jonathan Eddy, colonel James Livingston, and Parker Clark, respectively, one thousand two hundred and eighty acres, each; and the heirs of John Dodge, one thousand two hundred and eighty acres; Thomas Faulkner, Edward Faulkner, David Gay, Martin Brooks, lieutenant colonel Bradford, Noah Miller, Joshua Lamb, Atwood Fales, John Starr, William How, Ebenezer Gardner, Lewis F. Delesdernier, John McGown, and Jonas C. Minot, respectively, nine hundred and sixty acres, each; and the heirs of Simeon Chester, nine hundred and sixty acres; Jacob Vander Heyden, John Livingston, James Crawford, Isaac Danks, major B. Von Heer, Benjamin Thompson, Joseph Bindon, Joseph Levittre, lieutenant William Maxwell, John D. Mercier, James Price, Seth Noble, Martha

The claimants mentioned entitled to the quantities of land specified, &c.

Act of 1803, ch. 98.

All the tracts, except the last, to be located in half sections, &c.

Bogart, relict of Abraham Bogart, and formerly relict of Daniel Tucker, and John Halsted, respectively, six hundred and forty acres, each; David Jenks, Ambrose Cole, James Cole, Adam Johnson, the widow and heirs of colonel Jeremiah Duggan, Daniel Earl, junior, John Paskell, Edward Chinn, Joseph Cone, and John Torreyre, respectively, three hundred and twenty acres, each; Samuel Fales, one hundred and sixty acres; which several tracts of land shall, except the last, be located in half sections by the respective claimants. [Approved, February 18, 1801.]

Biddeford and Pepperelborough, and New Bedford, to be ports of entry for vessels arriving from the Cape of Good Hope, &c.

See act of 1799, ch. [128.] act of 1822, ch. 25. The district of Bristol established.

Limits of the district of Bristol.

Bristol the sole port of entry.

Warren and Barrington ports of delivery, &c.

Bristol a port of entry for vessels from the Cape of Good Hope, &c. Kittery and Berwick to be annexed to the district of Portsmouth, &c.

Proviso; masters of vessels having merchandise on board, destined for either place, may make entry with, &c.

CHAP. [77.] An act making the port of Biddeford and Pepperelborough, and the port of New Bedford, in Massachusetts, ports of entry for ships or vessels arriving from the Cape of Good Hope, and from places beyond the same.

§ 1. *Be it enacted, &c.* That the port of Biddeford and Pepperelborough, and the port of New Bedford, in the commonwealth of Massachusetts, be, and they are hereby made, ports of entry for ships or vessels arriving from the Cape of Good Hope, and from places beyond the same. [Approved, February 18, 1801.]

CHAP. [78.] An act to establish the district of Bristol, and to annex the towns of Kittery and Berwick to the district of Portsmouth.

§ 1. *Be it enacted, &c.* That, from and after the thirty-first day of March next, the towns of Bristol, Warren, and Barrington, in the state of Rhode Island and Providence Plantations, and all the shores and waters around the same, within the following limits, viz: a line, beginning at the middle of the bay, between Mount Hope and Common Fence Point, running southwesterly, through the middle of Bristol Ferry, and continuing such course until it strikes a point of equal distance from Rhode Island to Prudence Island, from thence, northwardly, on a straight line, to the westernmost part of Nahant Point, and from thence to the western shore of Bullock's Point, shall be a district, to be called the district of Bristol, of which the port of Bristol shall be the sole port of entry, and a collector for said district shall be appointed, to reside at Bristol, and Warren and Barrington shall be ports of delivery only, and a surveyor shall be appointed, to reside at each of the ports of Bristol and Warren; and the surveyor at Warren shall also be surveyor for the port of Barrington.

§ 2. That said port of Bristol shall also be a port of entry, for all ships or vessels arriving from the Cape of Good Hope, or places beyond the same.

§ 3. That, from and after the said thirty-first day of March next, the towns of Kittery and Berwick, in the state of Massachusetts, shall be annexed to the district of Portsmouth, in New Hampshire, as ports of delivery only: *Provided*, That nothing herein contained shall be construed to prevent the master or commander of any ship or vessel, having merchandise on board, destined for either of the said places, from making entry, at his option, with the collector of the district of York, and obtaining permits for the delivery thereof, as heretofore. [Approved, February 25, 1801.]

CHAP. [82.] An act to continue in force the acts laying duties on licenses for selling wines and foreign distilled spirits by retail, and so much of the act laying certain duties on snuff and refined sugar, as respects a duty on refined sugar, on property sold at auction, and on carriages for the conveyance of persons. Repealed.
Act of 1802, ch. 19.

§ 1. *Be it enacted, &c.* That an act, passed on the fifth day of June, in the year one thousand seven hundred and ninety-four, entitled "An act laying duties on licenses for selling wines and foreign distilled spirituous liquors by retail;" and that so much of an act, passed on the fifth day of June, in the year one thousand seven hundred and ninety-four, entitled "An act laying certain duties upon snuff and refined sugar," as respects a duty upon refined sugar, and that an act, passed on the ninth day of June, in the year one thousand seven hundred and ninety-four, entitled "An act laying duties on property sold at auction," and which acts were, by an act passed on the third day of March, in the year one thousand seven hundred and ninety-five, continued in force until the first day of March, in the year one thousand eight hundred and one, shall be, and the same are hereby, continued in force without limitation of time; any thing in any former act to the contrary notwithstanding. The acts mentioned continued in force without limitation of time, &c.

§ 2. That so much of the thirteenth section of an act, passed on the twenty-eighth day of May, in the year one thousand seven hundred and ninety-six, entitled "An act laying duties upon carriages for the conveyance of persons, and repealing the former act for that purpose," as limits the duration of said act, shall be, and the same is hereby, repealed, and said act is hereby continued in force without limitation of time. [*Approved, February 25, 1801.*] The act laying duties on carriages, &c. continued in force without limitation of time, &c.

CHAP. [83.] An act declaring the consent of congress to an act of the state of Maryland, passed the twenty-eighth day of December, one thousand seven hundred and ninety-three, for the appointment of a health officer. Expired.
Act of 1805, ch. 79.

§ 1. *Be it enacted, &c.* 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 day of December, one thousand seven hundred and ninety-three, entitled "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 said act intended. The consent of congress granted to the operation of an act of the general assembly of Maryland, as mentioned, &c.

§ 2. That this act shall be in force for three years from the passing thereof, and from thence to the end of the next session of congress thereafter, and no longer. [*Approved, February 27, 1801.*] Limitation of this act to 3d March, 1805.

CHAP. [84.] An act to allow the transportation of goods, wares, and merchandise, to and from Philadelphia and Baltimore, by the way of Appoquinimink and Sassafra.

§ 1. *Be it enacted, &c.* That any goods, wares, and merchandise, which lawfully might be transported to or from the city of Philadelphia and Baltimore, by the way of Elkton, Bohemia, or Frenchtown, and Port Penn, Appoquinimink, New Castle, Chris- Merchandise that might be lawfully transported to or from the city of Philadelphia

and Baltimore, &c.

Act of 1799,
ch. 128, § 79.

Obsolete.
Act of 1800,
ch. 41.

Suits, &c.
pending on the
3d of July,
1800, in either
of the counties
in Indiana,
&c. revived
and continued,
&c.

The same pro-
ceedings, &c.
to be had, &c.
as if the north-
western terri-
tory had not
been divided,
&c.

Repealed.
Act of 1807,
ch. 59.

The district of
Massac to in-
clude the wa-
ters, &c.

So much of the
act mentioned,
as establishes
the district of
Palmyra, re-
pealed, except,
&c.
Act of 1799,
ch. 128.

Obsolete.
Act of 1802, ch.
19.

Persons paying
to a collector of
the revenue the

tiana Bridge, Newport, or Wilmington, shall and may lawfully be transported, to and from the city of Philadelphia and Baltimore, by the way of Appoquinimink and Sassafra river, and shall be entitled to all the benefits and advantages, and shall be subject to all the provisions, regulations, limitations, and restrictions, existing in the case of goods, wares, and merchandise, transported by any of the routes before mentioned. [Approved, February 27, 1801.]

CHAP. [87.] An act supplementary to an act, entitled "An act to divide the territory of the United States northwest of the Ohio, into two separate governments."

§ 1. *Be it enacted, &c.* That all suits, and process, and proceedings, which, on the third day of July, one thousand eight hundred, were pending in any court of either of the counties, which, by the act, entitled "An act to divide the territory of the United States northwest of the Ohio into two separate governments," has been included within the Indiana territory; and that all suits, process, and proceedings, which, on the aforesaid third day of July, were pending in the general court of the territory of the United States northwest of the Ohio, in consequence of any writ of removal, or order for trial at bar, had been removed from either of the counties now within the limits of the Indiana territory aforesaid, shall be, and they are hereby, revived and continued; and the same proceedings, before the rendering of final judgment, and thereafter, may and shall be had, in the same courts, in all suits and process aforesaid, and in all things concerning the same, as by law might have been had in case the said territory of the United States northwest of the Ohio had remained undivided. [Approved, March 2, 1801.]

CHAP. [88.] An act to add to the district of Massac, on the Ohio, and to discontinue the district of Palmyra, in the state of Tennessee, and therein to amend the act, entitled "An act to regulate the collection of duties on imports and tonnage."

§ 1. *Be it enacted, &c.* That the district of Massac, in addition to the territory it already possesses, shall include all waters, shores, and inlets, now included within the district of Palmyra, and all rivers, waters, shores, and inlets, lying within the state of Tennessee.

§ 2. That, from and after the thirtieth day of June next, so much of the "Act to regulate the collection of duties on imports and tonnage," as establishes the district of Palmyra, in the state of Tennessee, shall be repealed, except as to the recovery and receipts of such duties on goods, wares, and merchandise, and on the tonnage of ships or vessels, as shall have accrued, and as to the recovery and distribution of fines, penalties, and forfeitures, which shall have been incurred before and on the said day. [Approved, March 2, 1801.]

CHAP. [90.] An act to amend the act, entitled "An act to establish a general stamp office."

§ 1. *Be it enacted, &c.* That, whenever any person or persons shall pay to a collector of the revenue, the duty chargeable by law

on a deed, instrument, or writing, on which the stamp duty chargeable by law shall not have been paid, together with the further sum of ten dollars, and shall obtain the endorsement and receipt of such collector, upon such deed, instrument, or writing, therefor, agreeably to the provisions of an act, entitled "An act to establish a general stamp office," passed on the twenty-third day of April, in the year one thousand eight hundred, it shall be lawful for such person or persons to produce such deed, instrument, or writing, to the supervisor of the revenue within whose district such person or persons shall reside; which supervisor thereupon shall certify, under his hand and seal, and upon some part of the said deed, instrument, or writing, that the same, so endorsed, has been produced to him, and that the said endorsement is, in his belief, genuine; after which said endorsement and certificate, and not otherwise, such deed, instrument, or writing, shall be, to all intents and purposes, as valid and available as if the same had been, or were, stamped, counter stamped, or marked, as by law required; any thing in any act to the contrary notwithstanding.

§ 2. That so much of the act, entitled "An act to establish a general stamp office," as requires certain duties to be performed by the surveyors of the revenue, shall be, and the same is hereby, repealed. [*Approved, March 3, 1801.*]

CHAP. [91.] An act providing for a naval peace establishment, and for other purposes.

§ 1. *Be it enacted, &c.* That the president of the United States be, and he hereby is, authorized, whenever the situation of public affairs shall in his opinion render it expedient, to cause to be sold, they being first divested of their guns and military stores, which are to be carefully preserved, all or any of the ships and vessels belonging to the navy, except the frigates United States, Constitution, President, Chesapeake, Philadelphia, Constellation, Congress, New York, Boston, Essex, Adams, John Adams, and General Greene; and also to lay up all the frigates thus to be retained, except such as are directed by this act to be kept in constant service in time of peace.

§ 2. That six of the frigates to be retained, shall be kept in constant service in time of peace, and shall be officered and manned as the president of the United States may direct, not to exceed however two thirds of the present complement of seamen and ordinary seamen; the residue of the frigates to be retained shall be laid up in convenient ports; and there shall be permanently attached to each frigate so laid up, one sailing master, one boatswain, one gunner, one carpenter, and one cook, one sergeant or corporal of marines, and eight marines; and to the large frigates twelve, and to the small frigates ten, seamen; the sailing master shall have the general care and superintendence of the ship; and shall, generally, execute such duties of a purser as may be necessary.

§ 3. That from and after the day when the reduction of the navy shall take place, as aforesaid, the navy ration shall consist of as follows: on Sunday, fourteen ounces of bread, one and a

duty chargeable on a deed, &c. on which the stamp duty has not been paid, and 10 dolls. and obtaining the collector's endorsement, &c. may produce the instrument to the supervisor, who is to certify, and the deed becomes valid, &c. Act of 1800, ch. 31.

So much of the act mentioned as requires certain duties to be performed, &c. repealed.

See act of 1804, ch. 53. act of 1806, ch. 35.

The president authorized, whenever, &c. to cause to be sold all the vessels belonging to the navy, except those mentioned, they being first divested, &c.

Six of the retained frigates to be kept in constant service in time of peace, &c. The residue of the retained frigates to be laid up in convenient ports, with a sailing master, boatswain, &c. permanently attached, &c.

After the reduction of the navy, the ration to consist

of the articles,
and in the
quantities,
mentioned.

quarter pound of beef, half a pound of flour, one quarter of a pound of suet, one half pint of distilled spirits; Monday, fourteen ounces of bread, one pound of pork, half pint of peas, one half pint of distilled spirits; Tuesday, fourteen ounces of bread, one pound of beef, two ounces of cheese, one half pint of distilled spirits; Wednesday, fourteen ounces of bread, one pound of pork, half pint of rice, one half pint of distilled spirits; Thursday, fourteen ounces of bread, one and a quarter pound of beef, half pound of flour, quarter pound of suet, one half pint of distilled spirits; Friday, fourteen ounces of bread, four ounces of cheese, two ounces of butter, half pint of rice, half pint of molasses, one half pint of distilled spirits; Saturday, fourteen ounces of bread, one pound of pork, half pint of peas, half pint vinegar, one half pint of distilled spirits.

The president
to retain, &c. 9
captains, 36
lieutenants,
and 150 mid-
shipmen, &c.
Other officers
to be discharg-
ed, &c.
Officers entitled
to no more than
half pay, &c.

Commissioned
and warrant of-
ficers discharg-
ed to receive
four months' pay,
over and above,
&c.
Act of 1823, ch.
171.

The mint to re-
main in Phila-
delphia, &c.
Act of 1818, ch.
4.

During the con-
tinuance of the
mint at Phila-
delphia, the du-
ties enjoined on
the chief jus-
tice of the U.
States, &c. to
be performed
by the district
judge of Penn-
sylvania, &c.
Act of 1792, ch.
16.

See act of
1799, ch. 140.
act of 1802, ch.
44. act of 1803,
ch. 83. act of
1804, ch. 35.
Persons and
their legal re-
presentatives,
who, before the
1st of Jan.
1800, had made

§ 4. That the president of the United States retain in the navy service, in time of peace, nine captains, thirty-six lieutenants, and one hundred and fifty midshipmen, including those employed on board of the six frigates to be kept in service; and that he be authorized to discharge all the other officers in the navy service of the United States; but such of the aforesaid officers as shall be retained in the service, shall be entitled to receive no more than half their monthly pay during the time when they shall not be under orders for actual service.

§ 5. That all the commissioned and warrant officers, who shall be discharged as aforesaid, shall be entitled to receive four months' pay, over and above what may be due to them, respectively, at the time of their discharge. [Approved, March 3, 1801.]

CHAP. [92.] An act concerning the mint.

§ 1. *Be it enacted, &c.* That the mint shall remain in the city of Philadelphia until the fourth day of March, in the year one thousand eight hundred and three.

§ 2. That during the continuance of the mint at the city of Philadelphia, the duties now enjoined on 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, by the eighteenth section of the act, entitled "An act establishing a mint, and regulating the coins of the United States," passed the second day of April, one thousand seven hundred and ninety-two, shall be performed by the district judge of Pennsylvania, the attorney for the United States in the district of Pennsylvania, and the commissioner of loans for the state of Pennsylvania. [Approved, March 3, 1801.]

CHAP. [94.] An act giving a right of pre-emption to certain persons who have contracted with John Cleves Symmes, or his associates, for lands lying between the Miami rivers, in the territory of the United States northwest of the Ohio.

§ 1. *Be it enacted, &c.* That any person or persons, and the legal representative or representatives of any person or persons, who, before the first day of January, in the year of our Lord one thousand eight hundred, had made any contract or contracts, in writing, or by any note or memorandum thereof, in writing, ei-

ther with John Cleves Symmes, or with any of his associates, or who had made to him or them any payment of money, for the purchase of lands, situate between the Miami rivers, within the limits of a survey made by Israel Ludlow, in conformity to an act of congress of the twelfth of April, one thousand seven hundred and ninety-two, and not comprehended within the limits of a tract of land conveyed to John Cleves Symmes and his associates, by letters patent, bearing date the thirtieth of September, one thousand seven hundred and ninety-four, in the territory of the United States northwest of the Ohio, shall be entitled to a preference, in becoming the purchasers, from the United States, of all the lands so contracted for, at the price of two dollars per acre, exclusive of the surveying fees and other incidental expenses; and payment may be made therefor, to the treasurer of the United States, or the receiver of public moneys for the lands of the United States, at Cincinnati, in like instalments, and under the same conditions as directed by the act, entitled "An act to amend the act, entitled 'An act providing for the sale of the lands of the United States in the territory of the United States northwest of the Ohio, and above the mouth of Kentucky river;' *Provided, however, That no interest shall be charged upon any of the instalments until they respectively become payable.*

§ 2. That every person claiming the benefit of the first section of this act, shall, on or before the first day of November next, deliver to the receiver of public moneys for the lands of the United States at Cincinnati, a notice in writing, stating the nature and extent of his claim or contract; and if any person shall neglect to give such notice of his claim or contract, or, having given the same, shall neglect to make application for the purchase thereof, as hereinafter directed, or shall fail in making the first payment before the first of January next, all his right of pre-emption, on the terms aforesaid, shall cease and become void.

§ 3. That the aforesaid receiver of public moneys, on being paid the fees hereinafter provided, shall receive every such notice of claim, or statement thereof, and give a receipt therefor, and carefully put and preserve on file every such paper or writing, and lay the same before the commissioners, when met, for settling and adjusting the claims aforesaid.

§ 4. That the aforesaid receiver of public moneys, and two other persons, who shall be appointed by the president of the United States alone, shall be commissioners for the purpose of ascertaining the rights of persons claiming the benefits of this act, who, previous to entering on the duties of their appointment, shall, respectively, take and subscribe the following oath or affirmation, before some person qualified to administer oaths, to wit: "*I, —, do solemnly swear, or affirm, that I will impartially exercise and discharge the duties imposed upon me by an act of congress, entitled 'An act giving a right of pre-emption to certain persons who have contracted with John Cleves Symmes, or his associates, for lands lying between the Miami rivers, in the territory of the United States northwest of the Ohio,' to the best of my understanding and ability;*" and it shall be the duty of the said commissioners to meet at Cincinnati, between the first and tenth day of No-

written contracts with John Cleves Symmes, &c. or who had made payment of money, &c. entitled to a preference in becoming purchasers of the lands so contracted for, at 2 dolls. per acre, &c.

Payment may be made as directed by the act mentioned, &c.
Act of 1800, ch. 55.

Proviso; no interest on instalments until due.

Persons claiming the benefit of the 1st sec. of this act to deliver a written notice to the receiver at Cincinnati, &c. Persons neglecting to give notice, &c. forfeit their right of pre-emption, &c. The receiver, &c. on being paid the fees, to receive notice and give a receipt, &c.

The receiver, and two other persons to be appointed by the president, to be commissioners for ascertaining, &c. Commissioners to take an oath.
Form of the oath.

The commissioners to meet at Cincinnati, &c.

The commissioners not to adjourn to another place, &c. until they have finally completed the business, &c. Powers and duties of the commissioners, &c.

vember next, of which meeting three weeks' previous notice shall be given by them, in a public newspaper printed at Cincinnati; and they, or a majority of them, so met, shall not adjourn to any other place, or for a longer time than three days, until they have finally completed the business of their said appointment; and they, or any two of them, shall have power to hear and decide, in a summary manner, all matters respecting all such claims, of which notice may have been filed, pursuant to the third section of this act; also to administer oaths and examine witnesses, and such other testimony as may be adduced, and to determine thereon according to justice and equity; which determination shall be final; and when it shall appear to them that the claimant is entitled to the right of pre-emption, on the terms aforesaid, they shall give a certificate thereof, stating, as accurately as may be, the quantity and local situation of the lands to which he may be entitled, directed to the register of the land office at Cincinnati, or, when the said register may be a claimant, to the surveyor general, copies of which certificates shall be by them recorded, in a book to be provided for that purpose, and deposited, for safe keeping, with the register of the land office.

The register and surveyor general upon application of persons producing a certificate of the commissioners, and a receipt from the treasurer, &c. to admit them to become purchasers, &c. Act of 1800, ch. 55.

§ 5. That the aforesaid register and surveyor general, respectively, upon application of any person or persons, who shall produce a certificate of the commissioners aforesaid, to him directed, before the first day of January next, and shall also produce a receipt from the treasurer of the United States, or the aforesaid receiver of public moneys, for at least one fourth part of the purchase money, and also for the payment of three dollars for each half section, or smaller quantity, and shall pay him the fees, in like case provided by the act, entitled "An act to amend the act, entitled 'An act providing for the sale of the lands of the United States in the territory of the United States northwest of the Ohio, and above the mouth of Kentucky river,'" shall admit such person or persons to become a purchaser or purchasers of the land designated in the said certificate, and shall receive the said certificate and preserve it on file, and make an entry of the application in his book, kept for the purpose, and, on any of the three last payments being made in advance, he shall allow the purchaser the like discount as is allowed by the fourth clause of the fifth section of the act last above recited; and on payment in full, and a final settlement had, he shall give his certificate thereof; upon producing which to the secretary of the treasury, a patent shall issue, in like manner as is provided by the said act last above recited.

Patent to issue upon certificate of payment in full, &c.

Fees to the receiver, &c. from the claimants, &c.

Compensation to the commissioners from the claimants, &c.

§ 6. That the said receiver of public moneys shall be entitled to have and receive, to his own use, from the respective claimants, the following fees, that is to say: for filing a notice and evidence of claim, or statement thereof, twenty-five cents; for giving a copy thereof, twelve and a half cents for every one hundred words: And the said commissioners shall, as a full compensation for their services, be entitled, jointly, to have and receive, from the respective claimants, that is to say: for every determination, and entering the result in their book, at the rate

of three dollars for every section; for every certificate, and recording the same, at the rate of one dollar for every section.

§ 7. That all the aforesaid tract of country shall be surveyed by the surveyor general, as soon as may be, after the first day of September next, in the manner hereinafter directed: 1. So much of the said tract as lies between the northern boundary line, and the aforesaid patent of John Cleves Symmes and associates, and Israel Ludlow's southern boundary of the seventh entire range of townships, shall be laid off into sections, agreeably to northwardly and southwardly lines, run under the direction of John Cleves Symmes; and the marks thereon made, at the time of running the aforesaid lines, for the corners of sections, shall be established by the surveyor general; and eastwardly and westwardly lines shall be run to intersect the aforesaid northwardly and southwardly lines, in the corresponding marked points. 2. And the residue of the said tract, lying north of the aforesaid southern boundary of the seventh entire range, shall be laid off into sections, according to such uniform rule and method as, in the opinion of the surveyor general, shall best secure the rights and interest of those who are entitled to pre-emption. 3. Such divisions shall be made of sections, according to the claim of such who obtain pre-emption right; and the contents of each and every section, and such division thereof, shall be ascertained, and the surveyor general shall prepare and transmit a plan thereof to the aforesaid register, immediately after the said survey shall be completed, and also forward a copy thereof to the secretary of the treasury.

The tract to be surveyed in the manner directed, &c. So much, &c. to be laid off into sections, &c.

The residue of the tract to be laid off into sections, &c.

Divisions to be made of sections according to the claim of those who obtain pre-emption right, &c.

§ 8. That all persons availing themselves of a pre-emption under this act, shall make application for a section, or any part or parts of a section or sections, according to the estimated quantity of six hundred and forty acres to a section, and the amount of the excess or deficiency shall be added to or deducted from the last payment, and the purchaser shall make payment for and hold the quantity returned and expressed in the plats, let the quantity be more or less.

Persons availing themselves of a pre-emption under this act, &c.

§ 9. That the duties of the surveyor general, of the aforesaid register, and receiver of public moneys, as nearly as may be consistent with this act, shall, respectively, be the same as directed in and by the last recited act, and the fees and emoluments shall, respectively, be the same as provided in the said act last recited.

The duties of the surveyor general, register, and receiver, to be as directed by the act referred to, &c.

§ 10. That, after completing the surveys agreeably to this act, reserving the lots marked sixteen in each township, or fractional part of a township, in which the same may be, for the purposes expressed in the ordinance of congress of the twentieth of May, one thousand seven hundred and eighty-five, the residue of the lands, and so many of the aforesaid pre-emptions as shall become forfeited by reason of failures of payment, shall be sold agreeably to the last recited act.

After completing the surveys, reserving, &c. the residue of the lands to be sold, &c.

§ 11. That this act shall have full operation and effect, any thing in any former law to the contrary notwithstanding. [Approved, March 3, 1801.]

This act to have full effect, &c.

Act of 1800, ch. 49.

Masters of vessels arriving within the districts of Petersburg or Richmond, laden with goods, &c. to make entry with the collector of that district, &c. The master to deliver a duplicate manifest, &c. The collector to certify and transmit manifest, &c. The delivery of goods, &c. to be authorized, &c. Proviso; bona fide importer not to make entry with the collector, &c. Proviso; entries by agents, &c. to be made with the collector, &c.

CHAP. [96.] An act to amend the act altering the district of Bermuda Hundred and City Point.

§ 1. *Be it enacted, &c.* That from and after the passing of this act, the master or commander of any ship or vessel arriving within the districts of Petersburg or Richmond, laden with goods, wares, and merchandise, belonging or consigned to persons resident within both the said districts, shall make entry of such ship or vessel, in manner already prescribed by law, with the collector of that district wherein the owner or consignee, or the husband or acting manager, of such ship or vessel shall actually reside: And the said master or commander shall, at the time of making the entry aforesaid, deliver a duplicate manifest of the cargo, as now required by law, to the said collector; whose duty it shall then be, to certify the same as a true copy, and to transmit it to the collector of the other district; and the delivery of such goods, wares, or merchandise, shall be authorized by permits from the collector of each district, respectively, in which the same shall have been duly entered according to law: *Provided*, That no bona fide importer, owner, or consignee, of goods, wares, or merchandise, residing in either district, shall be admitted to make an entry of such goods, wares, or merchandise, with the collector of the district in which such importer, owner, or consignee, shall not reside: *And provided also*, That all entries for goods, wares, or merchandise, made by agents, for persons residing in other districts, shall be made with the collector of the district in which such ship or vessel may discharge. [*Approved, March 3, 1801.*]

Act of 1799, ch. 128. § 74.

The foreign coins and currencies mentioned to be estimated in the computation of duties, as specified.

The invoices of goods imported, and subject to duty ad valorem, to be made out in the currency of the place whence the importation has been made, contain a true statement, &c.

CHAP. [99.] An act directing the mode of estimating certain foreign coins and currencies, and of making out invoices in certain cases.

§ 1. *Be it enacted, &c.* That, from and after the passing of this act, the foreign coins and currencies hereinafter mentioned, shall be estimated, in the computation of duties, at the following rates: each sicca rupee of Bengal and each rupee of Bombay, at fifty cents; and each star pagoda of Madras, at one hundred and eighty-four cents; any thing in any former act to the contrary notwithstanding.

§ 2. That from and after the thirtieth day of June next, the invoices of all goods, imported into the United States, and subject to a duty ad valorem, shall be made out in the currency of the place or country from whence the importation shall be made, and shall contain a true statement of the actual cost of such goods, in such foreign currency or currencies, without any respect to the value of the coins of the United States, or foreign coins, which now are, or shall be by law, made current within the United States, in such foreign place or country. [*Approved, March 3, 1801.*]

Act of 1789, ch. 18.

Salaries to district judges, instead, &c.

CHAP. [100.] An act to augment the salaries of the district judges in the districts of Massachusetts, New York, New Jersey, Delaware, and Maryland, respectively.

§ 1. *Be it enacted, &c.* That instead of the compensation at present allowed to the district judges for the districts of Massachusetts, New York, Delaware, and Maryland, respectively, there

shall hereafter be allowed, to the district judge for the district of Massachusetts, the yearly salary of sixteen hundred dollars; to the district judge for the district of New York, the yearly salary of sixteen hundred dollars; to the district judges for the districts of New Jersey, and Delaware, the yearly salaries of twelve hundred dollars, each, and to the district judge for the district of Maryland, the yearly salary of sixteen hundred dollars; to be paid at the treasury of the United States, in quarter yearly payments.

§ 2. That, for the year one thousand eight hundred and one, there shall be appropriated the sum of eight hundred dollars, to satisfy the additional compensation hereby allowed to the district judges, to be paid out of any moneys in the treasury not otherwise appropriated. [Approved, March 3, 1801.]

1,600 dolls. to the district judge of Massachusetts, of New York, and of Maryland. 1,200 dolls. to the district judge of New Jersey, and of Delaware.

800 dolls. appropriated for the year 1801, to satisfy the additional compensation, &c.

CHAP. [103.] An act for altering the times and places of holding certain courts therein mentioned, and for other purposes.

§ 1. *Be it enacted, &c.* That the circuit courts of the United States, within the districts of Maine, New Hampshire, Massachusetts, and Rhode Island, shall, after the passing of this act, commence, and be respectively held, on the several days hereinafter expressed, instead of the times heretofore established by law; that is to say: in and for the district of Rhode Island, at Providence, on every first day of April, and at Newport, on every eleventh day of November; in and for the district of Massachusetts, on every eighth day of April and twenty-fifth day of October; in and for the district of New Hampshire, at Portsmouth, on every twenty-third day of April, and at Exeter, on every fifteenth day of October; in and for the district of Maine, at Portland, on every first day of May, and at Wiscasset, on every sixth day of October, except when any of those days shall happen on a Sunday, and then the session shall commence on the next day following.

Repealed. Act of 1802, ch. 8.

The circuit courts within the districts of Maine, New Hampshire, Massachusetts, and Rhode Island, to be held on the days herein expressed, instead, &c.

§ 2. That all actions, suits, process, and other proceedings, of what nature or kind soever, depending and undetermined before the circuit courts aforesaid, respectively, or that shall be depending and undetermined on the first day of April next, before the district court for the district of Maine, acting as a circuit court, shall be continued to the next circuit courts, respectively, hereby directed to be holden in and for the districts aforesaid, respectively.

Actions, suits, process, &c. depending and undetermined, &c. to be continued, &c.

§ 3. That all writs and processes which have been, or shall be, duly sued out and made returnable to either of the circuit courts aforesaid, or to the district court for the district of Maine, acting as a circuit court, on either of the days on which the same courts were respectively to have been held, prior to the passing of this act, and all recognisances that have been, or shall be, duly taken and made so returnable (said writs and processes having been duly and seasonably served) shall be returned to and proceeded upon in the said next circuit courts, respectively, which are next to be holden in and for the districts aforesaid, respectively, as hereby directed; and all property attached by virtue of such writs or processes, shall be held in due form of law

Writs and processes sued out and made returnable, &c. to be returned to and proceeded upon in the next circuit courts, respectively, &c.

Property attached, &c. to be held to respond the final judgments, &c.

to respond the final judgments that shall be obtained upon the same, respectively.

The district courts in North Carolina to be held on the days expressed, instead, &c.

§ 4. That the district courts of the United States in the state of North Carolina shall, after the passing of this act, commence and be held on the several days hereinafter expressed, instead of the times heretofore established by law, that is to say: at Edenton, in and for the district of Albemarle, on every last Monday of March, third Monday of June, and last Monday of November: at Newbern, in and for the district of Pamptico, on every first Monday of April, fourth Monday of June, and first Monday of December; and at Wilmington, in and for the district of Cape Fear, on every second Monday of April, first Monday of July, and second Monday of December.

Actions, suits, process, &c. depending in the district courts of New Jersey and North Carolina, at the time of passing this act to be continued in the manner mentioned, &c.

§ 5. That all actions, suits, process, pleadings, and other proceedings, commenced, instituted, depending, or existing, in the district courts of the districts of New Jersey, and North Carolina, at the time of the passing of this act, shall be continued in manner following, that is to say: all such commenced, instituted, depending, or existing, in the district court of the district of New Jersey, to the next district court to be holden in the district of East Jersey; and all such commenced, instituted, depending, or existing, in the district court of the district of North Carolina, shall be continued to the next district court to be holden in the district of Pamptico.

The circuit court for the district of Kentucky to be held at Frankfort, &c.

§ 6. That, from and after the passing of this act, the circuit court of the United States for the district of Kentucky, shall be holden at Frankfort, within and for said district, on the days already established by law, instead of at Beardstown, *any thing* in any other law to the contrary notwithstanding.

[SECT. 7. This section prescribes, that the chief judge of the district of Columbia shall hold the district courts of the United States for the district of Potowmac, &c.]

[Approved, March 3, 1801.]

Obsolete.
Act of 1798,
ch. 87.

CHAP. [104.] AN act to amend the act, entitled "An act to provide for the valuation of lands and dwelling houses, and the enumeration of slaves, within the United States," and to repeal the act, entitled "An act to enlarge the powers of the surveyors of the revenue."

Surveyors appointed under the act mentioned, after completing the lists, &c. to transmit to the supervisor, &c. the receipts of the collector for the lists, &c.
Act of 1798,
ch. 82.

§ 1. *Be it enacted, &c.* That each surveyor of the revenue who has been, or shall be, appointed under the act, entitled "An act to provide for the valuation of lands and dwelling houses, and the enumeration of slaves, within the United States," after completing the lists of the sums payable, for every dwelling house and slave within the district to which such surveyor does or shall belong, and delivering the same to the collector of the revenue, and after taking receipts for such lists from the collector, in the manner provided by the act, entitled "An act to lay and collect a direct tax within the United States," shall transmit to the supervisor of the district, or to the inspector of survey, in any district comprehending more than one survey of inspection, to which such surveyor does or may belong, the receipts given by the collector for such lists, together with all the records of the lists, valuations, and enumerations, which he has received, or shall receive, or which doth or shall exist in his

office, under authority of the act first mentioned; and it shall be the duty of such supervisor or inspector to receive such receipts, records, and papers, and safely to preserve the same.

The supervisor, &c. to receive receipts, &c.

§ 2. That so much of the act, entitled "An act to provide for the valuation of lands and dwelling houses, and the enumeration of slaves," as makes it the duty of the surveyors of the revenue to record the transfers of lands or dwelling houses, included in the said valuations, and to view and apportion the value of such land or dwelling houses as shall be divided by sale or partition, and to value and assess new dwelling houses and lands which are exempted, but which shall cease to be exempted from taxation by the laws of the state where the same shall be situated, and to cancel or reduce the valuation of dwelling houses which may be damaged or destroyed by fire or other accidents, shall be, and the same is hereby, repealed.

Part of the act mentioned, repealed, &c. Act of 1798, ch. 87.

§ 3. That the act, entitled "An act to enlarge the powers of the surveyors of the revenue," passed on the thirteenth day of May, in the year one thousand eight hundred, shall be, and the same is hereby, repealed. [Approved, February 27, 1801.]

The act mentioned, repealed, &c. Act of 1800, ch. 60.

CHAP. [105.] An act for erecting lighthouses on New Point Comfort, and on Smith's Point, in the state of Virginia, and on Faulkner's Island, in Long Island Sound, in the state of Connecticut, and for placing buoys in Narraganset bay.

§ 1. *Be it enacted, &c.* That, as soon as a cession shall be made by the state of Virginia to the United States, of the jurisdiction over the 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 New Point Comfort, and another lighthouse on Smith's Point, both in the state aforesaid, and to furnish the same with all necessary supplies; and also to agree for the salaries or wages of the 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.

The secretary of the treasury to contract for building a lighthouse on New Point Comfort, and on Smith's Point, &c.

The president to appoint superintendents.

§ 2. That as soon as a cession shall be made by the state of Connecticut, of the jurisdiction over the land proper for the purpose, the secretary 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 Faulkner's Island, in Long Island Sound, in the said state of Connecticut, and to furnish the same with all necessary supplies, and also to agree for the salaries or wages of the person or persons appointed by the president for the superintendence and care of the same; and that the president be authorized to make the said appointments.

The secretary of the treasury to provide for building a lighthouse, &c.

The president to appoint a superintendent.

§ 3. That the secretary of the treasury be, and he is hereby, authorized and directed to cause to be placed one buoy on the shoal south of Kinnimicut Point, and one buoy on a ledge called the Half Way Rock, in the Narraganset Bay, in the state of Rhode Island.

The secretary of the treasury to cause buoys to be placed, &c.

§ 4. That there be appropriated and paid, out of the moneys arising from imports and tonnage, the sum of five thousand dollars, for the purpose of erecting the lighthouse, as aforesaid, on

Appropriations for erecting the lighthouses and buoys, &c.

New Point Comfort; the sum of nine thousand dollars, for the purpose of erecting the lighthouse, as aforesaid, on Smith's Point; the sum of six thousand dollars, for erecting the lighthouse, as aforesaid, on Faulkner's Island, in Long Island Sound; the sum of one hundred and fifty dollars, for placing two buoys, as aforesaid, in the Narraganset Bay, in the state of Rhode Island. [Approved, March 3, 1801.]

Repealed.
Act of 1810,
ch. 48.
Post roads to
be discontin-
ed.

CHAP. [106.] An act further to alter and to establish certain post roads.

§ 1. *Be it enacted, &c.* That the following post roads be discontinued: From Lancaster to New Holland, in Pennsylvania. From Greenville, in Tennessee, by the Warm Springs, to Buncomb Courthouse. From Elizabeth City, in North Carolina, by New Lebanon, to Northwest River Bridge. From Upper Marlborough to Piscataway. From Henderson Courthouse to Muhlenberg Courthouse.

§ 2. That the following be established as post roads: *In Maine.* From Standish to Fryburg. *In New Hampshire.* From Amherst, by Francistown, Washington, and Claremont, to Windsor, in Vermont. *In Vermont.* From Bennington to Brattleborough. From Newbury, by Bradford, Corinth, Washington, and Barre, to Montpelier. *In Massachusetts.* From Leominster, through Westminster, Templeton, and Athol, to Greenfield. From Worcester, by Mendon, to Providence, and from Worcester to Lancaster. *In Rhode Island.* From Providence, by Rehoboth, and Attleborough, to Taunton, Massachusetts. *In New York.* From Albany, by Duanesburg, and Durlock, to Cherry Valley. From Poughkeepsie, by Sharon, to Litchfield. *In Delaware.* From Georgetown, by Concord, and the village of Laurel, to Salisbury. *In Maryland.* From Annapolis, to Easton, by Young Haddaway's. From Annapolis, to Centreville, by Kent Island. From the City of Washington to Piscataway. From Elkton, by Warwick, and Bridgetown, to Greensborough, in Caroline county. From the City of Washington, by Brookville, and W. Hobbs's, in Frederick county, to Taneytown. From the City of Washington to Wiley's tavern, in Fairfax county, Virginia. *In Pennsylvania.* From Pittsburgh, by Georgetown, and Canfield, to Warren, in the Northwestern Territory. From Berwick to Wilkesbarre. *In Virginia.* From Richmond to Charles City Courthouse. From Clarksburg to Marietta. From Romney to Morganton or Clarksburg. From Alexandria, by Thomas's Ferry, to Piscataway, in Maryland. From Halifax Courthouse to Danville. From Bowling Green, by Broadus's Mill, S. Harrison's, and Dunkirk, to New Kent Courthouse. The post road from Jerusalem to Hicks's Ford shall pass by the Cross Keys, and from the Cross Keys to Murfreesborough. From Petersburg, by Sussex Courthouse, to Southampton Courthouse. From Jamestown to Farmville. The mail from Mecklenberg Courthouse, in Virginia, to Christianville, shall be carried by Marshall's and Wilson's store. *In the Northwestern Territory.* From Cincinnati to Detroit. *In Indiana Territory.* From Vincennes, by Kaskaskias, to Kahokia. *In Kentucky.* From Hardin Courthouse to Breckenridge Court-

Post roads es-
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house to Henderson Courthouse, Eddy Grove, and Eddyville, to Fort Massac. From Breckenridge Courthouse, by Hartford, and Vienna, to Muhlenberg Courthouse. *In Tennessee.* From Knoxville, by Sevierville, Newport, and the Warm Springs, to Buncomb Courthouse. From Newport, by Cheek's Cross Roads, to Oresville. *In the Mississippi Territory.* From Natchez to the southern boundary line of the United States. *In North Carolina.* The post road from Raleigh to Chatham Courthouse, shall pass through Haywoodsborough. The post road from Raleigh to Newbern, shall pass through Green County. From Elizabeth City to Indiantown, and Tull's Creek, to Northwest River Bridge. The post road from Winton to Windsor, shall pass through Pitch Landing and Colerain. From Louisburg, by Nash Courthouse, to Tarborough. From Charlotte Courthouse to York Courthouse, in South Carolina. From Charlotte to Camden, in South Carolina.

§ 3. That all the letters and packets from John Adams, now president of the United States, after the expiration of his term in office, and during his life, shall be received and conveyed by post, free of postage.

§ 4. That this act shall not be construed to affect any existing contracts. [*Approved, March 3, 1801.*]

Letters and packets from John Adams to be received and conveyed free of postage. This act not to affect existing contracts.

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