

ACTS OF THE SECOND CONGRESS

OF THE

UNITED STATES,

Passed at the first session, which was begun and held at the City of Philadelphia, in the State of Pennsylvania, on Monday, the twenty-fourth day of October, 1791, and ended on the ninth day of May, 1792.

GEORGE WASHINGTON, President, JOHN ADAMS, Vice President of the United States, and President of the Senate, RICHARD HENRY LEE, President of the Senate pro tempore, JONATHAN TRUMBULL, Speaker of the House of Representatives.

STATUTE I.

Nov. 8, 1791.

CHAPTER I.—*An Act granting farther Time for making Return of the Enumeration of the Inhabitants in the District of South Carolina.*

[Obsolete.]

Time for making return extended to 1st March 1792.

Act of March 1, 1790, ch. 2.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the marshal of the district of South Carolina to complete and make return of the enumeration of the inhabitants of the said district, to the President of the United States, in the form and manner prescribed by the act, intituled "An act providing for the enumeration of the inhabitants of the United States," at any time on or before the first day of March next, any thing in the said act to the contrary notwithstanding.

APPROVED, November 8, 1791.

STATUTE I.

Dec. 23, 1791.

CHAP. III.—*An Act making Appropriations for the Support of Government for the year one thousand seven hundred and ninety-two.*

[Obsolete.]

Specific appropriations for 1792.

Civil list.

Compensations to the President and Vice President, judges and attorney-general;

District judges;

Members of Senate and H. of representatives, officers and attendants;

Secretary and officers of the treasury, clerks and attendants, and loan officers.

Compensations to Secretary of State and officers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the service of the year one thousand seven hundred and ninety-two, and the support of the civil list of the United States, including the incidental and contingent expenses of the several departments and offices thereof, there shall be appropriated a sum of money not exceeding three hundred and twenty-nine thousand, six hundred and fifty-three dollars, and fifty-six cents; that is to say:*

For the compensations granted by law to the President of the United States, the Vice President, Chief Justice, Associate Judges, and Attorney General, fifty-three thousand dollars.

For the like compensations to the District Judges, nineteen thousand eight hundred dollars.

For the like compensations to the members of the Senate and House of Representatives, and the officers and attendants of the two Houses, estimated on a session of six months continuance, and including the travelling expenses of the members, one hundred and twenty-nine thousand, seven hundred and thirty dollars.

For the like compensations to the Secretary and officers of the several departments of the Treasury of the United States, including clerks and attendants, and the salaries of the respective loan officers, sixty thousand three hundred dollars.

For the like compensations to the Secretary and officers of the department of State, six thousand three hundred dollars.

For the like compensations to the Secretary and officers of the department of War, nine thousand six hundred dollars.

Secretary of War and officers, Board of commissioners, clerks, &c.

For the like compensations to the members of the Board of Commissioners, for the settlement of the accounts between the United States and the individual states, including clerks and attendants, thirteen thousand one hundred dollars.

For the like compensations to the Governors, Judges and other officers of the Western Territory of the United States, including contingencies, eleven thousand dollars.

Governors, judges and other officers of W. Territory. B. Steuben.

For the payment of the annual grant to Baron Steuben, pursuant to an act of Congress, two thousand five hundred dollars.

For the payment of sundry pensions granted by the late government, two thousand seven hundred and sixty-seven dollars, and seventy-three cents.

Pensions.

For defraying all other incidental and contingent expenses of the civil list establishment, including firewood, stationary, together with the printing work, and all other contingent expenses of the two houses of Congress, rent and office expenses of the three several departments, namely, Treasury, State, War, and of the General Board of Commissioners, twenty-one thousand five hundred and fifty-five dollars, and eighty-three cents.

Incidental expenses of civil list, &c. and the two Houses of Congress, &c.

SEC. 2. *And be it further enacted*, That the compensation to the door-keepers of the two houses, for services which have been heretofore rendered or may be rendered in the recess of Congress for the year one thousand seven hundred and ninety-two, and certified by the President of the Senate or Speaker of the House of Representatives, in manner required by law, for like services during sessions, shall be discharged out of the money herein before appropriated for the contingent expenses of the two Houses of Congress.

To the door-keepers.

SEC. 3. *And be it further enacted*, That for discharging certain liquidated claims upon the United States, for making good deficiencies in former appropriations for the support of the civil list establishment, and for aiding the fund appropriated for the payment of certain officers of the courts, jurors and witnesses, and for the establishment of ten cutters, there shall be appropriated a sum of money not exceeding one hundred and ninety-seven thousand, one hundred and nineteen dollars, and forty-nine cents; that is to say:

For liquidated claims, deficiencies in civil list, payment of officers, &c. of courts, and ten cutters.

For discharging a balance due on a liquidated claim of his most Christian Majesty against the United States, for supplies during the late war, nine thousand and twenty dollars, and sixty-eight cents.

Balance due his Christian Majesty.

For payment of the principal and interest on a liquidated claim of Oliver Pollock, late commercial agent of the United States, at New Orleans, for supplies of clothing, arms, and military stores, during the late war, one hundred and eight thousand, six hundred and five dollars, and two cents: *Provided*, That the said monies be not paid to the said Oliver Pollock, without the consent of the agents of the court of Spain.

Claim of O. Pollock.

For making good deficiencies in the last appropriations for the compensations to sundry officers of the civil list establishment, five thousand four hundred and seventy-one dollars.

Deficiencies of civil list.

For defraying sundry authorized expenses to the commissioners of loans in the several states, twenty-one thousand dollars.

For sundry expenses.

For defraying a balance of certain liquidated and contingent expenses in the treasury department, two thousand eight hundred dollars.

For defraying the additional expense of the enumeration of the inhabitants of the United States, nineteen thousand seven hundred and seventy-two dollars and seventy-nine cents.

For making good a deficiency in former appropriations, to discharge the expenses to clerks, jurors and witnesses in the courts of the United States, five thousand dollars.

For the maintenance and repair of light houses, beacons, piers, stakes and buoys, sixteen thousand dollars.

For the expense of keeping prisoners committed under the authority of the United States, four thousand dollars.

For the expense of clerks and books in arranging the public securities, two thousand four hundred and fifty dollars.

For the purchase of hydrometers for the use of the officers in the execution of the laws of revenue, one thousand dollars.

For the farther expense of building and equipping ten cutters, two thousand dollars.

For military establishment for 1792.

SEC. 4. *And be it further enacted*, That for the support of the military establishment of the United States, in the year one thousand seven hundred and ninety-two, the payment of the annual allowances to the invalid pensioners of the United States, for defraying all expenses incident to the Indian department, and for defraying the expenses incurred in the defensive protection of the frontiers against the Indians, during the years one thousand seven hundred and ninety, and one thousand seven hundred and ninety-one, by virtue of the authority vested in the President of the United States, by the acts relative to the military establishment, passed the twenty-ninth of September, one thousand seven hundred and eighty-nine, and the thirtieth of April, one thousand seven hundred and ninety, and for which no appropriations have been made, there shall be appropriated a sum of money, not exceeding five hundred and thirty-two thousand, four hundred and forty-nine dollars, seventy-six cents, and two thirds of a cent; that is to say:

For the pay of the troops, one hundred and two thousand six hundred and eighty-six dollars.

For subsistence, one hundred and nineteen thousand, six hundred and eighty-eight dollars, and ninety-seven cents.

For clothing, forty-eight thousand dollars.

For forage, four thousand one hundred and fifty-two dollars.

For the hospital department, six thousand dollars.

For the quartermaster's department, fifty thousand dollars.

For the ordnance department, seven thousand two hundred and four dollars and sixty-four cents.

For the contingent expenses of the war department, including maps, hire of expresses, allowances to officers for extra expenses, printing, loss of stores of all kinds, advertising and apprehending deserters, twenty thousand dollars.

Compensation to sundry officers, &c.

For the discharge of certain sums due for pay and subsistence of sundry officers of the late army, and for pay of the late Maryland line, for which no appropriations have been made, ten thousand four hundred and ninety dollars, and thirty-six cents.

To invalid pensioners.

For the payment of the annual allowances to invalid pensioners, eighty-seven thousand four hundred and sixty-three dollars, sixty cents and two thirds of a cent.

Indian department.

For defraying all expenses incident to the Indian department, authorized by law, thirty-nine thousand four hundred and twenty-four dollars, and seventy-one cents.

Frontiers.

For defraying the expenses incurred in the defensive protection of the frontiers, as before recited, thirty-seven thousand, three hundred and thirty-nine dollars, and forty-eight cents.

The funds for the several appropriations.

SEC. 5. *And be it further enacted*, That the several appropriations herein before made, shall be paid and discharged out of the funds following, to wit: first, out of the sum of six hundred thousand dollars which by the act, intituled "An act making provision for the debt of the United States," is reserved, yearly, for the support of the government of the United States, and their common defence; and secondly, out of such surplus as shall have accrued to the end of the present year, upon

the revenues heretofore established, over and above the sums necessary for the payment of interest on the public debt during the same year, and for satisfying other prior appropriations.

APPROVED, December 23, 1791.

STATUTE I.

CHAP. IV.—*An Act for carrying into effect a Contract between the United States and the State of Pennsylvania.*

January 3, 1792.

For duly conveying to the state of Pennsylvania a certain tract of land, the right to the government and jurisdiction whereof was relinquished to the said state by a resolution of Congress of the fourth day of September, in the year one thousand seven hundred and eighty-eight, and whereof the right of soil has been sold by virtue of a previous resolution of Congress of the sixth day of June in the said year;

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States be authorized, on fulfilment of the terms stipulated on the part of the state of Pennsylvania, to issue letters patent, in the name and under the seal of the United States, granting and conveying to the said state forever the said tract of land, as the same was ascertained by a survey made in pursuance of the resolution of Congress of the sixth day of June one thousand seven hundred and eighty-eight.

APPROVED, January 3, 1792.

Tract of land conveyed to Pennsylvania on certain conditions.

STATUTE I.

CHAP. V.—*An Act to extend the time limited for settling the Accounts of the United States with the individual States.*

Jan. 23, 1792.

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the powers of the Board of Commissioners which, by an act passed in the second session of the first Congress, was established to settle the accounts between the United States and individual states, shall continue until the first day of July one thousand seven hundred and ninety-three, unless the business shall be sooner accomplished.

[Obsolete.]
Board of commissioners for settlement of accounts continued till 1793, 1793, ch. 16.

SEC. 2. *And be it further enacted,* That the aforesaid act shall extend to the settlement of the accounts between the United States and the state of Vermont: and that until the first day of December next shall be allowed for the said state to exhibit its claims.

To settle with Vermont.
1790, ch. 38.

SEC. 3. *And be it further enacted,* That from and after the passing of this act, the pay of the principal clerk of the said board shall be the same as the pay of the principal clerk in the auditor's office.

Pay of principal clerk.

APPROVED, January 23, 1792.

STATUTE I.

CHAP. VI.—*An Act concerning certain Fisheries of the United States, and for the regulation and government of the Fishermen employed therein.*

Feb. 16, 1792.

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the allowance now made upon the exportation of dried fish of the fisheries of the United States, in lieu of a drawback of the duties paid on the salt used in preserving the same, shall cease on all dried fish exported after the tenth day of June next, and as a commutation and equivalent therefor, there shall be afterwards paid on the last day of December annually, to the owner of every vessel or his agent, by the collector of the district where such vessel may belong, that shall be qualified agreeably to law, for carrying on the bank and other cod fisheries, and that shall actually have been employed therein at sea for the term of four months

[Expired.]
Act of April 12, 1800, ch. 22.
Allowance in lieu of drawback on exportation of dried fish limited to June 1792.
Act of June 19, 1813. Act of July 29, 1813.
And as an equivalent each

fishing vessel allowed a sum according to burden not to exceed \$170.

1792, ch. 27, sec. 6.

1797, ch. 15, sec. 2.

at the least, of the fishing season, next preceding which season is accounted to be from the last day of February to the last day in November in every year, for each and every ton of such vessel's burthen according to her admeasurement as licensed or enrolled, if of twenty tons and not exceeding thirty tons, one and an half dollars, and if above thirty tons two and an half dollars, of which allowance aforesaid three eighths 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.

Annual allowance to fishing vessels above five tons,

under what regulations.

SEC. 2. *And be it further enacted*, That on the last day of December annually, as aforesaid, there shall also be paid to the owner of every fishing boat or vessel of more than five tons, and less than twenty tons, or to his agent or lawful representative, by the collector of the district where such boat or vessel may belong, the sum of one dollar upon every ton admeasurement of such boat or vessel; which allowance shall be accounted for as part of the proceeds of the fares of said boat or vessel, and shall accordingly be so divided among all persons interested therein: *Provided however*, That this allowance shall be made only to such boats or vessels as shall have actually been employed at sea in the cod fishery, for the term of four months at the least, of the preceding season: *And provided also*, That such boat or vessel shall have landed in the course of said preceding season, a quantity of fish not less than twelve quintals for every ton of her admeasurement; the said quantity of fish to be ascertained when dried and cured fit for exportation, and according to the weight thereof, as the same shall weigh at the time of delivery when actually sold; which account of the weight, with the original adjustment and settlement of the fare or fares among the owners and fishermen, together with a written account of the length, breadth and depth of said boat or vessel, and the time she has actually been employed in the fishery in the preceding season, shall in all cases be produced and sworn or affirmed to, before the said collector of the district, in order to entitle the owner, his agent or lawful representative, to receive the allowance aforesaid. And if at any time within one year after payment of such allowance, it shall appear that any fraud or deceit has been practised in obtaining the same, the boat or vessel upon which such allowance shall have been paid, if found within the district aforesaid, shall be forfeited; otherwise the owner or owners having practised such fraud or deceit, shall forfeit and pay one hundred dollars; to be sued for, recovered and appropriated in like manner as forfeitures and penalties are to be sued for, recovered and appropriated for any breach of an act, entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels."

1790, ch. 35.

Owners of fishing vessels how to proceed to obtain the allowances granted by this act.

SEC. 3. *And be it further enacted*, That the owner or owners of every fishing vessel of twenty tons and upwards, his or their agent or lawful representative, shall, previous to receiving the allowance which is provided for in this act, produce to the collector who is authorized to pay the same, the original agreement or agreements which may have been made with the fishermen employed on board such vessel, as is herein before required, and also a certificate to be by him or them subscribed, therein mentioning the particular days on which such vessel sailed and returned on the several voyages or fares, she may have made in the preceding fishing season, to the truth of which they shall swear or affirm before the collector aforesaid.

SEC. 4. *And be it further enacted*, That no ship or vessel of twenty tons or upwards, employed as aforesaid, shall be entitled to the allowance granted by this act, unless the skipper or master thereof shall, before he proceeds on any fishing voyage, make an agreement in writing or in print, with every fisherman employed therein, excepting only any apprentice or servant of himself or owner; and in addition to such terms of shipment as may be agreed on, shall in such agreement express whether the same is to continue for one voyage or for the fishing season, and shall also express that the fish or the proceeds of such fishing voyage or voyages which may appertain to the fishermen, shall be divided among them in proportion to the quantities or number of said fish they may respectively have caught; which agreement shall be endorsed or countersigned by the owner of such fishing vessel, or his agent: And if any fisherman having engaged himself for a voyage or for the fishing season, in any fishing vessel, and signed an agreement therefor as aforesaid, shall thereafter and while such agreement remains in force and to be performed, desert or absent himself from such vessel, without leave of the master or skipper thereof, or of the owner or his agent, such deserter shall be liable to the same penalties as deserting seamen or mariners are subject to in the merchant's service, and may in the like manner, and upon the like complaint and proof, be apprehended and detained; and all costs of process and commitment, if paid by the master or owner, shall be deducted out of the share of fish, or proceeds of any fishing voyage to which such deserter had or shall become entitled. And any fisherman, having engaged himself as aforesaid, who shall during such fishing voyage, refuse or neglect his proper duty on board the fishing vessel, being thereto ordered or required by the master or skipper thereof, or shall otherwise resist his just commands, to the hindrance or detriment of such voyage, beside being answerable for all damages arising thereby, shall forfeit to the use of the owner of such vessel, his share of the allowance, which shall be paid upon such voyage as is herein granted.

Owners of fishing vessels how to proceed to obtain the allowances granted by this act.

1790, ch. 29,
sec. 7.

SEC. 5. *And be it further enacted*, That where an agreement or contract shall be so made and signed, for a fishing voyage or for the fishing season, and any fish which may have been caught on board such vessel during the same, shall be delivered to the owner or to his agent, for cure, and shall be sold by said owner or agent, such vessel shall for the term of six months after such sale, be liable and answerable for the skipper's and every other fisherman's share of such fish, and may be proceeded against in the same form, and to the same effect, as any other vessel is by law liable, and may be proceeded against for the wages of seamen or mariners in the merchant's service. And upon such process for the value of a share or shares of the proceeds of fish delivered and sold as aforesaid, it shall be incumbent on the owner or his agent, to produce a just account of the sales and division of such fish according to such agreement or contract, otherwise the said vessel shall be answerable upon such process for what may be the highest value of the share or shares demanded. But in all cases, the owner of such vessel or his agent, appearing to answer to such process, may offer thereupon his account of general supplies made for such fishing voyage, and of other supplies therefor made, to either of the demandants, and shall be allowed to produce evidence thereof in answer to their demands respectively, and judgment shall be rendered upon such process, for the respective balances, which upon such an inquiry shall appear: *Provided always*, That when process shall be issued against any vessel liable as aforesaid, if the owner thereof or his agent will give bond to each fisherman in whose favour such process shall be instituted, with sufficient security, to the satisfaction of two justices of the peace, one of whom shall be named by such owner or agent, and the other by the fisherman or fishermen

1790, ch. 29,
sec. 6.

pursuing such process; or if either party shall refuse, then the justice first appointed shall name his associate, with condition to answer and pay whatever sum shall be recovered by him or them on such process, there shall be an immediate discharge of such vessel: *Provided*, That nothing herein contained shall prevent any fisherman from having his action at common law, for his share or shares of fish, or the proceeds thereof as aforesaid.

Drawback on salted fish, &c. repealed, and

monies arising therefrom appropriated to pay allowances granted by this act.

1789, ch. 2.

Penalty on swearing falsely.

1790, ch. 35, sec. 66.

Limitation.

1800, ch. 22.

SEC. 6. *And be it further enacted*, That the drawback heretofore allowed on the exportation of foreign dried and pickled fish, and other foreign salted provisions, be and the same is hereby repealed.

SEC. 7. *And be it further enacted*, That the monies which shall remain in consequence of the abolition of the allowance on the exportation of the dried fish of the United States, and of the drawback on foreign dried and pickled fish, and other foreign salted provisions, be, and the same are hereby appropriated to the payment of the allowances granted by this act, and in case the monies so appropriated shall be inadequate, the deficiency shall be supplied out of any monies which from time to time shall be in the treasury of the United States, and not otherwise appropriated.

SEC. 8. *And be it further enacted*, That any person who shall declare falsely in any oath or affirmation required by this act, being duly convicted thereof in any court of the United States, having jurisdiction of such offence, shall suffer the same penalties as are provided for false swearing, or affirming, by the act before mentioned, and to be in like manner sued for, recovered and appropriated.

SEC. 9. *And be it further enacted*, That this act shall continue and be in force for the term of seven years, and from thence to the end of the next session of Congress, and no longer.

APPROVED, February 16, 1792.

STATUTE I.

Feb. 20, 1792.

CHAP. VII.—*An Act to establish the Post-Office and Post Roads within the United States.*

[Obsolete.]

Establishment post roads after 1st June next.

1794, ch. 23.

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That from and after the first day of June next, the following roads be established as post roads, namely: From Wiscasset in the district of Maine, to Savannah in Georgia, by the following route, to wit: Portland, Portsmouth, Newburyport, Ipswich, Salem, Boston, Worcester, Springfield, Hartford, Middletown, New Haven, Stratford, Fairfield, Norwalk, Stamford, New York, Newark, Elizabethtown, Woodbridge, Brunswick, Princeton, Trenton, Bristol, Philadelphia, Chester, Wilmington, Elkton, Charlestown, Havre de Grace, Hartford, Baltimore, Bladensburg, Georgetown, Alexandria, Colchester, Dumfries, Fredericksburg, Bowling Green, Hanover Court House, Richmond, Petersburg, Halifax, Tarborough, Smithfield, Fayetteville, Newbridge over Drowning creek, Cheraw Court House, Camden, Statesburg, Columbia, Cambridge and Augusta; and from thence to Savannah, and from Augusta by Washington in Wilkes county to Greenborough, and from thence by the great falls of Ogechee and Georgetown, to Augusta, and from Statesburg to Charleston, and from Charleston to Georgetown, from Charleston to Savannah, and from Savannah, by Newport bridge to Sunbury; and also from Portsmouth by Exeter and Concord, to Hanover in New Hampshire; and from Salem to Marblehead, and from Salem to Gloucester; and from Boston, by Providence, Newport, and New London, to New Haven, and from Boston, through Taunton, to New Bedford; and from Taunton, through Warren and Bristol, to Newport, and from Boston, by Plymouth, to Barnstable; and from Springfield in the state of Massachusetts, to Kinderhook in the

state of New York, and from Springfield, by Northampton, Brattleborough, and Charlestown, by Windsor in Vermont, to Hanover, and from Hartford, by Middletown, to New London; also from Hartford to Norwich, and Providence; and from Providence to Worcester, and from Philadelphia, by Lancaster, Yorktown, Carlisle, Shippensburg, Chambersburg, Bedford, and Greensburg, to Pittsburg; and from Philadelphia to Bethlehem; from Bethlehem, by Reading and Harrisburg, to Carlisle, and from Bethlehem, by Easton, Sussex Court House, Goshen, Ward's Bridge, and Kingston, to Rhinebeck; from Philadelphia, by Salem, to Bridgetown; and from Wilmington, by Warwick, Georgetown, Cross Roads, Chestertown, Chester Mills, and Easton, to Vienna; and from Vienna, by Salisbury, to Snow Hill; also from Wilmington, by Newcastle, Cantwell's Bridge and Duck Creek, to Dover; and from thence by Milford, Dagsborough, Snow Hill, and Northampton Court House, to Norfolk in Virginia; and from Baltimore to Annapolis, Upper Marlborough, Piscatawa, Port Tobacco, Allen's Fresh, Newport, and Chaptico, to Leonardtown; and from Richmond, by Williamsburg, Yorktown and Hampton, to Norfolk; and from Fredericksburg, by Port Royal and Tappahanock, to Urbanna; and from thence, crossing Rappahanock, and proceeding by Northumberland Court House, to Kinsale on the river Yeocomico, thence by Westmoreland Court House, through Leeds-town, to Fredericksburg; and from Petersburg, by Cabin Point, Smithfield, and Suffolk, to Portsmouth, and from Suffolk, to Edenton, and by Plymouth to Washington; and from Washington to Newbern, and thence to Wilmington; and from Fayetteville, by Elizabethtown, to Wilmington; and from Halifax, by Warrington, Hillsborough, Salem, to Salisbury; from Halifax, by Bluntsville, Williamston, Daileys to Plymouth; and from Edenton, by Hertford, Nixonton, Sawyer's Ferry, in Camden county, to Indiantown, in Currituck county; and from New York, by Albany, Bennington, Manchester and Rutland, to Burlington, on Lake Champlain; and from Albany, by Schenectady, to Connajoharrie; from New York to Hartford, through Whiteplains, North Castle, Salem, Poundridge, Ridgefield, Danbury, Newtown, New Milford, Litchfield, Harrington and Farmington; from Newark or Elizabethtown, by Morristown, to Sussex Court House; from Woodbridge to Amboy; from Alexandria, by Salisbury, Leesburg, Shepherdstown, Martinsburg, Winchester, Stevensburg, Strasburg, Woodstock, and Rockingham Court House, to Staunton; and from Richmond, by Columbia, Charlottesville, Staunton, Lexington, Fincastle, Montgomery Court House, Wythe Court House, Abingdon, and Hawkins Court House, in the territory South of the river Ohio, to Danville in Kentucky; and from Baltimore, by Fredericktown and Sharpsburg, to Hagarstown; and from thence to Chambersburg: *Provided*, That the route, by which the mails are at present conveyed, shall in no case be altered, without the consent of the contractors, till the contracts made by the Postmaster General shall be determined.

SEC. 2. *And be it further enacted*, That it shall and may be lawful for the Postmaster General to enter into contracts, for a term not exceeding eight years, for extending the line of posts, and to authorize the person or persons, so contracting, to receive, during the continuance of such contract, according to the rates by this act established, all the postage which shall arise on letters, newspapers and packets, conveyed by any such post; and the roads, therein designated, shall, during the continuance of such contract, be deemed and considered as post roads, within the terms and provisions of this act: *Provided*, That no such contract shall be made, to the diminution of the revenue of the general post-office, and that a duplicate of every such contract, under hand and seal, shall, within sixty days after the execution thereof, be lodged in the office of the comptroller of the treasury of the United States.

Establishment
of post roads
after 1st June
next.

P. M. Gen.
may enter into
contracts for
carrying mail
not to exceed
eight years.

General post-office at seat of government.

SEC. 3. *And be it further enacted,* That there shall be established, at the seat of the government of the United States, a general post-office. And there shall be one Postmaster General, who shall have authority to appoint an assistant, and deputy postmasters, at all places where such shall be found necessary. And he shall provide for carrying the mail of the United States, by stage carriages or horses, as he may judge most expedient; and as often as he, having regard to the productiveness thereof, as well as other circumstances, shall think proper, and defray the expense thereof, with all other expenses arising on the collection and management of the revenue of the post-office. He shall also have power to prescribe such regulations to the deputy postmasters, and others employed under him, as may be found necessary, and to superintend the business of the department, in all the duties that are, or may be assigned to it, and also to direct the route or road, where there are more than one, between the places above established, which route or road shall be considered as the post road.

P. M. Gen. to settle accounts quarterly,

SEC. 4. *And be it further enacted,* That the Postmaster General shall, once in three months, obtain from his deputies, the accounts and vouchers of their receipts and expenditures, and the balances due thereon, and render to the secretary of the treasury, a quarterly account of all the receipts and expenditures in the said department, to be adjusted and settled as other public accounts, and shall pay, quarterly, into the treasury of the United States, the balance in his hands. And the Postmaster General, and his assistant, the deputy postmasters, and such as they may employ in their offices, shall, respectively, before they enter upon the duties, or be entitled to receive the emoluments of their offices, and the contractors for carrying the mail, and their agents or servants, to whom the mail shall be entrusted, before they commence the execution of said trust, shall, respectively, take and subscribe before some justice of the peace, the following oath or affirmation, and cause a certificate thereof to be filed in the office of the Postmaster General; "I do swear (or affirm as the case may be) that I will faithfully perform all the duties required of me, and abstain from every thing forbidden by the law in relation to the establishment of post-offices and post-roads within the United States."

and, with persons employed by him,

to take oath.

Penalty on obstructing the mail and negligence of ferry-men.

SEC. 5. *And be it further enacted,* That if any person shall obstruct or retard the passage of the mail, or of any horse or carriage carrying the same, he shall, upon conviction for every such offence, pay a fine not exceeding one hundred dollars. And if any ferryman shall, by wilful negligence, or refusal to transport the mail across any ferry, delay the same, he shall forfeit, and pay, for each half hour that the same shall be so delayed, a sum not exceeding ten dollars.

Postmaster General to give notice previous to making contract for conveying the mail, and

SEC. 6. *And be it further enacted,* That it shall be the duty of the Postmaster General, to give public notice in one or more of the newspapers published at the seat of government of the United States, and in one or more of the newspapers published in the state or states where the contract is to be performed, for at least six weeks before the entering into any contract for the conveyance of the mail that such contract is intended to be made, and the day on which it shall be concluded; describing the places, from and to which such mail is to be conveyed; the time at which it is to be made up; the day and hour, at which it is to be delivered; and the penalty or penalties for non-performance of the stipulations. He shall, moreover, within thirty days after the making of any contract, lodge the same, together with the proposals which he shall have received respecting the same, in the office of the comptroller of the treasury of the United States.

lodge the contract in the comptroller's office.

Dep. P. M. to keep an office.

SEC. 7. *And be it further enacted,* That every deputy postmaster shall keep an office in which one or more persons shall attend at such hours as the Postmaster General shall direct, for the purpose of performing the

duties thereof. And all letters brought to any post-office, half an hour before the time of making up the mail at such office, shall be forwarded therein.

SEC. 8. *And be it further enacted,* That from and after the passing of this act, the Postmaster General shall be allowed, for his services, at the rate of two thousand dollars per annum, his assistant, at the rate of one thousand dollars per annum, to be paid, quarterly, out of the revenues of the post-office: and no fees or perquisites shall be received by either of them, on account of the duties to be performed in virtue of their appointments.

Allowance to P. M. G. and assistant.

SEC. 9. *And be it further enacted,* That from and after the first day of June next, the deputy postmaster and persons authorized by the Postmaster General, shall demand and receive, for the postage and conveyance of letters and packets, except such as are herein after excepted, according to the several rates and sums following: For the postage of every single letter, to or from any place by land not exceeding thirty miles, six cents; over thirty miles, and not exceeding sixty, eight cents; over sixty miles, and not exceeding one hundred, ten cents; over one hundred miles, and not exceeding one hundred and fifty, twelve cents and a half; over one hundred and fifty miles, and not exceeding two hundred, fifteen cents; over two hundred miles, and not exceeding two hundred and fifty, seventeen cents; over two hundred and fifty miles, and not exceeding three hundred and fifty, twenty cents; over three hundred and fifty miles, and not exceeding four hundred and fifty, twenty-two cents; and to or from any place by land, more than four hundred and fifty miles, twenty-five cents; and every double letter shall pay double the said rates; every triple letter, triple; every packet weighing one ounce avoirdupois, to pay, at the rate of four single letters for each ounce, and in that proportion, for any greater weight.

Rates of postage from 1st June 1792.

SEC. 10. *And be it further enacted,* That all letters and packets, passing by sea to and from the United States, or from one port to another therein, in packet boats or vessels, the property of, or provided by the United States, shall be rated and charged, as follows: For every single letter, eight cents; for every double letter, sixteen cents; for every triple letter or packet, twenty-four cents; for every letter or packet brought into the United States, or carried from one port therein to another by sea, in any private ship or vessel, four cents, if delivered at the place where the same shall arrive; and if directed to be delivered at any other place, with the addition of the like postage, as other letters are made subject to the payment of by this act.

Rates of letters and packets passing by sea.

SEC. 11. *And be it further enacted,* That if any deputy postmaster, or other person authorized by the Postmaster General, to receive the postages of letters, shall fraudulently demand or receive any rate of postage, or any gratuity or reward, other than is provided by this act for the postage of letters or packets on conviction thereof, he shall forfeit for every such offence, one hundred dollars, and shall be rendered incapable of holding any office under the United States.

Penalty on demanding or receiving beyond stipulated postage.

SEC. 12. *And be it further enacted,* That no ship or vessel, arriving at any port within the United States, where a post-office is established, shall be permitted to report, make entry or break bulk, till the master or commander shall have delivered to the postmaster, all letters directed to any person or persons within the United States, which, under his care or within his power, shall be brought in such ship or vessel, other than such as are directed to the owner or consignee: but when a vessel shall be bound to another port, than that, at which she may enter, the letters belonging to, or to be delivered at the said port of delivery, shall not be delivered to the postmaster at the port of entry. And it shall be the duty of the collector or other officer of the port, empowered to receive entries of ships or vessels, to require from every master or commander

Duty of masters of vessels previous to making report, &c.

of such ship or vessel, an oath or affirmation, purporting that he has delivered all such letters, except as aforesaid.

Duty of P. M. on receipt of letters from foreign packets, &c.

SEC. 13. *And be it further enacted*, That the postmasters to whom such letters may be delivered, shall pay to the master, commander, or other person delivering the same, except the commanders of foreign packets, two cents for every such letter or packet; and shall obtain from the person delivering the same, a certificate specifying the number of letters and packets, with the name of the ship or vessel, and the place from whence she last sailed; which certificate, together with a receipt for the money, shall be with his half-yearly accounts, transmitted to the Postmaster General, who shall credit the amount thereof to the postmaster forwarding the same.

Penalty on persons offending against this act.

SEC. 14. *And be it further enacted*, That if any person, other than the Postmaster General, or his deputies, or persons by them employed, shall take up, receive, order, dispatch, convey, carry or deliver any letter or letters, packet or packets, other than newspapers, for hire or reward, or shall be concerned in setting up any foot or horse post, wagon or other carriage, by or in which any letter or packet shall be carried for hire, on any established post-road, or any packet, or other vessel or boat, or any conveyance whatever, whereby the revenue of the general post-office may be injured, every person, so offending, shall forfeit, for every such offence, the sum of two hundred dollars. *Provided*, That it shall and may be lawful for every person to send letters or packets by special messenger.

Deputies to account with P. M. G. for bye letters.

SEC. 15. *And be it further enacted*, That the deputy postmasters or agents of the Postmaster General, shall duly account and answer to him, for all bye or way-letters, and shall specify the number and rates in the post bill. And if any deputy postmaster or agent shall neglect so to account, he or they so offending, shall, on conviction thereof, forfeit, for every such offence, a sum not exceeding one hundred dollars.

Penalty on neglecting,

detaining, delaying, or secreting letters, &c.

SEC. 16. *And be it further enacted*, That if any person, employed in any of the departments of the general post-office, shall unlawfully detain, delay, or open, any letter, packet, bag or mail of letters, with which he shall be entrusted, or which shall have come to his possession, and which are intended to be conveyed by post: Or if any such person shall secrete, embezzle or destroy any letter or packet, entrusted to him, as aforesaid, and which shall not contain any security for, or assurance relating to money, as herein after described, every such offender, being thereof duly convicted, shall, for every such offence, be fined not exceeding three hundred dollars, or imprisoned not exceeding six months, or both, according to the circumstances and aggravations of the offence. And if any person employed as aforesaid, shall secrete, embezzle or destroy, any letter, packet, bag, or mail of letters, with which he shall be entrusted, or which shall have come to his possession, and are intended to be conveyed by post, containing any bank note, or bank post bill, bill of exchange, warrant of the treasury of the United States, note of assignment of stock in the funds, letters of attorney for receiving annuities or dividends, or for selling stock in the funds, or for receiving the interest thereof, or any letter of credit, or note for, or relating to the payment of money, or other bond or warrant, draft, bill, or promissory note whatsoever, for the payment of money; or if any such person, employed as aforesaid, shall steal or take any of the same out of any letter, packet, bag or mail of letters, that shall come to his possession, he shall, on conviction for any such offence, suffer death. And if any person, who shall have taken charge of the mail of the United States, shall quit or desert the same, before his arrival at the next post-office, every such person, so offending, shall forfeit and pay a sum, not exceeding five hundred dollars, for every such offence. And if any person, concerned in carrying the mail of the United States, shall collect,

receive or carry any letter or packet, or shall cause or procure the same to be done, contrary to this act, every such offender shall forfeit and pay, for every such offence, a sum not exceeding fifty dollars.

SEC. 17. *And be it further enacted*, That if any person or persons shall rob any carrier of the mail of the United States, of such mail, or if any person shall rob the mail, in which letters are sent to be conveyed by post, of any letter or packet, or shall steal such mail, or shall steal and take from or out of the same, or from or out of any post-office, any letter or packet, such offender or offenders shall, on conviction thereof, suffer death.^(a)

Penalty on persons robbing the mail.

SEC. 18. *And be it further enacted*, That the deputy postmasters shall, respectively, publish at the expiration of every three months, in one of the newspapers published at, or nearest the place of his residence, for three successive weeks, a list of all the letters then remaining in their respective offices; and at the expiration of the next three months, shall send such of the said letters as then remain on hand, as dead letters, to the general post-office, where the same shall be opened and inspected; and if any valuable papers or matter of consequence, shall be found therein, it shall be the duty of the Postmaster General, to cause a descriptive list thereof to be inserted in one of the newspapers, published at the place most convenient to where the owner may be supposed to reside, if within the United States, and such letter and the contents shall be preserved, to be delivered to the person, to whom the same shall be addressed, upon payment of the postage, and the expense of publication.

Deputies to publish every three months a list of letters then on hand, &c.

SEC. 19. *And be it further enacted*, That the following letters and packets, and no other, shall be received and conveyed by post, free of postage, under such restrictions, as are hereinafter provided; that is to say: All letters and packets to or from the President or Vice President of the United States, and all letters and packets, not exceeding two ounces in weight, to or from any member of the Senate or House of Representatives, the Secretary of the Senate or Clerk of the House of Representatives, during their actual attendance in any session of Congress, and twenty days after such session. All letters to and from the Secretary of the Treasury, and his assistant, Comptroller, Register, and Auditor of the Treasury, the Treasurer, the Secretary of State, the Secretary at War, the Commissioners for settling the accounts between the United States and individual states, the Postmaster General and his

Certain letters to be conveyed free of postage.

(a) Robbing the mail of the United States. The defendant was indicted on the 24th section of the act of Congress, of March 3, 1825, entitled "An act to reduce into one the several acts establishing and regulating the Post-office department," for advising, procuring, and assisting one Joseph J. Straughan, a mail carrier, to rob the mail of the United States, and was found guilty. Upon this finding the judges of the Circuit Court of South Carolina were divided in opinion upon the question, whether an indictment founded on the statute for advising, &c., a mail carrier to rob the mail, ought to set forth and aver that the said carrier did commit the offence of robbing the mail. By the Supreme Court: the answer to this as an abstract proposition, must be in the affirmative, but if the question intended to be put, is, whether there must be a distinct substantive averment of the fact, it is not necessary. *United States v. Mills*, 7 Peters, 138.

Upon an indictment for robbing the mail, and putting the person in custody of it in jeopardy, under the 19th section of the act of April 30, 1810, a sword, &c., in the hand of the robber, by terror of which the robbery is effected, is a dangerous weapon within the act, putting the life in jeopardy, though it be not drawn, or pointed at the carrier. So a pistol in his hands, by means of which the robbery is effected, is a dangerous weapon; and it is not necessary to prove that it was charged: it is presumed to be so until the contrary is proved. *United States v. Wood*, 3 Wash. C. C. R. 440.

It is not necessary to a conviction under the 22d section, that the carrier of the mail should have taken the oath prescribed by the 2d section of the act of 1825, or that the whole mail be taken. *The United States v. Wilson*, 1 Baldwin's C. C. R. 102.

The word "rob," in the act of Congress of 1825, section 22, is used in the common law sense. *Ibid.*

"Jeopardy," as used in the section, means a well grounded apprehension of danger to life, in case of refusal to yield to threats, or resistance. *Ibid.*

A mail carrier is within the 18th section of the act regulating the post-office establishment, "subjecting to a penalty in certain cases, persons employed in any of the departments of the general post-office." *United States v. Belew*, 2 Brockenb. C. C. R. 280.

Certain letters free of postage.

assistant: *Provided*, That no person shall frank or enclose any letter or packet, other than his own; but any public letter or packet from the department of the Treasury may be franked by the Secretary of the Treasury, or the assistant Secretary, or by the Comptroller, Register, Auditor or Treasurer; and that each person before named shall deliver to the post-office every letter or packet enclosed to him, which may be directed to any other person, noting the place, from whence it came by post, and the usual postage shall be charged thereon.

Penalty on counterfeiting the franking to evade postage.

SEC. 20. *And be it further enacted*, That if any person shall counterfeit the hand-writing of any other person, in order to evade the payment of postage; such person or persons, so offending, and being thereof duly convicted, shall forfeit and pay, for every such offence, the sum of one hundred dollars.

Privilege of news printers.

SEC. 21. *And be it further enacted*, That every printer of newspapers may send one paper to each and every other printer of newspapers within the United States, free of postage, under such regulations, as the Postmaster General shall provide.

Newspapers how to be put up for the mail.

SEC. 22. *And be it further enacted*, That all newspapers, conveyed in the mail, shall be under a cover open at one end, carried in separate bags from the letters, and charged with the payment of one cent, for any distance not more than one hundred miles, and one cent and a half for any greater distance: And it shall be the duty of the Postmaster General and his deputy, to keep a separate account for the newspapers, and the deputy postmasters shall receive fifty per cent. on the postage of all newspapers: And if any other matter or thing be enclosed in such papers, the whole packet shall be charged, agreeably to the rates established by this act, for letters or packets. And if any of the persons employed in any department of the post-office, shall unlawfully detain, delay, embezzle or destroy any newspaper, with which he shall be entrusted, such offenders, for every such offence, shall forfeit a sum, not exceeding fifty dollars: *Provided*, That the Postmaster General, in any contract, he may enter into, for the conveyance of the mail, may authorize the person, with whom such contract is made, to carry newspapers, other than those conveyed in the mail.

P. M. Gen. may permit contractor to carry newspapers; and

allow such commission to deputies as he may deem adequate, not to exceed, &c.

SEC. 23. *And be it further enacted*, That the Postmaster General be, and he is hereby authorized to allow to the deputy postmasters respectively, such commission on the monies arising from the postage of letters and packets, as he shall think adequate to their respective services: *Provided*, That the said commission shall not exceed forty per cent. to any deputy, whose compensation thereby shall not exceed fifty dollars, nor thirty per cent. to any deputy, whose compensation thereby shall not exceed one hundred dollars, nor twenty per cent. to any other deputy, except the postmaster at the port, where the European packets do, or shall steadily arrive: to whom such farther allowance, in addition to the emoluments of his office, shall be made, as the Postmaster General shall deem a reasonable compensation for his extra services in the receipt and dispatch of letters, originally received into his office, from on board such packets, and by him forwarded to other offices: *And provided also*, That the compensations aforesaid shall not exceed eighteen hundred dollars per annum to any one postmaster for all services by him rendered.

to any one \$1,800 per annum.

P. M. Gen. to prosecute deputies neglecting to settle quarterly—and penalty on his neglect thereof.

SEC. 24. *And be it further enacted*, That if any deputy postmaster or other person, authorized to receive the postage of letters and packets, shall neglect or refuse to render his accounts, and pay over to the Postmaster General, the balance by him due, at the end of every three months, it shall be the duty of the Postmaster General, to cause a suit to be commenced against the person or persons so neglecting or refusing: And if the Postmaster General shall not cause such suit to be commenced within three months, from the end of every such three months,

the balances due from every such delinquent shall be charged to, and recoverable from the Postmaster General.

SEC. 25. *And be it further enacted*, That all pecuniary penalties and forfeitures, incurred under this act, shall be, one half for the use of the person or persons informing and prosecuting for the same, the other half to the use of the United States.

Appropriation of penalties under this act.

SEC. 26. *And be it further enacted*, That it shall be lawful for the Postmaster General, to make provision, where it may be necessary, for the receipt of all letters and packets intended to be conveyed by any ship or vessel, beyond sea, or from any port of the United States to another port therein; and the letters so received shall be formed into a mail, sealed up, and directed to the postmaster of the port to which such ship or vessel shall be bound. And for every letter or packet so received, there shall be paid, at the time of its reception, a postage of one cent. And the Postmaster General may make arrangements with the postmasters in any foreign country for the reciprocal receipt and delivery of letters and packets, through the post-offices.

P. M. Gen. to make provision for receipt of letters sent or received by sea.

SEC. 27. *And be it further enacted*, That the deputy postmasters, and the persons employed in the transportation of the mail, shall be exempt from militia duties, or any fine or penalty for neglect thereof.

Postmasters &c. exempt from militia duty.

SEC. 28. *And be it further enacted*, That all the surplus revenue of the general post-office, which shall have accrued, previous to the first day of June next, not heretofore appropriated, be and the same is hereby appropriated towards defraying any deficiency which may arise in the revenue of the said department for the year next ensuing.

Appropriations of surplus revenue of general post-office.

SEC. 29. *And be it further enacted*, That the act passed the last session of Congress, intituled "An act to continue in force, for a limited time, an act, intituled 'An act for the temporary establishment of the post-office,'" be, and the same is hereby continued in full force, until the first day of June next, and no longer.

Former acts continued till 1st June. 1791, ch. 23.

SEC. 30. *And be it further enacted*, That this act shall be in force for the term of two years, from the said first day of June next, and no longer.

Limitation of this act.

APPROVED, February 20, 1792.

STATUTE I.

March 1, 1792.

CHAP. VIII.—*An Act relative to the Election of a President and Vice President of the United States, and declaring the Officer who shall act in case of Vacancies in the offices both of President and Vice President.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That except in case of an election of a President and Vice President of the United States, prior to the ordinary period as herein after specified, electors shall be appointed in each state for the election of a President and Vice President of the United States, within thirty-four days preceding the first Wednesday in December, one thousand seven hundred and ninety-two, and within thirty-four days preceding the first Wednesday in December in every fourth year succeeding the last election, which electors shall be equal to the number of Senators and Representatives, to which the several states may by law be entitled at the time, when the President and Vice President, thus to be chosen, should come into office: *Provided always*, That where no apportionment of Representatives shall have been made after any enumeration, at the time of choosing electors, then the number of electors shall be according to the existing apportionment of Senators and Representatives.

[Obsolete.] March 26, 1804, ch. 50.

States how to appoint electors for election of president and vice president; when to meet and vote;

SEC. 2. *And be it further enacted*, That the electors shall meet and give their votes on the said first Wednesday in December, at such place in each state as shall be directed, by the legislature thereof; and the electors in each state shall make and sign three certificates of all the

to sign three certificates of all the votes given.

How to be disposed of.

1804, ch. 50, sec. 1.

Duty of executive of each state;

of Sec. of State on non-receipt of list of votes.

Congress to be in session on 2d Wednesday in Feb. 1793. Twelfth amendment of the constitution, p. 22.

Duty of persons sent with lists of votes;

allowance to them.

Penalty on their neglect of duty.

Provision in case of death &c. of president and vice-president;

duty of Sec. of State on such event.

votes by them given, and shall seal up the same certifying on each that a list of the votes of such state for President and Vice President is contained therein, and shall by writing under their hands, or under the hands of a majority of them, appoint a person to take charge of and deliver to the President of the Senate, at the seat of government, before the first Wednesday in January then next ensuing, one of the said certificates, and the said electors shall forthwith forward by the post-office to the President of the Senate, at the seat of government, one other of the said certificates, and shall forthwith cause the other of the said certificates to be delivered to the judge of that district in which the said electors shall assemble.

SEC. 3. *And be it further enacted,* That the executive authority of each state shall cause three lists of the names of the electors of such state to be made and certified and to be delivered to the electors on or before the said first Wednesday in December, and the said electors shall annex one of the said lists to each of the lists of their votes.

SEC. 4. *And be it further enacted,* That if a list of votes, from any state, shall not have been received at the seat of government on the said first Wednesday in January, that then the Secretary of State shall send a special messenger to the district judge in whose custody such list shall have been lodged, who shall forthwith transmit the same to the seat of government.

SEC. 5. *And be it further enacted,* That Congress shall be in session on the second Wednesday in February, one thousand seven hundred and ninety-three, and on the second Wednesday in February succeeding every meeting of the electors, and the said certificates, or so many of them as shall have been received, shall then be opened, the votes counted, and the persons who shall fill the offices of President and Vice President ascertained and declared, agreeably to the constitution.

SEC. 6. *And be it further enacted,* That in case there shall be no President of the Senate at the seat of government on the arrival of the persons entrusted with the lists of the votes of the electors, then such persons shall deliver the lists of votes in their custody into the office of the Secretary of State, to be safely kept and delivered over as soon as may be, to the President of the Senate.

SEC. 7. *And be it further enacted,* That the persons appointed by the electors to deliver the lists of votes to the President of the Senate, shall be allowed on the delivery of the said lists twenty-five cents for every mile of the estimated distance by the most usual road, from the place of meeting of the electors, to the seat of government of the United States.

SEC. 8. *And be it further enacted,* That if any person appointed to deliver the votes of the electors to the President of the Senate, shall after accepting of his appointment neglect to perform the services required of him by this act, he shall forfeit the sum of one thousand dollars.

SEC. 9. *And be it further enacted,* That in case of removal, death, resignation or inability both of the President and Vice President of the United States, the President of the Senate pro tempore, and in case there shall be no President of the Senate, then the Speaker of the House of Representatives, for the time being shall act as President of the United States until the disability be removed or a President shall be elected.

SEC. 10. *And be it further enacted,* That whenever the offices of President and Vice President shall both become vacant, the Secretary of State shall forthwith cause a notification thereof to be made to the executive of every state, and shall also cause the same to be published in at least one of the newspapers printed in each state, specifying that electors of the President of the United States shall be appointed or chosen in the several states within thirty-four days preceding the first Wednesday in December then next ensuing: *Provided,* There shall be the space of two months between the date of such notification and the

said first Wednesday in December, but if there shall not be the space of two months between the date of such notification and the first Wednesday in December; and if the term for which the President and Vice President last in office were elected shall not expire on the third day of March next ensuing, then the Secretary of State shall specify in the notification that the electors shall be appointed or chosen within thirty-four days preceding the first Wednesday in December in the year next ensuing, within which time the electors shall accordingly be appointed or chosen, and the electors shall meet and give their votes on the said first Wednesday in December, and the proceedings and duties of the said electors and others shall be pursuant to the directions prescribed in this act.

SEC. 11. *And be it further enacted*, That the only evidence of a refusal to accept or of a resignation of the office of President or Vice President, shall be an instrument in writing declaring the same, and subscribed by the person refusing to accept or resigning, as the case may be, and delivered into the office of the Secretary of State.

SEC. 12. *And be it further enacted*, That the term of four years for which a President and Vice President shall be elected shall in all cases commence on the fourth day of March next succeeding the day on which the votes of the electors shall have been given.

APPROVED, March 1, 1792.

Evidence of refusal, &c. of office of president, &c.

When the term of four years shall commence.

STATUTE I.

March 5, 1792.

CHAP. IX.—*An Act for making farther and more effectual Provision for the Protection of the Frontiers of the United States.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the battalion of artillery now in service be completed according to the establishment, and that the two regiments of infantry now in service, be completed to the number of nine hundred and sixty non-commissioned officers, privates and musicians each.

SEC. 2. *And be it further enacted*, That there shall be raised for a term not exceeding three years, three additional regiments, each of which, exclusively of the commissioned officers, shall consist of nine hundred and sixty non-commissioned officers, privates and musicians; and that one of the said regiments be organized in the following manner, that is to say, two battalions of infantry, each of which, exclusively of the commissioned officers, shall consist of three hundred and twenty non-commissioned officers, privates and musicians; and one squadron of light dragoons which, exclusively of the commissioned officers, shall consist of three hundred and twenty non-commissioned officers, privates and musicians; and that it shall be a condition in the enlistment of the said dragoons, to serve as dismounted dragoons, whenever they shall be ordered thereto: That the organization of the said squadron of light dragoons shall be, as follows, to wit: one major, one adjutant, one quartermaster, one surgeon's mate, and four troops, each of which shall consist of one captain, one lieutenant, one cornet, four sergeants, four corporals, one farrier, one saddler, one trumpeter, and sixty-nine dragoons; and the President may arm the said troops, as he shall think proper:

SEC. 3. *Provided always, and be it further enacted*, That it shall be lawful for the President of the United States to organize the said five regiments of infantry, and the said corps of horse and artillery, as he shall judge expedient, diminishing the number of corps, or taking from one corps and adding to another, as shall appear to him proper, so that the whole number of officers and men shall not exceed the limits above prescribed: *Provided*, That the said three regiments shall be discharged as soon as the United States shall be at peace with the Indian tribes.

[Repealed.]

Battalion of artillery and two regiments of infantry to be completed:

three additional regiments raised: Repealed 1795, ch. 44, sec. 18.

how organized,

and by whom.

- Term of enlistment; SEC. 4. *And be it further enacted*, That the non-commissioned officers, privates and musicians of the said three regiments, shall be enlisted for the term of three years, unless previously discharged.
- bounty allowed. SEC. 5. *And be it further enacted*, That every recruit who shall be enlisted by virtue of this act, shall receive eight dollars bounty, and that the same shall be made up to the non-commissioned officers, privates and musicians now in service, who have enlisted for three years, since the passing of the act intituled "An act for regulating the military establishment of the United States."
- 1790, ch. 10. SEC. 6. *And be it further enacted*, That the commissioned officers, who shall be employed to recruit for the establishment, shall be entitled to receive, for every recruit, duly enlisted and mustered, two dollars.
- Allowance to recruiting officers. SEC. 7. *And be it further enacted*, That the monthly pay of the commissioned officers, non-commissioned officers, privates and musicians, on the military establishment of the United States, and of the three regiments authorized by this act, shall be, in future, as follows, free of all deductions, to wit:—GENERAL STAFF—A major-general, one hundred and sixty-six dollars. A brigadier-general, one hundred and four dollars. Quartermaster, one hundred dollars. Adjutant, to do also the duty of inspector, seventy-five dollars. Chaplain, fifty dollars. Surgeon, seventy dollars. Deputy quartermaster, fifty dollars. 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. Sergeant majors and quartermaster sergeants, seven dollars. Senior musicians, six dollars. Sergeants, six dollars. Corporals, five dollars. Privates, three dollars. Musicians, four dollars. Artificers allowed to the infantry, light dragoons, and artillery, and included as privates, eight dollars. Matrons and nurses in the hospital, eight dollars.
- Rations. SEC. 8. *And be it further enacted*, That the rations, or money in lieu thereof, for the commissioned, non-commissioned officers, privates and musicians of the additional troops herein mentioned, shall be the same as described in the aforesaid act, intituled "An act for regulating the military establishment of the United States," and in the act passed in the third session of the first Congress, intituled "An act for raising and adding another regiment to the military establishment of the United States, and for making farther provision for the protection of the frontiers."
- 1790, ch. 10. SEC. 9. *And be it further enacted*, That the forage, to be allowed to the officers of the additional regiments authorized by this act, be the same as described by the acts before mentioned.
- 1791, ch. 28. SEC. 10. *And be it further enacted*, That the allowance of clothing for non-commissioned officers and privates of the infantry of the said three regiments, shall be the same, as is by law established: that suitable clothing be provided for the cavalry, and adapted to the nature of the service, and conformed as near as may be, to the value of the clothing allowed to the infantry and artillery.
- Forage. SEC. 11. *And be it further enacted*, That all the commissioned and non-commissioned officers, privates and musicians of the said three regiments, shall take the same oaths, shall be governed by the same rules and regulations, and in cases of disabilities, shall receive the same
- Clothing. To take an oath.

compensations, as are described in the before-mentioned act, entitled "An act for regulating the military establishment of the United States."

SEC. 12. *And be it further enacted*, That it shall be lawful for the President of the United States, to forbear to raise, or to discharge, after they shall be raised, the whole or any part of the said three additional regiments, in case events shall in his judgment, render his so doing consistent with the public safety.

Discretionary power to President;

SEC. 13. *And be it further enacted*, That the President be, and he hereby is authorized, from time to time, to call into service, and for such periods as he may deem requisite, such number of cavalry as, in his judgment, may be necessary for the protection of the frontiers: *Provided*, That the non-commissioned officers shall not be allowed more than one dollar per day, nor the privates more than seventy-five cents per day, each person finding his horse, arms and accoutrements, and at his own risk, and twenty-five cents per day in lieu of rations and forage: *Provided* he furnish himself therewith.

to call into service cavalry, &c.

their pay;

SEC. 14. *And be it further enacted*, That the President alone be, and he hereby is authorized to appoint, for the cavalry so to be engaged, the proper commissioned officers, who shall not exceed, in number and rank, the proportions assigned to the said three regiments, and whose pay and other allowances shall not, exclusively of fifty cents per day for the use and risk of their horses, exceed those of officers of corresponding rank, in the said regiments.

President to appoint their officers;

SEC. 15. *And be it further enacted*, That the President of the United States be authorized, in case he shall deem the measure expedient, to employ such number of the Indians, and for such compensations, as he may think proper: *Provided*, The said compensations do not, in the whole, exceed twenty thousand dollars.

and may employ Indians.

APPROVED, March 5, 1792.

STATUTE I.

CHAP. X.—*An Act declaring the consent of Congress to a certain Act of the State of Maryland, and to continue for a longer time, an Act declaring the assent of Congress to certain Acts of the States of Maryland, Georgia, and Rhode Island and Providence Plantations, so far as the same respects the States of Georgia, and Rhode Island and Providence Plantations.*

March 19, 1792.

[Expired.]

Act of May 12, 1796, ch. 26.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the consent of Congress be, and is hereby granted and declared to the operation of an act of the general assembly of Maryland, made and passed at a session begun and held at the city of Annapolis, on the first Monday in November last, intituled "An act empowering the wardens of the port of Baltimore to levy and collect the duty therein mentioned."

Consent of Congress to operation of a certain act of Maryland; and

SEC. 2. *And be it further enacted*, That the act, intituled "An act declaring the assent of Congress to certain acts of the states of Maryland, Georgia, and Rhode Island and Providence Plantations," shall be continued, and is hereby declared to be in full force, so far as the same respects the states of Georgia, and Rhode Island and Providence Plantations.

assent to certain acts, Maryland &c. continued as to Georgia and R. Island.

1790, ch. 43.

SEC. 3. *And be it further enacted*, That this act shall be and continue in force for the term of three years, and from thence to the end of the next session of Congress, and no longer.

Limitation.

APPROVED, March 19, 1792.

STATUTE I.

CHAP. XI.—*An Act to provide for the settlement of the Claims of Widows and Orphans barred by the limitations heretofore established, and to regulate the Claims to Invalid Pensions.*

March 23, 1792.

[Expired.]

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

Suspension for two years of certain resolutions of Congress barring claims.

Disabled officers, &c. how to be placed on the pension list.

operation of the resolutions of the late Congress of the United States, passed on the second day of November, one thousand seven hundred and eighty-five, and the twenty-third day of July, one thousand seven hundred and eighty-seven, so far as they have barred, or may be construed to bar the claims of the widow or orphans of any officer of the late army, to the seven years half pay of such officer, shall, from and after the passing this act, be suspended for and during the term of two years.

SEC. 2. *And be it further enacted*, That any commissioned officer, not having received the commutation of half pay, and any non-commissioned officer, soldier or seaman, disabled in the actual service of the United States, during the late war, by wounds or other known cause, who did not desert from the said service, shall be entitled to be placed on the pension list of the United States, during life or the continuance of such disability, and shall also be allowed such farther sum for the arrears of pension, from the time of such disability, not exceeding the rate of the annual allowance, in consequence of his disability, as the circuit court of the district, in which they respectively reside, may think just. *Provided*, That in every such case, the rules and regulations following shall be complied with; that is to say:—First. Every applicant shall attend the court in person, except where it shall be certified by two magistrates that he is unable to do so, and shall produce to the circuit court, the following proofs, to wit:—A certificate from the commanding officer of the ship, regiment, corps or company, in which he served, setting forth his disability, and that he was thus disabled while in the service of the United States; or the affidavits of two credible witnesses to the same effect.—The affidavits of three reputable freeholders of the city, town, or county, in which he resides, ascertaining of their own knowledge, the mode of life, employment, labour, or means of support of such applicant, for the last twelve months.—Secondly. The circuit court, upon receipt of the proofs aforesaid, shall forthwith proceed to examine into the nature of the wound, or other cause of disability of such applicant, and having ascertained the degree thereof, shall certify the same, and transmit the result of their inquiry, in case, in their opinion, the applicant should be put on the pension list, to the Secretary at War, together with their opinion in writing, what proportion of the monthly pay of such applicant will be equivalent to the degree of disability ascertained in manner aforesaid.

Repealed 1793, ch. 17.

Clerk to publish this act, giving notice when the district court meets, &c.

SEC. 3. *And be it further enacted*, That the clerk of the district court, in each district, shall publish this act in such manner as the judge of the district court shall think effectual to give general information thereof to the people of the district, and shall give like information of the times and places of holding the circuit courts in such district. And in districts wherein a circuit court is not directed by law to be holden, the judge of the district court shall be, and he hereby is authorized to exercise all the powers given by this act to the respective circuit courts. And it shall be the duty of the judges of the circuit courts respectively, during the term of two years from the passing of this act, to remain at the places where the said courts shall be holden, five days at the least from the time of opening the sessions thereof, that persons disabled as aforesaid, may have full opportunity to make their application for the relief proposed by this act.

duty of the judges;

Repealed 1793, ch. 17.

of the Secretary at War.

SEC. 4. *And be it further enacted*, That the Secretary at War, upon receipt of the proofs, certificate and opinion aforesaid, shall cause the same to be duly filed in his office, and place the name of such applicant on the pension list of the United States, in conformity thereto: *Provided always*, That in any case, where the said Secretary shall have cause to suspect imposition or mistake, he shall have power to withhold the name of such applicant from the pension list, and make report of the same to Congress, at their next session.

Repealed 1793, ch. 17.

SEC. 5. *And be it further enacted*, That all non-commissioned officers, soldiers and seamen, disabled in the actual service of the United States, during the late war, whose disability and rate of allowance have been ascertained, pursuant to the regulations prescribed by the late Congress, and have not applied to be placed on the pension list, until after the time, limited by the act of Congress for that purpose, was expired, shall now be placed on the pension list, and be entitled to demand and receive their respective pensions, according to the allowances ascertained as aforesaid, any thing in this act, or any act of the late Congress, to the contrary, notwithstanding.

Disabled persons barred by limitations, to be placed on Pension list.

1793, ch. 17, sec. 3.

SEC. 6. *And be it further enacted*, That from and after the passing of this act, no sale, transfer or mortgage of the whole or any part of the pension or arrearages of pension, payable to any non-commissioned officer, soldier or seaman, before the same shall become due, shall be valid. And every person, claiming such pension or arrears of pension, or any part thereof, under power of attorney or substitution, shall, before the same is paid, make oath or affirmation before some justice of the peace of the place where the same is payable, that such power or substitution is not given by reason of any transfer of such pension, or arrears of pension, and any person, who shall swear or affirm falsely in the premises, and be thereof convicted shall suffer, as for wilful and corrupt perjury.

Transfer, &c. of pension, before due, not valid, and how paid to attorney, &c.

Altered 1806, ch. 25, sec. 8.

APPROVED, March 23, 1792.

STATUTE I.

March 27, 1792.

CHAP. XII.—*An Act providing for the settlement of the Claims of Persons under particular circumstances barred by the limitations heretofore established.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the operation of the resolutions of the late Congress of the United States, passed on the second day of November, one thousand seven hundred and eighty-five, and the twenty-third day of July, one thousand seven hundred and eighty-seven, so far as they have barred, or may be construed to bar the claims of any officer, soldier, artificer, sailor or marine of the late army or navy of the United States, for personal services rendered to the United States, in the military or naval department, shall from and after the passing of this act, be suspended, for and during the term of two years. And that every such officer, soldier, artificer, sailor and marine having claims for services rendered to the United States, in the military or naval departments, who shall exhibit the same, for liquidation, at the treasury of the United States, at any time during the said term of two years, shall be entitled to an adjustment, and allowance thereof on the same principles, as if the same had been exhibited, within the term prescribed by the aforesaid resolutions of Congress: *Provided*, That nothing herein shall be construed to extend to claims for rations or subsistence money.

Limitations of claims by certain resolutions, suspended for two years;

not to extend to claims for rations, &c.

SEC. 2. *And be it further enacted*, That no balances hereafter to be certified, as due from the United States, shall be registered in any other name, than that of the original claimant, or of his heirs, executors or administrators; and such balances shall be transferable only at the treasury, by virtue of powers actually executed after such registry, expressing the sum to be transferred, and in pursuance of such general rules, as have been, or shall be prescribed for that purpose.

Balances to be registered in name of original claimant, &c.

APPROVED, March 27, 1792.

STATUTE I.

March 28, 1792.

CHAP. XIV.—*An Act supplemental to the act for making farther and more effectual provision for the protection of the frontiers of the United States.*

[Obsolete.]
1795, ch. 44,
sec. 18.

President of
the U. S. may
appoint not
more than four
B. Generals.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the President of the United States, by and with the advice and consent of the Senate, to appoint such number of brigadier generals as may be conducive to the good of the public service. Provided the whole number appointed or to be appointed, shall not exceed four.

APPROVED, March 28, 1792.

STATUTE I.

April 2, 1792.

CHAP. XV.—*An Act for finishing the Lighthouse on Baldhead at the mouth of Cape Fear river in the State of North Carolina.*

[Obsolete.]

Secretary of
Treasury to fin-
ish the light-
house on Bald-
head in North
Carolina.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury, under the direction of the President of the United States, be authorized, as soon as may be, to cause to be finished in such manner as shall appear advisable, the lighthouse heretofore begun under the authority of the state of North Carolina, on Baldhead at the mouth of Cape Fear river in the said state: And that a sum, not exceeding four thousand dollars, be appropriated for the same, out of any monies heretofore appropriated, which may remain unexpended, after satisfying the purposes for which they were appropriated, or out of any other monies, which may be in the treasury, not subject to any prior appropriation.

APPROVED, April 2, 1792.

STATUTE I.

April 2, 1792.

CHAP. XVI.—*An Act establishing a Mint, and regulating the Coins of the United States.*(a)

Mint estab-
lished at the
seat of govern-
ment.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, and it is hereby enacted and declared,* That a mint for the purpose of a national coinage be, and the same is established; to be situate and carried on at the seat of the government of the United States, for the time being: And that for the well conducting of the business of the said mint, there shall be the following officers and persons, namely,—a Director, an Assayer, a Chief Coiner, an Engraver, a Treasurer.

Director to
employ work-
men, &c.

SEC. 2. *And be it further enacted,* That the Director of the mint shall employ as many clerks, workmen and servants, as he shall from time to time find necessary, subject to the approbation of the President of the United States.

SEC. 3. *And be it further enacted,* That the respective functions and

(a) The acts establishing and regulating the mint of the United States, and for regulating coins, have been: An act establishing a mint and regulating the coins of the United States passed April 2, 1792, chap. 16; an act regulating foreign coins, and for other purposes, February 9, 1793, chap. 5; an act in alteration of the act establishing a mint and regulating the coins of the United States, March 3, 1794, chap. 4; an act supplementary to the act entitled, "An act to establish a mint and regulating the coins of the United States," passed March 3, 1795, chap. 47; an act respecting the mint, May 27, 1796, chap. 33; an act respecting the mint, April 24, 1800, chap. 34; an act concerning the mint, March 3, 1801, chap. 21; an act to prolong the continuance of the mint at Philadelphia, January 14, 1818, chap. 4; an act further to prolong the continuance of the mint at Philadelphia, March 3, 1823, chap. 42; an act to continue the mint at the city of Philadelphia, and for other purposes, May 19, 1828, chap. 67; an act concerning the gold coins of the United States, and for other purposes, June 28, 1834, chap. 95; an act to establish branches of the mint of the United States, March 3, 1835, chap. 37; an act supplementary to an act entitled, "An act establishing a mint, and regulating the coins of the United States," January 18, 1837, chap. 3; an act to amend an act entitled, "An act to establish branches of the mint of the United States," February 13, 1837, chap. 14; an act amendatory of an act establishing the branch mint at Dan-
longa, Georgia, and defining the duties of the assayer and coiner, February 27, 1843, chap. 46.

duties of the officers above mentioned shall be as follow: The Director of the mint shall have the chief management of the business thereof, and shall superintend all other officers and persons who shall be employed therein. The Assayer shall receive and give receipts for all metals which may lawfully be brought to the mint to be coined; shall assay all such of them as may require it, and shall deliver them to the Chief Coiner to be coined. The Chief Coiner shall cause to be coined all metals which shall be received by him for that purpose, according to such regulations as shall be prescribed by this or any future law. The Engraver shall sink and prepare the necessary dies for such coinage, with the proper devices and inscriptions, but it shall be lawful for the functions and duties of Chief Coiner and Engraver to be performed by one person. The Treasurer shall receive from the Chief Coiner all the coins which shall have been struck, and shall pay or deliver them to the persons respectively to whom the same ought to be paid or delivered: he shall moreover receive and safely keep all monies which shall be for the use, maintenance and support of the mint, and shall disburse the same upon warrants signed by the Director.

Duty of the officers.

Assayer.
Act of March 3, 1794, ch. 4, sec. 2.
Chief Coiner.

Engraver.

Treasurer.

SEC. 4. *And be it further enacted*, That every officer and clerk of the said mint shall, before he enters upon the execution of his office, take an oath or affirmation before some judge of the United States faithfully and diligently to perform the duties thereof.

To take oath.

SEC. 5. *And be it further enacted*, That the said assayer, chief coiner and treasurer, previously to entering upon the execution of their respective offices, shall each become bound to the United States of America, with one or more sureties to the satisfaction of the Secretary of the Treasury, in the sum of ten thousand dollars, with condition for the faithful and diligent performance of the duties of his office.

And give bond.
Act of March 3, 1794, ch. 4, sec. 2.

SEC. 6. *And be it further enacted*, That there shall be allowed and paid as compensations for their respective services—To the said director, a yearly salary of two thousand dollars, to the said assayer, a yearly salary of one thousand five hundred dollars, to the said chief coiner, a yearly salary of one thousand five hundred dollars, to the said engraver, a yearly salary of one thousand two hundred dollars, to the said treasurer, a yearly salary of one thousand two hundred dollars, to each clerk who may be employed, a yearly salary not exceeding five hundred dollars, and to the several subordinate workmen and servants, such wages and allowances as are customary and reasonable, according to their respective stations and occupations.^(a)

Salaries.

SEC. 7. *And be it further enacted*, That the accounts of the officers and persons employed in and about the said mint and for services performed in relation thereto, and all other accounts concerning the business and administration thereof, shall be adjusted and settled in the treasury department of the United States, and a quarter yearly account of the receipts and disbursements of the said mint shall be rendered at the said treasury for settlement according to such forms and regulations as shall have been prescribed by that department; and that once in each year a report of the transactions of the said mint, accompanied by an abstract of the settlements which shall have been from time to time made, duly certified by the comptroller of the treasury, shall be laid before Congress for their information.

Accounts how and where to be settled.

SEC. 8. *And be it further enacted*, That in addition to the authority vested in the President of the United States by a resolution of the last session, touching the engaging of artists and the procuring of apparatus

President of U. S. to cause buildings to be provided.

^(a) The acts relating to the salaries of the officers of the mint now in force, are: An act to continue the mint in the city of Philadelphia, May 19, 1828, chap. 67, sec. 6; an act supplementary to the act entitled, "An act establishing a mint, and regulating the coins of the United States," January 13, 1837, chap. 3, sec. 7; an act to establish branches of the mint of the United States, Feb. 13, 1837, chap. 14, sec. 2.

for the said mint, the President be authorized, and he is hereby authorized to cause to be provided and put in proper condition such buildings, and in such manner as shall appear to him requisite for the purpose of carrying on the business of the said mint; and that as well the expenses which shall have been incurred pursuant to the said resolution as those which may be incurred in providing and preparing the said buildings, and all other expenses which may hereafter accrue for the maintenance and support of the said mint, and in carrying on the business thereof, over and above the sums which may be received by reason of the rate per centum for coinage herein after mentioned, shall be defrayed from the treasury of the United States, out of any monies which from time to time shall be therein, not otherwise appropriated.

expense how to be defrayed.

Species of the coins to be struck.

Eagles.

Half Eagles.

Quarter Eagles.

Dollars or Units.

Half Dollars.

Quarter Dollars.

Dimes.

Half Dimes.

Cents.

Half Cents.
Act of May 8, 1792.

Of what devices.

SEC. 9. *And be it further enacted*, That there shall be from time to time struck and coined at the said mint, coins of gold, silver, and copper, of the following denominations, values and descriptions, viz. **EAGLES**—each to be of the value of ten dollars or units, and to contain two hundred and forty-seven grains and four eighths of a grain of pure, or two hundred and seventy grains of standard gold. **HALF EAGLES**—each to be of the value of five dollars, and to contain one hundred and twenty-three grains and six eighths of a grain of pure, or one hundred and thirty-five grains of standard gold. **QUARTER EAGLES**—each to be of the value of two dollars and a half dollar, and to contain sixty-one grains and seven eighths of a grain of pure, or sixty-seven grains and four eighths of a grain of standard gold. **DOLLARS OR UNITS**—each to be of the value of a Spanish milled dollar as the same is now current, and to contain three hundred and seventy-one grains and four sixteenth parts of a grain of pure, or four hundred and sixteen grains of standard silver. **HALF DOLLARS**—each to be of half the value of the dollar or unit, and to contain one hundred and eighty-five grains and ten sixteenth parts of a grain of pure, or two hundred and eight grains of standard silver. **QUARTER DOLLARS**—each to be of one fourth the value of the dollar or unit, and to contain ninety-two grains and thirteen sixteenth parts of a grain of pure, or one hundred and four grains of standard silver. **DIMES**—each to be of the value of one tenth of a dollar or unit, and to contain thirty-seven grains and two sixteenth parts of a grain of pure, or forty-one grains and three fifth parts of a grain of standard silver. **HALF DIMES**—each to be of the value of one twentieth of a dollar, and to contain eighteen grains and nine sixteenth parts of a grain of pure, or twenty grains and four fifth parts of a grain of standard silver. **CENTS**—each to be of the value of the one hundredth part of a dollar, and to contain eleven penny-weights of copper. **HALF CENTS**—each to be of the value of half a cent, and to contain five penny-weights and half a penny-weight of copper. (a)

SEC. 10. *And be it further enacted*, That, upon the said coins respectively, there shall be the following devices and legends, namely: Upon one side of each of the said coins there shall be an impression emblematic of liberty, with an inscription of the word Liberty, and the year of the coinage; and upon the reverse of each of the gold and silver coins there shall be the figure or representation of an eagle, with this inscription, "UNITED STATES OF AMERICA" and upon the reverse of each of the copper coins, there shall be an inscription which shall express the denomination of the piece, namely, cent or half cent, as the case may require.

SEC. 11. *And be it further enacted*, That the proportional value of gold to silver in all coins which shall by law be current as money within

(a) The acts regulating the gold and silver coins of the United States, are: An act establishing a mint and regulating the coins of the United States, April 2, 1792, chap. 16, sec. 9; an act concerning the gold coins of the United States, and for other purposes, June 23, 1834, chap. 9; an act supplementary to the act entitled, "An act to establish a mint, and regulating the coins of the United States, January 18, 1837, chap. 3, sec. 8, 9, 10.

the United States, shall be as fifteen to one, according to quantity in weight, of pure gold or pure silver; that is to say, every fifteen pounds weight of pure silver shall be of equal value in all payments, with one pound weight of pure gold, and so in proportion as to any greater or less quantities of the respective metals.^(a)

Proportional value of gold to silver.

SEC. 12. *And be it further enacted*, That the standard for all gold coins of the United States shall be eleven parts fine to one part alloy; and accordingly that eleven parts in twelve of the entire weight of each of the said coins shall consist of pure gold, and the remaining one twelfth part of alloy; and the said alloy shall be composed of silver and copper, in such proportions not exceeding one half silver as shall be found convenient; to be regulated by the director of the mint, for the time being, with the approbation of the President of the United States, until further provision shall be made by law. And to the end that the necessary information may be had in order to the making of such further provision, it shall be the duty of the director of the mint, at the expiration of a year after commencing the operations of the said mint, to report to Congress the practice thereof during the said year, touching the composition of the alloy of the said gold coins, the reasons for such practice, and the experiments and observations which shall have been made concerning the effects of different proportions of silver and copper in the said alloy.^(b)

Standard for gold coins, and alloy how to be regulated.

Director to report the practice of the mint touching the alloy of gold coins.

SEC. 13. *And be it further enacted*, That the standard for all silver coins of the United States, shall be one thousand four hundred and eighty-five parts fine to one hundred and seventy-nine parts alloy; and accordingly that one thousand four hundred and eighty-five parts in one thousand six hundred and sixty-four parts of the entire weight of each of the said coins shall consist of pure silver, and the remaining one hundred and seventy-nine parts of alloy; which alloy shall be wholly of copper.^(c)

Standard for silver coins—alloy how to be regulated.

Alloy.

SEC. 14. *And be it further enacted*, That it shall be lawful for any person or persons to bring to the said mint gold and silver bullion, in order to their being coined; and that the bullion so brought shall be there assayed and coined as speedily as may be after the receipt thereof, and that free of expense to the person or persons by whom the same shall have been brought. And as soon as the said bullion shall have been coined, the person or persons by whom the same shall have been delivered, shall upon demand receive in lieu thereof coins of the same species of bullion which shall have been so delivered, weight for weight, of the pure gold or pure silver therein contained: *Provided nevertheless*, That it shall be at the mutual option of the party or parties bringing such bullion, and of the director of the said mint, to make an immediate exchange of coins for standard bullion, with a deduction of one half per cent. from the weight of the pure gold, or pure silver contained in the said bullion, as an indemnification to the mint for the time which will necessarily be required for coining the said bullion, and for the advance which shall have been so made in coins. And it shall be the duty of the Secretary of the Treasury to furnish the said mint from time to time whenever the state of the treasury will admit thereof, with such sums as may be necessary for effecting the said exchanges, to be replaced as speedily as may be out of the coins which shall have been made of the bullion for which the monies so furnished shall have been exchanged; and the said deduction of one half per cent. shall constitute a fund towards defraying the expenses of the said mint.

Persons may bring gold and silver bullion, to be coined free of expense;

Act of April 24, 1800, ch. 34. how the director may exchange coins therefor, deducting half per cent.

Duty of Secretary of Treasury herein.

The half per cent. to constitute a fund, &c.

SEC. 15. *And be it further enacted*, That the bullion which shall be brought as aforesaid to the mint to be coined, shall be coined, and the equivalent thereof in coins rendered, if demanded, in the order in which

Order of delivering coins to persons bringing bullion, and

(a) See note to section 9.

(b) See note to section 9.

(c) See note to section 9.

penalty on giving undue preference, &c.
Act of March 3, 1795, ch. 86.

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.

Coins made a lawful tender,

SEC. 16. *And be it further enacted,* That all the gold and silver coins which shall have been struck at, and issued from the said mint, shall be a lawful tender in all payments whatsoever, those of full weight according to the respective values herein before declared, and those of less than full weight at values proportional to their respective weights.

and to be made conformable to the standard weights, &c.

SEC. 17. *And be it further enacted,* That it shall be the duty of the respective officers of the said mint, carefully and faithfully to use their best endeavours that all the gold and silver coins which shall be struck at the said mint shall be, as nearly as may be, conformable to the several standards and weights aforesaid, and that the copper whereof the cents and half cents aforesaid may be composed, shall be of good quality.

The Treasurer to reserve not less than three pieces or each coin to be assayed;

SEC. 18. And the better to secure a due conformity of the said gold and silver coins to their respective standards, *Be it further enacted,* That from every separate mass of standard gold or silver, which shall be made into coins at the said mint, there shall be taken, set apart by the treasurer and reserved in his custody a certain number of pieces, not less than three, and that once in every year the pieces so set apart and reserved, shall be assayed under the inspection of the Chief Justice of the United States, the Secretary and Comptroller of the Treasury, the Secretary for the department of State, and the Attorney General of the United States, (who are hereby required to attend for that purpose at the said mint, on the last Monday in July in each year,) or under the inspection of any three of them, in such manner as they or a majority of them shall direct, and in the presence of the director, assayer and chief coiner of the said mint; and if it shall be found that the gold and silver so assayed, shall not be inferior to their respective standards herein before declared more than one part in one hundred and forty-four parts, the officer or officers of the said mint whom it may concern shall be held excusable; but if any greater inferiority shall appear, it shall be certified to the President of the United States, and the said officer or officers shall be deemed disqualified to hold their respective offices.

when and by whom, &c.

Penalty on debasing the coins.

SEC. 19. *And be it further enacted,* That if any of the gold or silver coins which shall be struck or coined at the said mint shall be debased or made worse as to the proportion of fine gold or fine silver therein contained, or shall be of less weight or value than the same ought to be pursuant to the directions of this act, through the default or with the connivance of any of the officers or persons who shall be employed at the said mint, for the purpose of profit or gain, or otherwise with a fraudulent intent, and if any of the said officers or persons shall embezzle any of the metals which shall at any time be committed to their charge for the purpose of being coined, or any of the coins which shall be struck or coined at the said mint, every such officer or person who shall commit any or either of the said offences, shall be deemed guilty of felony, and shall suffer death.

Money of account to be expressed in dollars, &c.

SEC. 20. *And be it further enacted,* 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 thou-

sandth part of a dollar, and that all accounts in the public offices and all proceedings in the courts of the United States shall be kept and had in conformity to this regulation.

APPROVED, April 2, 1792.

STATUTE I.

CHAP. XVII.—*An Act supplementary to the act for the establishment and support of lighthouses, beacons, buoys, and public piers.*

April 12, 1792.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all expenses which shall accrue from the first day of July next, inclusively, for the necessary support, maintenance, and repairs of all lighthouses, beacons, buoys, the stakeage of channels, on the sea-coast, and public piers, shall continue to be defrayed by the United States, until the first day of July, in the year one thousand seven hundred and ninety-three, notwithstanding such lighthouses, beacons, or public piers, with the lands and tenements thereunto belonging, and the jurisdiction of the same, shall not in the mean time be ceded to, or vested in the United States, by the state or states respectively, in which the same may be, and that the said time be further allowed, to the states respectively to make such cession.

Expenses of beacons, &c. to be borne till July 1793.

1793, ch. 27.

SEC. 2. *And be it further enacted,* That the secretary of the treasury be authorized to cause to be provided, erected, and placed, a floating beacon, and as many buoys, as may be necessary for the security of navigation, at and near the entrance of the harbor of Charleston, in the state of South Carolina. And also to have affixed three floating beacons in the bay of Chesapeak; one at the north end of Willoughby's Spit, another at the tail of the Horse Shoe; and the third on the shoalest place of the middle ground.

Floating beacons to be placed at Charleston harbor and Chesapeake bay.

APPROVED, April 12, 1792.

STATUTE I.

CHAP. XVIII.—*An Act to erect a Lighthouse on Montok Point in the state of New York.*

April 12, 1792.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as soon as the jurisdiction of such land on Montok Point in the state of New York as the President of the United States shall deem sufficient and most proper for the convenience and accommodation of a lighthouse shall have been ceded to the United States it shall be the duty of the secretary of the treasury, to provide by contract which shall be approved by the President of the United States, for building a lighthouse thereon, and for furnishing the same with all necessary supplies, and also to agree for the salaries or wages of the person or persons who may be appointed by the President for the superintendence and care of the same; and the President is hereby authorized to make the said appointments. That the number and disposition of the lights in the said lighthouse shall be such as may tend to distinguish it from others, and as far as is practicable, prevent mistakes.

Lighthouse on certain conditions to be built on Montok Point in State of N. Y.

APPROVED, April 12, 1792.

The following act of Congress, although strictly a private act, has application to so large a body of lands in the state of Ohio, as to justify its insertion in the form of a note.

An act for ascertaining the Bounds of a Tract of Land purchased by John Cleves Symmes.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States 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

STATUTE I.

April 12, 1792. **CHAP. XX.**—*An Act for fixing the compensations of the Doorkeepers of the Senate and House of Representatives in Congress.*

Salary of doorkeepers of Congress after present session.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the termination of the present session of Congress, the doorkeepers of the Senate and House of Representatives, shall each be allowed a salary of five hundred dollars per annum, in full compensation for their services in the said offices; and that the assistant doorkeeper to each house shall be allowed in full compensation for all his services, the sum of four hundred and fifty dollars per annum. And it shall be the duty of the said doorkeepers to do the usual services pertaining to their respective offices during the session of Congress, and in the recess, under the direction of the secretary of the Senate and clerk of the House of Representatives, to take care of the apartments occupied by the respective houses, and provide fuel and other accommodations for their subsequent session. And the said compensations shall be certified and paid in like manner as is provided by law, for the other officers of the Senate and House of Representatives.

1802, ch. 35.

1789, ch. 17,
sec. 5, 6.

APPROVED, April 12, 1792.

STATUTE I.

April 13, 1792. **CHAP. XXI.**—*An Act for altering the times of holding the Circuit Courts, in certain districts of the United States, and for other purposes.*

[Obsolete.]
Times for holding circuit courts in certain districts altered.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the passing of this act the circuit courts in the districts of North Carolina and Georgia shall be held as follows, to wit: In the district of North Carolina on the first day of June, and the thirtieth day of November at Newbern, in the present and each succeeding year. And all writs and recognizances returnable and suits and other proceedings that were continued to the circuit court for the district of North Carolina on the eighteenth day of June next, shall now be returned and held continued to the same court on the first day of June next. In the district of Georgia on the twenty-fifth day of April at Savannah and on the eighth day of November at Augusta in the present and each succeeding year, except when any of those days shall happen on a Sunday, in which case the court shall be held on the Monday following.

1797, ch. 35.

When sessions of the eastern circuit shall commence.

SEC. 2. *And be it further enacted,* That the sessions of the circuit courts in the eastern circuit shall in the present and every succeeding year commence at the times following, that is to say: In New York district on the fifth day of April and the fifth day of September. In Connecticut district on the twenty-fifth day of April and the twenty-fifth day of September. In Massachusetts district on the twelfth day of May and the twelfth day of October. In New Hampshire district on the twenty-fourth day of May and the twenty-fourth day of October; and in Rhode Island district on the seventh day of June and the seventh day of November, except when any of those days shall happen on a Sunday, and then the sessions shall commence on the next day following. And the sessions of the circuit court shall be held in the district of Virginia at the city of Richmond only. In New Hampshire district at Ports-

be bounded by the river Ohio on the south, by the Great Miami on the west, by the Little Miami on the east, and by a parallel of latitude on the north extending from the Great Miami to the Little Miami, so as to comprehend the proposed quantity of one million of acres, provided that the northern limits of the said tract shall not interfere with the boundary line established by the treaty of Fort Harmar, between the United States and the Indian nations, and provided also, that the President reserve to the United States, such lands at, and near Fort Washington, as he may think necessary for the accommodation of a garrison at that fort.

APPROVED, April 12, 1792.

mouth and Exeter alternately, beginning at the first. In Massachusetts district at Boston. In Rhode Island district at Newport and Providence alternately, beginning at the first. In Connecticut district at Hartford and New Haven alternately beginning at the last. And in New York district at the city of New York only.

SEC. 3. *And be it enacted*, That at each session of the supreme court of the United States, or as soon after as may be, the judges of the supreme court attending at such session shall, in writing subscribed with their names (which writing shall be lodged with the clerk of the supreme court and safely kept in his office), assign to the said judges respectively the circuits which they are to attend at the ensuing sessions of the circuit courts; which assignment shall be made in such manner that no judge, unless by his own consent, shall have assigned to him any circuit which he hath already attended, until the same hath been afterwards attended by every other of the said judges. *Provided always*, That if the public service or the convenience of the judges shall at any time, in their opinion, require a different arrangement, the same may take place with the consent of any four of the judges of the supreme court. (a)

Judges of supreme court at each session to determine the circuits they are respectively to attend, &c.

SEC. 4. *And be it further enacted*, That the district court for the district of Maine, which, by the act, intituled "An act to establish the judicial courts of the United States," is holden on the first Tuesday of June, annually, at Portland, shall, from and after the passing of this act, be holden on the third Tuesday of June, annually, any thing in the act aforesaid to the contrary notwithstanding: and all writs and recognizances returnable, and suits and other proceedings, that were continued to the district court for the district of Maine on the first Tuesday of June next, shall now be returnable and held continued to the same court, on the third Tuesday of June next.

Session of Maine district,

1789, ch. 20.

1802, ch. 31, sec. 22.

SEC. 5. *And be it further enacted*, That the stated district courts for the district of North Carolina shall, in future, be held at the towns of Newbern, Wilmington and Edenton in rotation, beginning at Newbern, as the said court now stands adjourned.

and of N. Carolina altered.

1797, ch. 27, sec. 2.

APPROVED, April 13, 1792.

STATUTE I.

CHAP. XXIII.—*An Act for apportioning Representatives among the several States, according to the first enumeration.*

April 14, 1792.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the third day of March one thousand seven hundred and ninety-three, the House of Representatives shall be composed of members elected agreeably to a ratio of one member for every thirty-three thousand persons in each state, computed according to the rule prescribed by the constitution; that is to say: Within the state of New Hampshire, four; within the state of Massachusetts, fourteen; within the state of Vermont, two; within the state of Rhode Island, two; within the state of Connecticut, seven; within the state of New York, ten; within the state of New Jersey, five; within the state of Pennsylvania, thirteen; within the state of Delaware, one; within the state of Maryland, eight; within the state of Virginia, nineteen; within the state of Kentucky, two; within the state of North Carolina, ten; within the state of South Carolina, six; and within the state of Georgia, two members.

[Obsolete.] Apportionment of representatives to Congress according to first enumeration.

1791, ch. 9.
1802, ch. 1.
1811, ch. 9.
1820, ch. 37.
1832, ch. 91.
1842, ch. 25.

APPROVED, April 14, 1792.

(a) The provisions of the acts of Congress relating to the assignment of the circuits to the justices of the Supreme Court, have been: Act of April 13, 1792, sec. 3; act of March 2, 1793; act of April 29, 1802, sec. 5; act of March 3, 1803; act of March 3, 1837.

STATUTE I.
April 14, 1792.

CHAP. XXIV.—*An Act concerning Consuls and Vice-Consuls.*

For carrying into full effect the convention between the King of the French, and the United States of America, entered into for the purpose of defining and establishing the functions and privileges of their respective Consuls and Vice-Consuls;

Duty of Consuls and district judges concerning wrecks.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That where in the seventh article of the said convention, it is agreed that when there shall be no consul or vice-consul of the King of the French, to attend to the saving of the wreck of any French vessels stranded on the coasts of the United States, or that the residence of the said consul, or vice-consul (he not being at the place of the wreck) shall be more distant from the said place than that of the competent judge of the country, the latter shall immediately proceed to perform the office therein prescribed; the district judge of the United States of the district in which the wreck shall happen, shall proceed therein, according to the tenor of the said article. And in such cases it shall be the duty of the officers of the customs within whose districts such wrecks shall happen, to give notice thereof, as soon as may be, to the said judge, and to aid and assist him to perform the duties hereby assigned to him. The district judges of the United States shall also, within their respective districts be the competent judges, for the purposes expressed in the ninth article of the said convention, and it shall be incumbent on them to give aid to the consuls and vice-consuls of the King of the French, in arresting and securing deserters from vessels of the French nation according to the tenor of the said article.

Duty of Marshals.

And where by any article of the said convention, the consuls and vice-consuls of the King of the French, are entitled to the aid of the competent executive officers of the country, in the execution of any precept, the marshals of the United States and their deputies shall, within their respective districts, be the competent officers, and shall give their aid according to the tenor of the stipulations.

Where commitments shall be made.

And whenever commitments to the jails of the country shall become necessary in pursuance of any stipulation of the said convention, they shall be to such jails within the respective districts as other commitments under the authority of the United States are by law made.

(a) Act of July 6, 1797, chap. 12; act of February 28, 1803, chap. 9; act of February 28, 1811, chap. 23; act of March 3, 1813, chap. 42, sec. 6. 1810, ch. 39.

The decisions of the courts of the United States upon the powers, duties, and obligations of consuls, have been:

A foreign consul has a right to claim or institute a proceeding in rem where the rights of property of his fellow-citizens are in question, without a special procurator from those for whose benefit he acts. *The Bello Corrunnes*, 6 Wheat. 152; 5 Cond. Rep. 45.

A consul cannot receive actual restitution of the res in controversy, without a special authority. To watch over the rights and interests of their subjects, wherever the pursuits of commerce may draw them, or the vicissitudes of human affairs may force them, are the great objects for which consuls are deputed by their sovereigns. *Ibid.*

As an abstract question, it is difficult to understand on what ground a state can claim jurisdiction of civil suits against consuls. By the constitution, the judicial power of the courts of the United States, extends to all cases affecting ambassadors, other public ministers, and consuls, exclusive of the courts of the several states, and the judiciary act gives the district courts jurisdiction of all suits against consuls and vice consuls, except for certain offences enumerated in the act. *Davis v. Packard*, 7 Peters, 276.

Consuls are subject to indictment for misdemeanor in the courts of the United States. *United States v. Ravara*, 2 Dall. 297.

A consul is not personally answerable for a contract made in his official capacity on account of his government. *Jones v. Le Tombe*, 3 Dall. 384.

The advice of an American consul in a foreign port, gives to the master of a vessel no justification for an illegal act. *Wilson v. The Mary*, Gilpin's D. C. R. 31.

A consul's certificate of any fact is not evidence between third persons, unless expressly or impliedly made so by statute. *Levy v. Burley*, 2 Sumner's C. C. R. 355.

Under the consular act of 1803, the penalty of 500 dollars for not depositing the ship's register with the consul, on arrival at a foreign port, must be sued for within two years, the limitation prescribed by the act of 1790; it not being a revenue law within the meaning of the act of 1804. *Parsons v. Hunter*, 2 Sumner's C. C. R. 419.

And for the direction of the consuls and vice-consuls of the United States in certain cases.

SEC. 2. *Be it enacted by the authority aforesaid,* That they shall have right in the ports or places to which they are or may be severally appointed of receiving the protests or declarations, which such captains, masters, crews, passengers and merchants, as are citizens of the United States may respectively choose to make there; and also such as any foreigner may choose to make before them relative to the personal interest of any citizens of the United States; and the copies of the said acts duly authenticated by the said consuls or vice-consuls, under the seal of their consulates, respectively, shall receive faith in law, equally as their originals would in all courts in the United States. It shall be their duty where the laws of the country permit, to take possession of the personal estate left by any citizen of the United States, other than seamen belonging to any ship or vessel who shall die within their consulate; leaving there no legal representative, partner in trade or trustee by him appointed to take care of his effects, they shall inventory the same with the assistance of two merchants of the United States, or for want of them, of any others at their choice; shall collect the debts due to the deceased in the country where he died, and pay the debts due from his estate which he shall have there contracted; shall sell at auction after reasonable public notice such part of the estate as shall be of a perishable nature and such further part, if any, as shall be necessary for the payment of his debts, and at the expiration of one year from his decease, the residue; and the balance of the estate they shall transmit to the treasury of the United States, to be holden in trust for the legal claimants. But if at any time before such transmission, the legal representative of the deceased shall appear and demand his effects in their hands, they shall deliver them up, being paid their fees, and shall cease their proceedings.

Right of Consuls and Vice Consuls,

to take charge of personal estates of deceased persons, &c.

To collect debts, &c. and transmit balance to the Treasury of the U. S. if not called for by legal representative.

For the information of the representative of the deceased, it shall be the duty of the consul or vice-consul authorized to proceed as aforesaid in the settlement of his estate, immediately to notify his death in one of the gazettes published in the consulate, and also to the Secretary of State, that the same may be notified in the state to which the deceased shall belong; and he shall also, as soon as may be, transmit to the Secretary of State, an inventory of the effects of the deceased taken as before directed.

Consul to notify the death in a gazette published in the consulate.

SEC. 3. *And be it further enacted,* That the said consuls and vice-consuls, in cases where ships or vessels of the United States shall be stranded on the coasts of their consulates respectively, shall, as far as the laws of the country will permit, take proper measures, as well for the purpose of saving the said ships or vessels, their cargoes and appurtenances, as for storing and securing the effects and merchandise saved, and for taking an inventory or inventories thereof; and the merchandise and effects saved with the inventory or inventories thereof taken as aforesaid, shall, after deducting therefrom the expense, be delivered to the owner or owners. *Provided,* That no consul or vice-consul shall have authority to take possession of any such goods, wares, merchandise or other property, when the master, owner or consignee thereof is present or capable of taking possession of the same.

Duty as to stranded vessels.

SEC. 4. *And be it further enacted,* That it shall and may be lawful for every consul and vice-consul of the United States, to take and receive the following fees of office for the services which he shall have performed.

Fees.

For authenticating under the consular seal, every protest, declaration, deposition, or other act, which such captains, masters, mariners, seamen, passengers, merchants or others as are citizens of the United States may respectively choose to make, the sum of two dollars.

For the taking into possession, inventorying, selling and finally settling and paying, or transmitting as aforesaid, the balance due on the personal estate left by any citizen of the United States who shall die within the limits of his consulate, five per centum on the gross amount of such estate.

For taking into possession and otherwise proceeding on any such estate which shall be delivered over to the legal representative before a final settlement of the same, as is herein before directed, two and an half per centum on such part delivered over as shall not be in money, and five per centum on the gross amount of the residue.

Consuls to receipt for them.

And it shall be the duty of the consuls and vice-consuls of the United States, to give receipts for all fees which they shall receive by virtue of this act, expressing the particular services for which they are paid.

President authorized to grant a salary to Consuls in Barbary. 1797, ch. 12.

SEC. 5. *And be it further enacted*, That in case it be found necessary for the interest of the United States, that a consul or consuls be appointed to reside on the coast of Barbary, the President be authorized to allow an annual salary, not exceeding two thousand dollars to each person so to be appointed: *Provided*, That such salary be not allowed to more than one consul for any one of the states on the said coast.

Consuls to give bond with sureties to be approved by the Secretary of State;

SEC. 6. *And be it further enacted*, That every consul and vice-consul shall, before they enter on the execution of their trusts, or if already in the execution of the same, within one year from the passing of this act, or if resident in Asia, within two years, give bond with such sureties as shall be approved by the Secretary of State, in a sum of not less than two thousand nor more than ten thousand dollars, conditioned for the true and faithful discharge of the duties of his office according to law, and also for truly accounting for all monies, goods and effects which may come into his possession by virtue of this act: and the said bond shall be lodged in the office of the Secretary of the Treasury.

where to be lodged.

Provision for mariners left in foreign ports.

Repealed by the fifth section of the Act of Feb. 28, 1803.

SEC. 7. *And be it further enacted*, That to prevent the mariners and seamen, employed in vessels belonging to citizens of the United States, in cases of shipwreck, sickness or captivity, from suffering in foreign ports, it shall be the duty of the consuls and vice-consuls respectively, from time to time to provide for them in the most reasonable manner, at the expense of the United States, subject to such instructions as the Secretary of State shall give, and not exceeding an allowance of twelve cents to a man per diem; and all masters and commanders of vessels belonging to citizens of the United States, and bound to some port of the same, are hereby required and enjoined to take such mariners or seamen on board of their ships or vessels, at the request of the said consuls or vice-consuls respectively, and to transport them to the port, in the United States to which such ships or vessels may be bound free of costs or charge; but that the said mariners or seamen shall, if able, be bound to do duty on board such ships or vessels according to their several abilities: *Provided*, That no master or captain of any ship or vessel, shall be obliged to take a greater number than two men to every one hundred tons burthen of the said ship or vessel, on any one voyage: and if any such captain or master shall refuse the same on the request or order of the consul or vice-consul, such captain or master shall forfeit and pay the sum of thirty dollars for each mariner or seaman so refused, to be recovered for the benefit of the United States by the said consul or vice-consul in his own name, in any court of competent jurisdiction.

Duty of masters of vessels respecting discharged seamen and of Consuls neglecting it.

Repealed by the 5th section

SEC. 8. *And be it further enacted*, That where a ship or vessel belonging to citizens of the United States is sold in a foreign port or place, the master, unless the crew are liable by their contract or do consent to be discharged there, shall send them back to the state where they entered on board, or furnish them with means sufficient for their return, to be ascertained by the consul or vice-consul of the United States,

having jurisdiction of the port or place. And in case of the master's refusal, the said consul or vice-consul may (if the laws of the land permit it) cause his ship, goods and person to be arrested and held until he shall comply with his duty herein.

of the Act of
Feb. 28, 1803.

SEC. 9. *And be it further enacted*, That the specification of certain powers and duties, in this act, to be exercised or performed by the consuls and vice-consuls of the United States, shall not be construed to the exclusion of others resulting from the nature of their appointments, or any treaty or convention under which they may act.

Powers de
finied.

APPROVED, April 14, 1792.

STATUTE I.

CHAP. XXV.—*An Act authorizing the grant and conveyance of certain Lands to the Ohio Company of Associates.*

April 21, 1792.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That a certain contract expressed in an indenture executed on the twenty-seventh day of October, in the year one thousand seven hundred and eighty-seven, between the then board of treasury for the United States of America, of the one part, and Manasseh Cutler, and Winthrop Sergeant, as agents for the directors of the Ohio Company of Associates, of the other part, so far as the same respects the following described tract of land; that is to say: "Beginning at a station where the western boundary line of the seventh range of townships, laid out by the authority of the United States in Congress assembled, intersects the river Ohio; thence extending along that river south-westerly to a place where the western boundary line of the fifteenth range of townships, when laid out agreeably to the land ordinance passed the twentieth day of May, one thousand seven hundred and eighty-five, would touch the said river; thence running northerly on the said western bounds of the said fifteenth range of townships, 'till a line drawn due east to the western boundary line of the said seventh range of townships, will comprehend, with the other lines of this tract, seven hundred and fifty thousand acres of land, besides the several lots and parcels of land in the said contract reserved or appropriated to particular purposes; thence running east to the western boundary line of the said seventh range of townships, and thence along the said line to the place of beginning," be and the same is hereby confirmed: And that the President of the United States be and he hereby is authorized and empowered to issue letters patent in the name and under the seal of the United States, thereby granting and conveying to Rufus Putnam, Manasseh Cutler, Robert Oliver, and Griffin Green, and to their heirs and assigns, in fee simple, the said described tract of land, with the reservations in the said indenture expressed, in trust for the persons composing the said Ohio company of associates, according to their several rights and interests, and for their heirs and assigns, as tenants in common.

Certain tract
of land contract-
ed for in 1787

confirmed, and
President of the
United States to
grant letters pa-
tent in the name
of Rufus Put-
nam, &c.

SEC. 2. *And be it further enacted*, That the President be and he hereby is further authorized and empowered, by letters patent as aforesaid, to grant and convey to the said Rufus Putnam, Manasseh Cutler, Robert Oliver and Griffin Green, and to their heirs and assigns, in trust, for the uses above expressed, one other tract of two hundred and fourteen thousand, two hundred and eighty-five acres of land. *Provided*, That the said Rufus Putnam, Manasseh Cutler, Robert Oliver and Griffin Green, or either of them, shall deliver to the Secretary of the Treasury within six months, warrants which issued for army bounty-rights sufficient for that purpose, according to the provision of a resolve of Congress of the twenty-third day of July, one thousand seven hundred and eighty-seven.

To grant one
other tract to
Rufus Putnam,
&c.

on certain con-
ditions.

To grant one other tract to Rufus Putnam, and others.

On an express condition.

Where to be located.

SEC. 3. *And be it further enacted*, That the President be and he hereby is further authorized and empowered by letters patent as aforesaid, to grant and convey to the said Rufus Putnam, Manasseh Cutler, Robert Oliver and Griffin Green, and to their heirs and assigns, in fee simple, in trust for the uses above expressed, a farther quantity of one hundred thousand acres of land. *Provided always nevertheless*, That the said grant of one hundred thousand acres shall be made on the express condition of becoming void, for such part thereof, as the said company shall not have, within five years from the passing of this act, conveyed in fee simple, as a bounty and free of expense, in tracts of one hundred acres, to each male person, not less than eighteen years of age, being an actual settler at the time of such conveyance.

SEC. 4. *And be it further enacted*, That the said quantities of two hundred and fourteen thousand, two hundred and eighty-five acres, and of one hundred thousand acres, shall be located within the limits of the tract of one million, five hundred thousand acres of land, described in the indenture aforesaid, and adjoining to the tract of land described in the first section of this act, and in such form as the President in the letters patent, shall prescribe for that purpose.

APPROVED, April 21, 1792.

STATUTE I.

April 27, 1792.

CHAP. XXVI.—*An Act to indemnify the Estate of the late Major General Nathaniel Green, for a certain bond entered into by him during the late war.*

Estate of the late General Green indemnified for amount of a certain bond,

on certain conditions,

duty of the officers of the Treasury herein.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States shall and will indemnify the estate of the late General Green, for the sum of eight thousand six hundred and eighty-eight pounds six shillings sterling money, being the amount due on the first day of May, one thousand seven hundred and eighty-six, on a certain bond executed to Messieurs Newcomen and Collet, by the said General Green, as surety for John Banks and Company, and the interest thereon; excepting therefrom a certain conditional bond given in June one thousand seven hundred and eighty-six, for about one thousand six hundred pounds sterling, (be the same more or less) being part of the aforesaid sum of eight thousand six hundred and eighty-eight pounds six shillings, which was to be paid, only in case the said General Green should recover from the said Banks, or Banks and Company, a sum sufficient for his indemnity; *Provided* it shall appear upon due investigation, by the officers of the treasury, that the said General Green, in his lifetime, or his executors, since his decease, have not been already indemnified, or compensated for the said sum of eight thousand six hundred and eighty-eight pounds six shillings, except as aforesaid: *And also provided*, That the said executors shall account for a sum being about two thousand pounds sterling, (be the same more or less) recovered of John Ferrie, one of the partners of the said Banks and Company, by the said executors, to be in part of the indemnification aforesaid; and also shall make over to the Comptroller of the Treasury and his successors, for the United States, all mortgages, bonds, covenants, or other counter securities whatsoever, now due, which were obtained by the said General Green, in his lifetime, from the said Banks and Company, on account of his being surety for them as aforesaid, to be sued for in the name of the said executors for the use of the United States. And the officers of the treasury are hereby authorized to liquidate and settle the sum due to the estate of the said General Green, to indemnify the same, as aforesaid, according to the true intent and meaning of this act, and to pay the same, out of the treasury of the United States, to the said executors, to be accounted for by them, as part of the said estate.

APPROVED, April 27, 1792.

CHAP. XXVII.—*An Act for raising a farther sum of money for the protection of the frontiers, and for other purposes therein mentioned.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the last day of June next, the duties now in force upon the articles herein after enumerated and described, at their importation into the United States, shall cease, and that in lieu thereof, there shall be thenceforth laid, levied and collected upon the said articles, at their said importation, the several and respective rates or duties following, viz :

WINES, namely: Madeira, of the quality of London particular, per gallon, fifty-six cents; Madeira, of the quality of London market, per gallon, forty-nine cents; other Madeira wine, per gallon, forty cents; Sherry, per gallon, thirty-three cents; Saint Lucar, per gallon, thirty cents; Lisbon, per gallon, twenty-five cents; Oporto, per gallon, twenty-five cents; Teneriffe and Fayall, per gallon, twenty cents. All other wines, forty per centum ad valorem, provided that the amount of the duty thereupon shall, in no case, exceed thirty cents per gallon.

SPIRITS, distilled wholly or chiefly from grain: of the first class of proof, per gallon, twenty-eight cents; of the second class of proof, per gallon, twenty-nine cents; of the third class of proof, per gallon, thirty-one cents; of the fourth class of proof, per gallon, thirty-four cents; of the fifth class of proof, per gallon, forty cents; of the sixth class of proof, per gallon, fifty cents.

All other distilled spirits: of the second class of proof and under, per gallon, twenty-five cents; of the third class of proof and under, per gallon, twenty-eight cents; of the fourth class of proof and under, per gallon, thirty-two cents; of the fifth class of proof and under, per gallon, thirty-eight cents; of the sixth class of proof and under, per gallon, forty-six cents. Which several classes or denominations of proof shall be deemed and taken to correspond with those mentioned in the "act repealing after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the same."

Beer, ale and porter, per gallon, eight cents; steel, per hundred weight, one hundred cents; nails, per pound, two cents; cocoa, per pound, two cents; chocolate, per pound, three cents; playing cards, per pack, twenty-five cents; shoes and slippers of silk, twenty cents: all other shoes and slippers for men and women, clogs and goloshoes, ten cents: all other shoes and slippers for children, seven cents; on hemp, for every one hundred and twelve pounds, one hundred cents; on cables, for every one hundred and twelve pounds, one hundred and eighty cents; on tarred cordage, for every one hundred and twelve pounds, one hundred and eighty cents; on untarred cordage and yarn, for every one hundred and twelve pounds, two hundred and twenty-five cents; on twine and packthread, for every one hundred and twelve pounds, four hundred cents; on coal, per bushel, four and a half cents; on salts called Glauber salts, for every one hundred and twelve pounds, two hundred cents.

Articles ad valorem: China wares, looking glass, window and other glass, and all manufactures of glass, black quart bottles excepted; muskets, pistols, and other fire arms; swords, cutlasses, hangers and other side arms; starch, hair powder, wafers, glue, laces, lines, fringes, tassels, and trimmings commonly used by upholsterers, coachmakers and saddlers, and paper hangings; painters' colors, whether dry or ground in oil, fifteen per centum ad valorem; cast, slit, and rolled iron, and generally, all manufactures of iron, steel, tin, pewter, copper, brass, or of which either of these metals is the article of chief value, not being

STATUTE I.
May 2, 1792.

[Obsolete.]

On 30th June, 1792, duties now in force on certain articles to cease, and others to be collected in their stead.

1792, ch. 32.

Specific duties on certain enumerated articles.

Altered 1800, ch. 66, sec. 2.

1791, ch. 15.

Duties ad valorem.

otherwise particularly enumerated, brass and iron wire excepted; cabinet wares; leather tanned and tawed, and all manufactures of leather, or of which leather is the article of chief value, not otherwise particularly enumerated; medicinal drugs, except those commonly used in dyeing; hats, caps, and bonnets, of every sort; gloves and mittens; stockings; millinery ready made; artificial flowers, feathers and other ornaments for women's head dresses; fans; dolls dressed and undressed; toys; buttons of every kind; carpets and carpeting; mats and floor cloths; sail cloth; sheathing and cartridge paper; all powders, pastes, balls, balsams, ointments, oils, waters, washes, tinctures, essences, or other preparations or compositions commonly called sweet scents, odors, perfumes or cosmetics; all dentifrice powders, tinctures, preparations, or compositions whatsoever for the teeth or gums, ten per centum ad valorem.

1794, ch. 54.
1804, ch. 57.

Exemption of articles continued. August 4, 1790, ch. 56.

Duty on salt after 30th June, how to be collected; and

on goods not enumerated in this act.

Certain additional duty of 10 per cent. continued:

Drawbacks not already abolished, continued:

Drawbacks. Duty on salted provisions exported—allowance to vessels employed in the fisheries.

1792, ch. 6.

Duties, drawbacks, &c. to apply to any quantity.

SEC. 2. *Provided always, and be it further enacted*, That all articles which are excepted and exempted from duty by the "act making farther provision for the payment of the debts of the United States," shall continue to be so excepted and exempted, and that, to the articles heretofore made free from duty, the following shall be added, namely, copper in pigs and bars, lapis calaminaris, unmanufactured wool, wood, sulphur.

SEC. 3. *And be it further enacted*, That from and after the last day of June next, in computing the duty heretofore laid upon salt, a bushel of salt shall be deemed not to exceed the weight of fifty-six pounds avoirdupois: and as often as the actual bushel of salt shall exceed the said weight, such salt shall be charged in the proportion of the present rate of duty per bushel for every fifty-six pounds of its actual weight.

SEC. 4. *And be it further enacted*, That after the said last day of June next, there shall be laid, levied and collected, in addition to the present duty thereupon, a duty of two and an half per centum ad valorem, upon all goods, wares and merchandises, not above enumerated or described, which, if imported in ships or vessels of the United States, are now chargeable with a duty of five per centum ad valorem.

SEC. 5. *And be it further enacted*, That the addition of ten per centum made by the second section of the "act making farther provision for the debts of the United States," to the rates of duties on goods, wares and merchandise, imported in ships or vessels not of the United States, shall continue in full force and operation, after the said last day of June next, in relation to the articles herein before enumerated and described.

SEC. 6. *And be it further enacted*, That all drawbacks and allowances authorized by the act aforesaid, which have not been heretofore abolished or changed, shall continue to operate, as in the said act prescribed in relation to the several duties which shall become payable by virtue of this act, and that in addition thereto, there shall be allowed and paid upon provisions salted within the United States, except upon dried fish, upon the exportation thereof to any foreign port or place, as follows, to wit: On pickled fish, at the rate of eight cents per barrel, and on other provisions at the rate of five cents per barrel; and from and after the first day of January next, there shall be an addition of twenty per centum to the allowances, respectively granted to ships or vessels employed in the bank or other cod fisheries, and in the terms provided by an act, intituled "An act concerning certain fisheries of the United States, and for the regulation and government of the fishermen employed therein," and during the continuance of the said act.

SEC. 7. *And be it further enacted*, That all duties, drawbacks and allowances, which, by virtue of this act, shall be payable or allowable on any specific quantity of goods, wares and merchandise, shall be deemed to apply, in proportion, to any quantity more or less than such specific quantity.

SEC. 8. *And be it further enacted*, That the term of credit for the

payment of duties on salt shall be nine months, and on all articles, the produce of the West Indies, salt excepted, where the amount of the duty to be paid by one person or co-partnership shall exceed fifty dollars, shall be four months, and that the duties on all other articles, except wines and teas, which shall be imported after the last day of June next, shall be payable, one half in six, one quarter in nine, and the other quarter in twelve calendar months from the time of each respective importation.

Terms of credit for payment of duties.

SEC. 9. *And be it further enacted*, That the act, intituled "An act to provide more effectually for the collection of duties imposed by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships and vessels," and as touching the duties on distilled spirits only, the act, intituled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad and laying others in their stead; and also upon spirits distilled within the United States, and for appropriating the same," shall extend to, and be in full force for the collection of the duties specified and laid in and by this act, and generally for the execution thereof, as fully and effectually, as if every regulation, restriction, penalty, provision, clause, matter and thing therein contained had been herein inserted and re-enacted.

Certain acts declared in force as to duties specified in this act.

1790, ch. 35.
1791, ch. 15.

SEC. 10. *And be it further enacted*, That all wines, which, after the said last day of June next, shall be imported into the United States, shall be landed under the care of the inspector of the port where the same shall be landed, and for that purpose, every permit for landing any wines, which shall be granted by a collector, shall, prior to such landing be produced to the said inspector, who, by endorsement thereupon under his hand, shall signify the production thereof to him, and the time when, after which, and not otherwise, on pain of forfeiture, it shall be lawful to land the said wines. And the said inspector shall make an entry of all such permits, and of the contents thereof, and each pipe, butt, hogshead, cask, case, box or package whatsoever, containing such wines, shall be marked by the officer under whose immediate inspection the same shall be landed, in legible and durable characters, with progressive numbers, the name of the said officer, and the quality or kind of wine, as herein before enumerated and distinguished. And the said officer shall grant a certificate for each such pipe, butt, hogshead, cask, case, box or package, specifying therein the name or names of the importer or importers, the ship or vessel in which the same shall have been imported, and the number thereof, to accompany the same wheresoever it shall be sent. And if any pipe, butt, hogshead, cask, case, box or package, containing wine, shall be found without such marks and certificates, the same shall be liable to be seized, and the want of such marks and certificates shall be presumptive evidence, that such wine was unlawfully imported and landed.

Wines imported after 30th June, how landed.

Duty of inspector.

SEC. 11. *And be it further enacted*, That every person, who shall have in his or her possession, wines which are intended for sale, in quantity exceeding one hundred and fifty gallons, shall, prior to the said last day of June next, make entry thereof in writing at some office of inspection in the city, town, or county where he or she shall reside, specifying and describing the casks, cases, boxes and other packages containing the same, and the kinds, qualities and quantities thereof, and where, and in whose possession they are; and the officer of inspection at whose office such entry may be made, shall, as soon as may be thereafter, visit and inspect, or cause to be visited and inspected, the wines so reported, and shall mark, or cause to be marked, the casks, cases, boxes and packages containing the same, with progressive numbers, with the name of the person to whom the same may belong, the kind or kinds thereof, and the words "Old Stock," and shall grant a certificate for each cask, case, box

Persons having certain quantity of wines for sale after 30th June next to make entry thereof, &c.

or package, containing such wine, describing therein the said cask, case, box or package, and the wines therein contained, which certificate shall accompany the same, wherever it may be sent. And if any person who may have wines in his or her possession for sale, shall not, prior to the said last day of June next, make entry thereof, as above directed, he or she, for such omission or neglect, shall forfeit and pay the value of the wine omitted to be entered, to be recovered with costs of suit, for the benefit of any person who shall give information thereof, and the wines so omitted to be entered, shall be forfeited.

How beer, &c. shall be brought into U. States.

SEC. 12. *And be it further enacted*, That from and after the last day of December next, no beer, ale or porter shall be brought into the United States, from any foreign port or place, except in casks or vessels, the capacity whereof shall not be less than forty gallons, or in packages containing not less than six dozen of bottles, on pain of forfeiture of the said beer, ale or porter, and of the ship or vessel, in which the same shall be brought.

Duties aforesaid how long to be collected.

SEC. 13. *And be it further enacted*, That the several and respective duties aforesaid, except that mentioned in the fourth section of this act, shall continue to be levied, collected and paid, until the debts and purposes, to and for which the duties, hereby directed to cease after the last day of June next, were pledged and appropriated, shall have been fully paid and satisfied; and that so much thereof, as may be necessary, shall be, and are hereby pledged and appropriated, in the same manner, for the same purposes, and with the same force and effect, as those, which are hereby directed to cease after the said last day of June next, and that so much of the residue thereof, as may be necessary, shall be, and are hereby appropriated for making good deficiencies in any funds, which may have been designated for satisfying grants and appropriations heretofore made.

Limitation of ad valorem duties, specified in 4th section.

SEC. 14. *And be it further enacted*, That the additional duty of two and an half per centum ad valorem, specified in the fourth section of this act, shall continue for the term of two years, from the commencement thereof, and no longer.

Appropriation of surplus duties. 1792, ch. 9.

SEC. 15. *And be it further enacted*, That the sum of one hundred and fifty thousand dollars, out of the surplus of the duties, which accrued to the end of the year one thousand seven hundred and ninety-one, and a farther sum of five hundred and twenty-three thousand five hundred dollars, out of the surplus of the duties hereby established as the same shall accrue, making together the sum of six hundred and seventy-three thousand five hundred dollars, shall be, and are hereby appropriated and applied, in addition to any former appropriation for the military establishment of the United States, towards carrying into execution the act, intituled "An act for making farther and more effectual provision for the protection of the frontiers of the United States."

President of U. States to take on loan from the bank, &c. a certain sum of money.

SEC. 16. *And be it further enacted*, That the President of the United States be empowered to take on loan, on account of the United States, from the President, directors and company of the bank of the United States, who are hereby authorized and empowered to lend the same, from any other body politic or corporate within the United States, or from any other person or persons, the whole or any part of the aforesaid sum of five hundred and twenty-three thousand five hundred dollars, to be applied to the purpose, to and for which the same is above appropriated, and to be reimbursed out of the aforesaid surplus of the duties by this act imposed, which surplus is, accordingly, appropriated to the said reimbursement. *Provided*, That the rate of interest of such loan shall not exceed five per centum per annum, and that the principal thereof may be reimbursed at the pleasure of the United States.

SEC. 17. *And be it further enacted*, That so much of the act, intituled "An act to provide more effectually for the collection of duties imposed

by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels," as hath rated the livre tournois of France at eighteen and an half cents, be and the same is hereby repealed.

Rate of livre tournois of France altered. 1790, ch. 35.

SEC. 18. *And be it enacted and declared*, That if the principal, in any bond which shall be given to the United States, for duties on goods, wares, and merchandise imported, shall be insolvent, or if such principal being dead, his or her estate and effects, which shall have come to the hands of his or her executors or administrators, shall be insufficient for the payment of his or her debts, and if, in either of the said cases, any surety in the said bond, or the executors and administrators of such surety, shall pay to the United States the monies thereupon due, such surety, his or her executors or administrators, shall have and enjoy the like advantage, priority and preference, for the recovery and receipt of the said monies out of the estate and effects of such insolvent or deceased principal, as are reserved and secured to the United States, by the forty-fourth section of the act, intituled "An act to provide more effectually for the collection of duties imposed by law on goods, wares, and merchandise imported into the United States, and on the tonnage of ships or vessels," and shall and may bring and maintain a suit upon the said bond, in law or equity, in his, her or their own name or names, for the recovery of the monies which shall have been paid thereupon.

Mode of procedure in case of insolvency of principal bonds, &c.

1790, ch. 35.

And it is further declared, That the cases of insolvency in the said forty-fourth section mentioned, shall be deemed to extend, as well to cases in which a debtor, not having sufficient property to pay all his or her debts, shall have made a voluntary assignment thereof, for the benefit of his or her creditors, or in which the estate and effects of an absconding, concealed or absent debtor shall have been attached by process of law, as to cases, in which an act of legal bankruptcy shall have been committed. (a)

SEC. 19. *And be it further enacted*, That the President of the United States be, and hereby is authorized to appoint such place within the district of Vermont to be the port of entry and delivery within the said district, as he may deem expedient, any thing in the act, intituled "An act giving effect to the laws of the United States within the state of Vermont," to the contrary notwithstanding.

President of U. States to appoint port of entry and delivery in Vermont.

1791, ch. 12.

APPROVED, May 2, 1792.

(a) Priority of the United States. In all cases of insolvency or bankruptcy of a debtor of the United States, they are entitled to payment out of his effects. *The United States v. Fisher et al.*, 2 Cranch, 355; 1 Cond. Rep. 421.

The United States have no lien on the estate of their debtor, until suit brought, or a notorious insolvency or bankruptcy has taken place; or, being unable to pay all his debts, he has made a voluntary assignment of all his property; or the debtor having absconded, concealed, or absented himself, his property has been attached by process of law. *United States v. Hoe et al.*, 3 Cranch, 73; 1 Cond. Rep. 458.

The 5th section of the act of March 3, 1797, giving a priority of payment to the United States out of the effects of their debtors, did not apply to a debt due before the passing of the act, although the balance was not adjusted at the treasury until after the act was passed. *United States v. Bryan et al.*, 9 Cranch, 374; 3 Cond. Rep. 436.

In case of insolvency the United States are not entitled to a priority of payment, unless the insolvency be a legal and known insolvency, manifested by some notorious act of the debtor, pursuant to the act of Congress. *Prince v. Bartlett*, 8 Cranch, 431; 3 Cond. Rep. 199.

The United States are not entitled to a priority over all creditors, under the 65th section of the act of March 2, 1799, upon the ground of the debtor having made an assignment for the benefit of his creditors, unless it is proved that it is all the debtor's property. *United States v. Howland et al.*, 4 Wheat, 108; 4 Cond. Rep. 404.

The priority of the United States does not attach by the mere concealment of the debtor when insolvent. *Ibid.*

It has never been decided by the Supreme Court, that the priority of the United States will divest a specific lien attached to anything, whether it be accompanied by possession or not. *Conard v. The Atlantic Ins. Comp.*, 1 Peters, 439.

The priority of the United States extends as well to debts by bonds which are payable after insolvency or decease of the obligor, as to those actually due or payable at the period thereof. *The United States v. The State Bank of North Carolina*, 6 Peters, 29.

The priority of the United States for debts due to them by an insolvent debtor, or by the estate of a deceased debtor, does not extend to affect the lien of an incorporated bank on the stock held by one indebted to the bank, when by the charter of the bank such a lien is given. *Brent v. The Bank of Washington*, 10 Peters, 596.

STATUTE I.

May 2, 1792.

[Repealed.]
President of
U. States how
to proceed in
case of invasion
by foreign na-
tions, &c.

1795, ch. 36,
sec. 10.

Insurrection
against the gov-
ernment of any
state ;

or opposition to
the execution of
the laws of U.
States.

By proclama-
tion to order in-
surgents to dis-
perse.

Pay of the
militia employ-
ed by U. States.

Penalty on
disobeying the
President of U.
States.

Courts martial
how composed.

CHAP. XXVIII.—*An Act to provide for calling forth the Militia to execute the laws of the Union, suppress insurrections and repel invasions.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whenever the United States shall be invaded, or be in imminent danger of invasion from any foreign nation or Indian tribe, it shall be lawful for the President of the United States, to call forth such number of the militia of the state or states most convenient to the place of danger or scene of action, as he may judge necessary to repel such invasion, and to issue his orders for that purpose, to such officer or officers of the militia as he shall think proper ; and in case of an insurrection in any state, against the government thereof, it shall be lawful for the President of the United States, on application of the legislature of such state, or of the executive (when the legislature cannot be convened) to call forth such number of the militia of any other state or states, as may be applied for, or as he may judge sufficient to suppress such insurrection.

SEC. 2. *And be it further enacted,* That whenever the laws of the United States shall be opposed, or the execution thereof obstructed, in any state, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by this act, the same being notified to the President of the United States, by an associate justice or the district judge, it shall be lawful for the President of the United States to call forth the militia of such state to suppress such combinations, and to cause the laws to be duly executed. And if the militia of a state, where such combinations may happen, shall refuse, or be insufficient to suppress the same, it shall be lawful for the President, if the legislature of the United States be not in session, to call forth and employ such numbers of the militia of any other state or states most convenient thereto, as may be necessary, and the use of militia, so to be called forth, may be continued, if necessary, until the expiration of thirty days after the commencement of the ensuing session.

SEC. 3. *Provided always, and be it further enacted,* That whenever it may be necessary, in the judgment of the President, to use the military force hereby directed to be called forth, the President shall forthwith, and previous thereto, by proclamation, command such insurgents to disperse, and retire peaceably to their respective abodes, within a limited time.

SEC. 4. *And be it further enacted,* That the militia employed in the service of the United States, shall receive the same pay and allowances, as the troops of the United States, who may be in service at the same time, or who were last in service, and shall be subject to the same rules and articles of war : . And that no officer, non-commissioned officer or private of the militia shall be compelled to serve more than three months in any one year, nor more than in due rotation with every other able-bodied man of the same rank in the battalion to which he belongs.

SEC. 5. *And be it further enacted,* That every officer, non-commissioned officer or private of the militia, who shall fail to obey the orders of the President of the United States in any of the cases before recited, shall forfeit a sum not exceeding one year's pay, and not less than one month's pay, to be determined and adjudged by a court martial ; and such officer shall, moreover, be liable to be cashiered by sentence of a court martial : and such non-commissioned officers and privates shall be liable to be imprisoned by a like sentence, on failure of payment of the fines adjudged against them, for the space of one calendar month for every five dollars of such fine.

SEC. 6. *And be it further enacted,* That courts martial for the trial of militia shall be composed of militia officers only.

SEC. 7. *And be it further enacted,* That all fines to be assessed, as

aforesaid, shall be certified by the presiding officer of the court martial before whom the same shall be assessed, to the marshal of the district, in which the delinquent shall reside, or to one of his deputies; and also to the supervisor of the revenue of the same district, who shall record the said certificate in a book to be kept for that purpose. The said marshal or his deputy shall forthwith proceed to levy the said fines with costs, by distress and sale of the goods and chattels of the delinquent, which costs and the manner of proceeding, with respect to the sale of the goods distrained, shall be agreeable to the laws of the state, in which the same shall be, in other cases of distress; and where any non-commissioned officer or private shall be adjudged to suffer imprisonment, there being no goods or chattels to be found, whereof to levy the said fines, the marshal of the district or his deputy may commit such delinquent to gaol, during the term, for which he shall be so adjudged to imprisonment, or until the fine shall be paid, in the same manner as other persons condemned to fine and imprisonment at the suit of the United States, may be committed.

Fines to be certified,

and duty of marshals herein.

SEC. 8. *And be it further enacted*, That the marshals and their deputies shall pay all such fines by them levied to the supervisor of the revenue, in the district in which they are collected, within two months after they shall have received the same, deducting therefrom five per centum, as a compensation for their trouble; and in case of failure, the same shall be recoverable by action of debt or information in any court of the United States, of the district, in which such fines shall be levied, having cognizance thereof, to be sued for, prosecuted and recovered, in the name of the supervisor of the district, with interest and costs.

To pay the fines to the supervisor, &c.

SEC. 9. *And be it further enacted*, That the marshals of the several districts and their deputies, shall have the same powers in executing the laws of the United States, as sheriffs and their deputies in the several states have by law, in executing the laws of their respective states.

Powers of the marshals.

SEC. 10. *And be it further enacted*, That this act shall continue and be in force, for and during the term of two years, and from thence to the end of the next session of Congress thereafter, and no longer.

Continuation of this act.

APPROVED, May 2, 1792.

STATUTE I.

May 5, 1792.

CHAP. XXIX.—*An Act for the relief of persons imprisoned for Debt.*(a)

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That persons imprisoned on executions issuing from any court of the United States for satisfaction of judgments in any civil actions shall be entitled to like privileges of the yards or limits of the respective gaols as persons confined in such gaols for debt on judgments rendered in the courts of the several states are entitled to, and under the like regulations and restrictions.

Persons imprisoned on executions issuing from courts of U. States, to have like privileges as are allowed by state courts.

(a) The acts relating to imprisonment for debt, passed subsequent to this act, are: An act to continue in force the act for the relief of persons imprisoned for debt, passed May 30, 1794, chap. 34; an act for the relief of persons imprisoned for debt, passed May 28, 1796, chap. 38; an act supplementary to an act entitled, "An act for the relief of persons imprisoned for debts due to the United States," passed June 6, 1798, chap. 50; an act for the relief of persons imprisoned for debt, passed January 6, 1800, chap. 4; an act supplementary to "an act for the relief of persons imprisoned for debts due to the United States," passed March 3, 1817, chap. 114; an act supplementary to an act entitled, "An act for the relief of persons imprisoned for debt," passed January 7, 1824, chap. 3; an act supplementary to the act entitled, "An act supplementary to the act entitled, 'An act for the relief of persons imprisoned for debt,'" passed April 22, 1824, chap. 40; an act for the relief of certain insolvent debtors of the United States, passed March 2, 1831, chap. 62; an act in addition to an act entitled "An act for the relief of certain insolvent debtors of the United States," passed July 14, 1832, chap. 230; an act to extend, for a longer period, the several acts now in force for the relief of certain insolvent debtors of the United States, passed March 2, 1837, chap. 23; an act to extend for a longer period the several acts now in force for the relief of insolvent debtors to the United States, passed May 27, 1840, chap. 10; an act to re-enact, and continue in operation, the several acts now in force for the relief of insolvent debtors of the United States, passed January 28, 1843, chap. 20.

Mode of proceeding with respect to persons imprisoned.

SEC. 2. *And be it further enacted*, That any person imprisoned as aforesaid, may have the oath or affirmation herein after expressed administered to him by any judge of the United States, or of the general or supreme court of law of the state in which the debtor is imprisoned, the creditor, his agent or attorney, if either live within one hundred miles of the place of imprisonment, or within the district in which the judgment was rendered, having had at least thirty days previous notice, by a citation served on him, issued by any such judge, to appear at the time therein mentioned, at the said gaol, if he see fit, to show cause why the said oath or affirmation should not be so administered; at which time and place, if no sufficient cause, in the opinion of the judge, be shown or doth from examination appear to the contrary, he may, at the request of the debtor, proceed to administer to him the following oath or affirmation, as the case may be, viz: "You solemnly swear (or affirm) that you have not estate, real or personal, nor is any to your knowledge holden in trust for you to the amount or value of twenty dollars, nor sufficient to pay the debt for which you are imprisoned." Which oath or affirmation being administered, the judge shall certify the same under his hand, to the prison keeper, and shall fix a reasonable allowance for the debtor's support, not exceeding one dollar per week; and if the creditor shall thereafter any week fail to furnish the debtor with such weekly support, by paying or advancing the money to him, or to the prison keeper, for his use, the debtor shall be discharged from his imprisonment on such judgment, and shall not be liable to be imprisoned again for the said debt; but the judgment shall remain good and sufficient in law, and may be satisfied out of any estate which may then or at any time afterwards belong to the debtor.

SEC. 3. *And be it further enacted*, That if any person shall falsely take the oath or affirmation aforesaid, such person shall be deemed guilty of perjury, and suffer the pains and penalties in that case provided.

SEC. 4. *And be it further enacted*, That this act shall continue and be in force, for the space of one year from the passing thereof, and from thence to the end of the next session of Congress, and no longer.

APPROVED, May 5, 1792.

STATUTE I.

May 5, 1792.

CHAP. XXX.—*An Act authorizing the grant and conveyance of certain Lands to John Cleves Symmes, and his Associates.*

President authorized to grant a certain number of acres to J. C. Symmes, on certain conditions.

Act of March 2, 1799, ch. 34.
1801, ch. 23.

To grant one other tract.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be and he hereby is authorized and empowered to issue letters patent in the name and under the seal of the United States, thereby granting and conveying to John Cleves Symmes and his associates, and to their heirs and assigns, in fee simple, such number of acres of land as the payments already made by the said John Cleves Symmes, his agents or associates, under their contract of the fifteenth day of October one thousand seven hundred and eighty-eight, will pay for, estimating the lands at two thirds of a dollar per acre, and making the reservations specified in the said contract.

SEC. 2. *And be it further enacted*, That the President be and he hereby is further authorized and empowered, by letters patent as aforesaid, to grant and convey to the said John Cleves Symmes and his associates, and to their heirs and assigns in fee simple, one other tract of one hundred and six thousand eight hundred and fifty-seven acres, with the reservations as aforesaid: *Provided*, That the said John Cleves Symmes, or his agents or associates, or any of them, shall deliver to the Secretary of the Treasury, within six months, warrants which issued

for army bounty rights sufficient for that purpose, according to the provision of the resolves of Congress of the twenty-third of July, and second of October, one thousand seven hundred and eighty-seven; but in case so many warrants should not be delivered, then the letters patent last aforesaid to be given for such number of acres, as shall be in proportion to the warrants so delivered.

SEC. 3. *And be it further enacted*, That the President be and he is hereby authorized and empowered, by letters patent as aforesaid, to grant and convey unto the said John Cleves Symmes and his associates, their heirs and assigns, in trust for the purpose of establishing an academy and other public schools and seminaries of learning, one complete township, conformably to an order of Congress of the second of October, one thousand seven hundred and eighty-seven, made in consequence of the application of the said John Cleves Symmes, for the purchase of the tract aforesaid.

One township granted for seminaries of learning.

SEC. 4. *And be it further enacted*, That the several quantities of land, to be granted and conveyed as aforesaid, shall be included and located within such limits and lines of boundary, as the President may judge expedient, agreeably to an act passed the twelfth day of April one thousand seven hundred and ninety-two, "for ascertaining the bounds of a tract of land purchased by John Cleves Symmes."

The lands to be located agreeable to a former act.

Ante, p. 251.

APPROVED, May 5th, 1792.

CHAP. XXXI.—*An Act to alter the time for the next Annual Meeting of Congress.*

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

APPROVED, May 5, 1792.

STATUTE I.

May 5, 1792.

[Obsolete.]

CHAP. XXXII.—*An Act concerning the Duties on Spirits distilled within the United States.*

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the last day of June next, the present duties upon spirits distilled within the United States, and on stills shall cease, and that in lieu thereof, upon all spirits which after the said day shall be distilled within the United States wholly or in part from molasses, sugar or other foreign materials, there shall be paid the duties following, that is to say:

[Repealed.] Act of April 6, 1802, ch. 19, sec. 1.

Former duties after the last day of June to cease, and

For every gallon of those spirits of the first class of proof, ten cents;—for every gallon of those spirits of the second class of proof, eleven cents;—for every gallon of those spirits of the third class of proof, twelve cents;—for every gallon of those spirits of the fourth class of proof, fourteen cents;—for every gallon of those spirits of the fifth class of proof, eighteen cents;—for every gallon of those spirits of the sixth class of proof, twenty-five cents.—And upon all spirits which after the said day shall be distilled within the United States from materials of the growth or produce of the United States, in any city, town or village, at any distillery at which there shall be one or more stills which singly or together shall be of the capacity of four hundred gallons or upwards, there shall be paid the duties following, that is to say:

Other duties to be paid upon spirits distilled from foreign materials.

For every gallon of those spirits of the first class of proof, seven cents;—for every gallon of those spirits of the second class of proof, eight cents;—for every gallon of those spirits of the third class of proof, nine cents;—for every gallon of those spirits of the fourth class of proof,

On spirits distilled of the materials of the U. States.

eleven cents;—for every gallon of those spirits of the fifth class of proof, thirteen cents;—for every gallon of those spirits of the sixth class of proof, eighteen cents.—And upon stills which after the said day shall be employed in distilling spirits from materials of the growth or produce of the United States, at any other place than a city, town or village, or at any distillery in a city, town or village, at which there shall be one or more stills which, singly if only one, or together if more than one, shall be of less capacity than four hundred gallons, there shall be paid the yearly duty of fifty-four cents for every gallon English wine measure of the capacity or content of each and every such still including the head thereof: *Provided*, That it shall be at the option of the proprietor or possessor of any such still, instead of the said yearly duty, either to pay seven cents for every gallon of spirits by him or her distilled, or to pay at the rate of ten cents per gallon of the capacity for each and every month of the employment of any such still; and in case the said proprietor or possessor shall elect to pay either the said rate of seven cents per gallon, of the spirits by him or her distilled, or the said monthly rate of ten cents, according to the capacity of his or her still or stills, he or she at the time of making entry of his or her still or stills in manner herein after directed, shall by writing under his or her hand, left at the office of inspection where such entry shall be made, notify the said election, and if the same shall be to pay the said monthly rate of ten cents, shall demand a license for the term of time, specifying the day of commencing and the day of ending, during which he or she shall intend to work his or her still or stills, which license shall without delay or expense to the said proprietor or possessor be granted, and shall be signed by the supervisors of the revenue, and countersigned by the officer at whose office application for the same shall have been made. And in the case of an election to pay the said monthly rate of ten cents, it shall not be lawful for any person by whom the same shall have been made, to work his or her still or stills, at any time, within the year from the date of his or her entry thereof, other than that for which a license shall have been granted, unless he or she shall have previously obtained another license for such further time, which upon like application shall and may be granted, in like manner, and if any such person shall work his or her still or stills, contrary to the direction or provision aforesaid, he or she shall forfeit and pay for every such offence, two hundred dollars. And in every case in which any proprietor or possessor of a still or stills subject to the payment of duty according to the capacity of such still or stills, shall not make election to pay according to one or the other of the alternatives aforesaid; or shall not duly comply therewith, he or she shall be liable to pay, and shall pay the said yearly rate of fifty-four cents for every gallon of the capacity or capacities of his or her still or stills.

SEC. 2. *And be it further enacted*, That there be in each county comprehended within any district, at least one office of inspection, at which every person having or keeping a still or stills within such county shall, between the last day of May and the first day of July in each year, make entry of such still or stills; and at which every person, who being a resident within the county shall procure a still or stills, or who removing within a county, shall bring therein a still or stills, shall, within thirty days after such procuring or removal, and before he or she shall begin to use such still or stills, make entry thereof. And every entry, besides describing each still and the capacity thereof, shall specify the place where, and the person in whose possession it is, and the purpose for which it is intended, as whether for sale or use in distilling; and in the case of removal, shall specify the place from which every such still shall have been brought.

SEC. 3. *And be it further enacted*, That every proprietor and possessor of a still shall be jointly and severally liable for the duty thereupon;

Duty on stills.

How paid.

Owners in what cases &c. how to make entry of stills, &c.

and to obtain license for working them.

Penalty for working stills without license.

1798, ch. 10.

Office of inspection in each county for entry of stills, &c.

and that every owner of land, upon which any still shall be worked, shall be liable for the duty thereupon, unless the same shall be worked by a lawful and bona fide tenant of the land of an estate, not less than for the term of one year, or unless such owner can make it appear, that the possessor of, or person by whom such still shall have been worked, was during the whole time of working the same, a trespasser or intruder on his land.

Proprietors &c.
how liable for
duty on stills.

SEC. 4. *And be it further enacted,* That every officer of inspection within whose survey any distillery of geneva or sweet cordials, subject to the payment of duty by the gallon of the spirits distilled thereon may be, shall forbear to visit or inspect for a space not exceeding two hours in each day, such part of the said distillery as he may be required by the proprietor, possessor or manager of such distillery to forbear to visit and inspect, for which purpose it shall be necessary for the said proprietor, possessor or manager, to give notice in writing to the said officer, describing therein particularly the part of such distillery, which it shall be his desire that the said officer may forbear to visit and inspect, and specifying the time of each day for which such forbearance shall be desired.

Officers to for-
bear inspecting
distillery of ge-
neva for two
hours, &c.

on written no-
tice from the
proprietors.

SEC. 5. *And be it further enacted,* That it shall be in the discretion of the secretary of the treasury to regulate as well the marks, to be set upon the casks, vessels and packages containing distilled spirits, as the forms of the certificates which are to accompany the same, and that when any cask or vessel in which distilled spirits have been contained, shall have been emptied of its contents, it shall be lawful for the marks thereupon to be effaced by, or in the presence of an officer of inspection, and if the said cask or vessel shall afterwards be used for putting therein other spirits, the same may be marked anew.

Secretary of
the treasury to
regulate marks
upon casks, &c.

SEC. 6. *And be it further enacted,* That instead of a notice of twenty-four hours heretofore required to be given of the intent to export distilled spirits in order to the benefit of the drawback of the duties thereupon, six hours shall be sufficient.

Notice to be
given for obtain-
ing drawback
on spirits ex-
ported.

SEC. 7. *And be it further enacted,* That there be an abatement for leakage at the rate of two per cent. in every case in which the duty shall be payable by the gallon of the spirits distilled, to be allowed at the distillery where such spirits shall be made.

Abatement
for leakage.
1791, ch. 15,
sec. 52.

SEC. 8. *And be it further enacted,* That the officer of inspection within whose survey any still shall be, the duty whereupon is payable according to the capacity of the still shall identify by progressive numbers and other proper marks, every such still within his survey, and the duty thereupon shall operate as a specific lien upon the said still.

Duty of offi-
cer of inspec-
tion herein.

SEC. 9. *And be it further enacted,* That every distiller of, and dealer in spirits, who may have in his or her possession, distilled spirits not marked or certified, pursuant to the act, intituled "An act repealing after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the same," shall, prior to the last day of September next, report the spirits in his or her possession, in writing at some office of inspection, to the end that such spirits may be marked and certified as old stock. And that from and after the said last day of September next, casks and vessels of the capacity of twenty gallons and upwards, containing distilled spirits, which shall be found in the possession of any distiller or dealer in spirits, except at a distillery where the same were made, or in going from one place to another, without being marked according to law, or without having a certificate from some proper officer, shall be liable to seizure and forfeiture, and that it shall be the duty of the several officers of inspection, upon request of any dealer or distiller, to take measures for the marking of casks, vessels and packages containing

Distilleries &c.
of spirits when
to report the
quantity on
hand;
1791, ch. 15.

casks not mark-
ed according to
law liable to
seizure, &c.

Inspection of
officer to mark
casks, &c.

After April
1793, spirits to
be brought into
U. States in
casks of 90 gal-
lons, &c.

Drawbacks on
what quantity
allowed.

After June
next how spirits
shall be import-
ed.

Penalty on ne-
glecting to make
entry of stills.

Certain spirits
imported liable
to forfeiture—

Penalties how
disposed of.

Continuation
of duties laid
herein, for what
purpose appro-
priated.

1791, ch. 15.

Reduction of
duty herein
made good by
product of a
certain act.

1792, ch. 27.

Allowance to
supervisors, &c.

1791, ch. 15.

distilled spirits, and to furnish such dealer or distiller, free from expense, with certificates to accompany the same: *Provided*, That it shall not be incumbent upon any such officer to mark or certify any cask, vessel or package which ought to have been before marked or certified according to any law of the United States.

SEC. 10. *And be it further enacted*, That from and after the last day of April, one thousand seven hundred and ninety-three, no distilled spirits except arrack and sweet cordials, shall be brought into the United States from any foreign port or place, except in casks or vessels of the capacity of ninety gallons and upwards.

SEC. 11. *And be it further enacted*, That no drawback of the duty on distilled spirits which shall be exported after the last day of June next, shall be allowed upon any quantity less than one hundred gallons.

SEC. 12. *And be it further enacted*, That after the last day of June next, no distilled spirits shall be brought into the United States, from any foreign port or place in any cask or vessel, which shall have been marked pursuant to any law of the United States concerning distilled spirits, on pain of forfeiture of the spirits so brought, and of the ship or vessel in which they shall be brought.

SEC. 13. *And be it further enacted*, That if the owner or possessor of any still or stills shall neglect to make entry thereof, within the time and in the manner prescribed by the second section of this act, such owner or possessor shall forfeit and pay the sum of two hundred and fifty dollars; and if any distilled spirits, except arrack and sweet cordials, shall, after the last day of April next, be brought into the United States in casks or vessels of less capacity than ninety gallons, all such spirits, and the casks and vessels containing the same, shall be subject to seizure and forfeiture, and every such penalty or forfeiture shall be one half to the use of the United States, and the other half to the use of the person who shall first discover and make known the matter or thing whereby the same shall have been incurred.

SEC. 14. *And be it further enacted and declared*, That the duties hereby laid shall continue in force, for the same time, and are hereby pledged and appropriated to and for the same purposes, as those, in lieu of which they are laid, and pursuant to the act, intituled "An act repealing after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States and for appropriating the same."

SEC. 15. *And be it further enacted*, That to make good any deficiency which may happen in consequence of the reduction hereby made in the rates of the duties on spirits distilled within the United States, and on stills, so much of the product of the duties laid by the act, intituled "An act for raising a farther sum of money for the protection of the frontiers, and for other purposes therein mentioned," as may be necessary, shall be and is hereby pledged and appropriated to the same purposes, to and for which the duties, hereby reduced, were pledged and appropriated.

SEC. 16. *And be it further enacted*, That the President of the United States be authorized to make such allowances for their respective services to the supervisors, inspectors and other officers of inspection, as he shall deem reasonable and proper, so as the said allowances, together with the incidental expenses of collecting the duties on spirits distilled within the United States, shall not exceed seven and an half per centum of the total product of the duties on distilled spirits, for the period to which the said allowances shall relate, computing from the time the act, intituled "An act repealing after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United

States, and for appropriating the same, took effect: *And provided also*, That such allowance shall not exceed the annual amount of seventy thousand dollars, until the same shall be further ascertained by law. not to exceed \$70,000.

SEC. 17. *And be it further enacted*, That the act, intituled "An act repealing after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the same," shall extend to and be in full force for the collection of the several duties herein before mentioned and for the recovery and distribution of the penalties and forfeitures herein contained and generally for the execution of this act, as fully and effectually as if every regulation, restriction, penalty, provision, clause, matter, and thing therein contained were inserted in and re-enacted by this present act, subject only to the alterations hereby made. Certain act in force for collection of the duties, &c. herein. 1791, ch. 15.

APPROVED, May 8, 1792.

STATUTE I.

CHAP. XXXIII.—*An Act more effectually to provide for the National Defence by establishing an Uniform Militia throughout the United States.*(a) May 8, 1792.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That each and every free able-bodied white male citizen of the respective states, resident therein, who is or shall be of the age of eighteen years, and under the age of forty-five years (except as is herein after excepted) shall severally and respectively be enrolled in the militia by the captain or commanding officer of the company, within whose bounds such citizen shall reside, and that within twelve months after the passing of this act. And it shall at all times hereafter be the duty of every such captain or commanding officer of a company to enrol every such citizen, as aforesaid, and also those who shall, from time to time, arrive at the age of eighteen years, or being of the age of eighteen years and under the age of forty-five years (except as before excepted) shall come to reside within his bounds; and shall without delay notify such citizen of the said enrolment, by a proper non-commissioned officer of the company, by whom such notice may be proved. That every citizen so enrolled and notified, shall, within six months thereafter, provide himself with a good musket or firelock, a sufficient bayonet and belt, two spare flints, and a knapsack, a pouch with a box therein to contain not less than twenty-four cartridges, suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball: or with a good rifle, knapsack, shot-pouch and powder-horn, twenty balls suited to the bore of his rifle, and a quarter of a pound of powder; and shall appear, so armed, accoutred and provided, when called out to exercise, or into service, except, that when called out on company days to exercise only, he may appear without a knapsack. That the commissioned officers shall severally be armed with a sword or hanger and esponton, and that from and after five years from the passing of this act, all muskets for arming the militia as herein required, shall be of bores sufficient for Militia how and by whom to be enrolled. How to be armed and accoutred. 1803, ch. 15.

(a) The acts for the establishment of an uniform system for the government of the militia, are: An act more effectually to provide for the national defence by establishing an uniform militia throughout the United States, May 8, 1792, chap. 33; an act providing arms for the militia throughout the United States, July 6, 1793, chap. 65; an act in addition to an act entitled, "An act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States," March 2, 1803, chap. 15; an act more effectually to provide for the organizing of the militia of the District of Columbia, March 3, 1803, chap. 20; an act establishing rules and articles for the government of the armies of the United States, April 10, 1806, chap. 20; an act in addition to the act entitled, "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and to repeal the act now in force for those purposes," April 18, 1814, chap. 32; an act concerning field officers of the militia, April 20, 1816, chap. 64; an act to establish an uniform mode of discipline and field exercise for the militia of the United States, May 12, 1820, chap. 96; an act to reduce and fix the military peace establishment of the United States, March 2, 1821, chap. 12, sec. 14.

balls of the eighteenth part of a pound. And every citizen so enrolled, and providing himself with the arms, ammunition and accoutrements required as aforesaid, shall hold the same exempted from all suits, distresses, executions or sales, for debt or for the payment of taxes.

Executive officers, &c. exempted.

SEC. 2. *And be it further enacted*, That the Vice President of the United States; the officers judicial and executive of the government of the United States; the members of both Houses of Congress, and their respective officers; all custom-house officers with their clerks; all post-officers, and stage drivers, who are employed in the care and conveyance of the mail of the post-office of the United States; all ferrymen employed at any ferry on the post road; all inspectors of exports; all pilots; all mariners actually employed in the sea service of any citizen or merchant within the United States; and all persons who now are or may hereafter be exempted by the laws of the respective states, shall be, and are hereby exempted from militia duty, notwithstanding their being above the age of eighteen, and under the age of forty-five years.

1810, ch. 37, sec. 33.

Militia how to be arranged, and

SEC. 3. *And be it further enacted*, That within one year after the passing of this act, the militia of the respective states shall be arranged into divisions, brigades, regiments, battalions and companies, as the legislature of each state shall direct; and each division, brigade and regiment, shall be numbered at the formation thereof; and a record made of such numbers in the adjutant-general's office in the state; and when in the field, or in service in the state, each division, brigade and regiment shall respectively take rank according to their numbers, reckoning the first or lowest number highest in rank. That if the same be convenient, each brigade shall consist of four regiments; each regiment of two battalions; each battalion of five companies; each company of sixty-four privates. That the said militia shall be officered by the respective states, as follows: To each division, one major-general and two aids-de-camp, with the rank of major; to each brigade, one brigadier-general, with one brigade inspector, to serve also as brigade-major, with the rank of a major; to each regiment, one lieutenant-colonel commandant; and to each battalion one major; to each company one captain, one lieutenant, one ensign, four sergeants, four corporals, one drummer and one fifer or bugler. That there shall be a regimental staff, to consist of one adjutant and one quartermaster, to rank as lieutenants; one paymaster; one surgeon, and one surgeon's mate; one sergeant-major; one drum-major, and one fife-major.

by whom officered.

1803, ch. 15, sec. 3.

Each battalion to have one company of grenadiers, &c. and one company of artillery.

Officers how to be armed.

Troops of horse how officered, &c.

SEC. 4. *And be it further enacted*, That out of the militia enrolled, as is herein directed, there shall be formed for each battalion at least one company of grenadiers, light infantry or riflemen; and that to each division there shall be at least one company of artillery, and one troop of horse: there shall be to each company of artillery, one captain, two lieutenants, four sergeants, four corporals, six gunners, six bombardiers, one drummer, and one fifer. The officers to be armed with a sword or hanger, a fusee, bayonet and belt, with a cartridge-box to contain twelve cartridges; and each private or matross shall furnish himself with all the equipments of a private in the infantry, until proper ordnance and field artillery is provided. There shall be to each troop of horse, one captain, two lieutenants, one cornet, four sergeants, four corporals, one saddler, one farrier, and one trumpeter. The commissioned officers to furnish themselves with good horses of at least fourteen hands and an half high, and to be armed with a sword and pair of pistols, the holsters of which to be covered with bearskin caps. Each dragoon to furnish himself with a serviceable horse, at least fourteen hands and an half high, a good saddle, bridle, mailpillion and valise, holsters, and a breast-plate and crupper, a pair of boots and spurs, a pair of pistols, a sabre, and a cartouch-box, to contain twelve cartridges for pistols. That each company of artillery and troop of horse shall be formed of volunteers from the brigade, at the

Artillery and horse of whom to be formed;

discretion of the commander-in-chief of the state, not exceeding one company of each to a regiment, nor more in number than one eleventh part of the infantry, and shall be uniformly clothed in regimentals, to be furnished at their own expense; the colour and fashion to be determined by the brigadier commanding the brigade to which they belong.

to be uniformly
clad at their
own expense.
1803, ch. 15.

SEC. 5. *And be it further enacted,* That each battalion and regiment shall be provided with the state and regimental colours by the field officers, and each company with a drum and fife, or bugle-horn, by the commissioned officers of the company, in such manner as the legislature of the respective states shall direct.

What colors
&c. and by
whom to be
furnished.

SEC. 6. *And be it further enacted,* That there shall be an adjutant-general appointed in each state, whose duty it shall be to distribute all orders from the commander-in-chief of the state to the several corps; to attend all public reviews when the commander-in-chief of the state shall review the militia, or any part thereof; to obey all orders from him relative to carrying into execution and perfecting the system of military discipline established by this act; to furnish blank forms of different returns that may be required, and to explain the principles on which they should be made; to receive from the several officers of the different corps throughout the state, returns of the militia under their command, reporting the actual situation of their arms, accoutrements, and ammunition, their delinquencies, and every other thing which relates to the general advancement of good order and discipline: all which the several officers of the divisions, brigades, regiments, and battalions, are hereby required to make in the usual manner, so that the said adjutant-general may be duly furnished therewith: from all which returns he shall make proper abstracts, and lay the same annually before the commander-in-chief of the state.

Adjutant-general
in each
state, his duty.

1803, ch. 15.

SEC. 7. *And be it further enacted,* That the rules of discipline, approved and established by Congress in their resolution of the twenty-ninth of March, one thousand seven hundred and seventy-nine, shall be the rules of discipline to be observed by the militia throughout the United States, except such deviations from the said rules as may be rendered necessary by the requisitions of this act, or by some other unavoidable circumstances. It shall be the duty of the commanding officer at every muster, whether by battalion, regiment, or single company, to cause the militia to be exercised and trained agreeably to the said rules of discipline.

Rules of discipline.

SEC. 8. *And be it further enacted,* That all commissioned officers shall take rank according to the date of their commissions; and when two of the same grade bear an equal date, then their rank to be determined by lot, to be drawn by them before the commanding officer of the brigade, regiment, battalion, company, or detachment.

Officers how
to take rank.

SEC. 9. *And be it further enacted,* That if any person, whether officer or soldier, belonging to the militia of any state, and called out into the service of the United States, be wounded or disabled while in actual service, he shall be taken care of and provided for at the public expense.

Provision in
case of wounds,
&c.

SEC. 10. *And be it further enacted,* That it shall be the duty of the brigade-inspector to attend the regimental and battalion meetings of the militia composing their several brigades, during the time of their being under arms, to inspect their arms, ammunition, and accoutrements; superintend their exercise and manœuvres, and introduce the system of military discipline before described throughout the brigade, agreeable to law, and such orders as they shall from time to time receive from the commander-in-chief of the state; to make returns to the adjutant-general of the state, at least once in every year, of the militia of the brigade to which he belongs, reporting therein the actual situation of the arms, accoutrements, and ammunition of the several corps, and every other thing which, in his judgment, may relate to their government and the

Brigade inspector's duty.

1803, ch. 15.

general advancement of good order and military discipline; and the adjutant-general shall make a return of all the militia of the state to the commander-in-chief of the said state, and a duplicate of the same to the President of the United States.

Artillery &c.
now existing,

And whereas sundry corps of artillery, cavalry, and infantry now exist in several of the said states, which by the laws, customs, or usages thereof have not been incorporated with, or subject to the general regulations of the militia :

to retain their
privileges.

SEC. II. *Be it further enacted*, That such corps retain their accustomed privileges, subject, nevertheless, to all other duties required by this act, in like manner with the other militia.

APPROVED, May 8, 1792.

STATUTE I.

May 8, 1792.

CHAP. XXXIV.—*An Act relative to the compensations to certain officers employed in the collection of the duties of impost and tonnage.*

[Obsolete.]
Additional
specific allow-
ance from 1st of
July next to cer-
tain surveyors
and collectors.
1790, ch. 35.
sec. 53.
Act of March
2, 1799, ch. 23.

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the last day of June next, in addition to the fees and emoluments which may accrue to the officers employed in the collection of the duties of impost and tonnage, by the provisions already made, they shall severally have and be entitled to the respective allowances following, to wit: The surveyors of Newburyport, Salem, St. Mary's and Wilmington, in North Carolina, the yearly sum of one hundred dollars each; the surveyors of Beverly, North Kingston, East Greenwich, Warren, Bristol, Pawcatuck river, Providence, Patuxet, New Haven, Lewellensburg, Alexandria, Beaufort, Hertford, Winton, Bennet's creek, Plymouth, Windsor, Skewarkey, Murfreesborough, Nixonton, Indiantown, Currituck inlet, Pasquotank river bridge, and Newbiggen creek, the yearly sum of eighty dollars each; the surveyor of Portsmouth, the yearly sum of sixty dollars; the surveyors of Ipswich, Portland, Newport, Stonington, Middleton, Bermuda hundred, Petersburg, Richmond, and Savannah, the yearly sum of fifty dollars each; the surveyors of Gloucester, New London, and Swansborough, the yearly sum of thirty dollars each; the surveyors of Hudson, Little Egg Harbour, Suffolk, Smithfield, Urbanna, and Fredericksburg, the yearly sum of twenty dollars each; the collector of the district of Wilmington, in North Carolina, the yearly sum of one hundred and fifty dollars; the collectors of the districts of Portsmouth, Gloucester, Albany, Annapolis, Vienna, Nottingham, Yorktown, Dumfries, and Louisville, the yearly sum of one hundred dollars each; the collector of the district of Fairfield, the yearly sum of eighty dollars; the collectors of the districts of Marblehead, Plymouth, Barnstable, Nantucket, New Bedford, Dighton, York, Biddeford, and Pepperelborough, Bath, Wiscasset, Machias, Newport, New Haven, Perth Amboy, Great Egg Harbour, Wilmington, in Delaware, Chester, Cedar Point, Georgetown, Hampton, South Quay, Washington, Plank Bridge, and Georgetown, in South Carolina, the yearly sum of fifty dollars each; the naval officer of the district of Portsmouth, the yearly sum of one hundred dollars; the naval officers of the districts of Newburyport, Newport, Providence, Wilmington, in North Carolina, and Savannah, the yearly sum of fifty dollars each; the collector of the district of Salem and Beverly, one fourth of one per centum on the amount of all monies by him received on account of the said duties; and to the collectors of the districts of Portsmouth, Newburyport, Gloucester, Marblehead, Plymouth, Nantucket, Edgartown, New Bedford, Dighton, York, Biddeford, and Pepperelborough, Portland, Bath, Wiscasset, Penobscot, Frenchman's bay, Machias, Newport, Providence, New Haven, Fairfield, Perth Amboy, Burlington, Great Egg Harbour, Wilmington, in Delaware, Oxford, Vienna, Snowhill, Annapo-

lis, Nottingham, Cedar Point, Georgetown, in Maryland, Hampton, Yorktown, Yeocomico, Dumfries, Foley landing, Cherrystone, South Quay, Wilmington, in North Carolina, Newbern, Washington, Edenton, Plank Bridge, Georgetown, in South Carolina, Beaufort, and Savannah, each, one half of one per centum on the amount of all monies by them respectively received on account of the duties aforesaid.

SEC. 2. *And be it further enacted*, That from and after the last day of June next, the allowance of three fourths of one per centum to the collectors of the districts of Pennsylvania, and the city of New York, on the amount of all monies by them respectively received, on account of the duties of impost and tonnage, shall cease, and instead thereof, they shall, after that time, be entitled to one half of one per centum on all such monies by them respectively received.

To collectors of N. York and Pennsylvania $\frac{1}{2}$ of 1 per cent. &c.

SEC. 3. *And be it further enacted*, That from and after the last day of June next, the expense of fuel, office rent and necessary stationary, for the collectors of the districts of Salem and Beverly, Boston and Charlestown, the cities of New York, Philadelphia and Charleston, the towns of Baltimore, Norfolk, and Portsmouth, shall be paid, three fourths by the said collectors and the other fourth by the respective naval officers in those districts.

Office rent, &c. of certain collectors, how to be paid.

SEC. 4. *And be it further enacted*, That whenever a collector shall die, the commissions, to which he would have been entitled on the receipt of all duties bonded by him, shall be equally divided between the legal representatives of such deceased collector and his successor in office, whose duty it shall be to collect the same; and for this purpose the said representatives shall deliver over to such successor all the public or official books, papers and accounts of the said deceased.

Commissions on death of a collector, how disposed of.

APPROVED, May 8, 1792.

CHAP. XXXV.—*An Act to continue in force the act intituled "An act to provide for mitigating or remitting the Penalties and Forfeitures accruing under the Revenue Laws in certain Cases," and to make further Provision for the payment of Pensions to Invalids.*

STATUTE I.

May 8, 1792.

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the act, intituled "An act to provide for mitigating or remitting the forfeitures and penalties accruing under the revenue laws in certain cases therein mentioned," shall be and hereby is, continued in full force for the term of three years from the passing of this act, and no longer. *Provided*, That nothing in the said act shall be construed to limit or restrain the power of the President of the United States to grant pardons for offences against the United States.

[Obsolete.] 1790, ch. 12. The act for remitting or mitigating forfeitures, &c. continued for three years. 1797, ch. 3.

SEC. 2. *And be it further enacted*, That the yearly pensions which have been, or may be allowed by, or in pursuance of, any act or law of the United States, to persons who were wounded and disabled in the public service shall for the space of one year from the fourth day of March last be paid out of the treasury of the United States, under such regulations as the President of the United States may direct.

Pensions to be paid for one year from 4th March last.

APPROVED, May 8, 1792.

CHAP. XXXVI.—*An Act for regulating Processes in the Courts of the United States, and providing Compensations for the Officers of the said Courts, and for Jurors and Witnesses.*(a)

STATUTE I.

May 8, 1792.

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

Writs by whom and how attested.

(a) An act to ascertain the fees in admiralty proceedings in the district courts of the United States, and for other purposes, March 1, 1793; an act to amend "an act for regulating process in the courts of the United States," March 3, 1821. See notes to act of September 29, 1789, chap. 21,—note page 93.

and seals provided. processes issuing from the supreme or a circuit court, shall bear test of the chief justice of the supreme court (or if that office shall be vacant) of the associate justice next in precedence; and all writs and processes issuing from a district court, shall bear test of the judge of such court (or if that office shall be vacant) of the clerk thereof, which said writs and processes shall be under the seal of the court from whence they issue, and signed by the clerk thereof. The seals shall be provided at the expense of the United States.

Forms of writs, 1789, ch. 21. **SEC. 2. And be it further enacted,** That the forms of writs, executions and other process, except their style and the forms and modes of proceeding in suits in those of common law shall be the same as are now used in the said courts respectively in pursuance of the act, entitled "An act to regulate processes in the courts of the United States," in those of equity and in those of admiralty and maritime jurisdiction, according to the principles, rules and usages which belong to courts of equity and to courts of admiralty respectively, as contradistinguished from courts of common law; except so far as may have been provided for by the act to establish the judicial courts of the United States, subject however to such alterations and additions as the said courts respectively shall in their discretion deem expedient, or to such regulations as the supreme court of the United States shall think proper from time to time by rule to prescribe to any circuit or district court concerning the same: *Provided,* That on judgments in any of the cases aforesaid where different kinds of executions are issuable in succession, a *capias ad satisfaciendum* being one, the plaintiff shall have his election to take out a *capias ad satisfaciendum* in the first instance.

When plaintiff may take out a *capias ad satisfaciendum* in first instance.

Fees for serving writs &c.

SEC. 3. And be it further enacted, That from and after the passing this act, the fees and compensations to the several officers and other persons hereafter mentioned, shall be as follows; that is to say, to the marshals of the several districts of the United States, for the service of any writ, warrant, attachment or process in chancery, on each person named in the same, two dollars; for his travel out in serving each writ, warrant, attachment or process aforesaid, five cents per mile, to be computed from the place of service to the court where the writ or process shall be returned; and if more persons than one are named therein, the travel shall be computed from the court to the place of service which is most remote, adding thereto the extra travel necessary to serve it on the other: *Provided,* That the fee for travel where there is one person named in such writ, warrant, attachment or process, shall in no case exceed seven dollars, and when there are more than one the fee for extra travel shall not exceed one dollar above seven dollars for each person. For each bail bond, fifty cents; for selling goods and vessels condemned, and receiving and paying the money, three per cent.; for every commitment or discharge of a prisoner, fifty cents; for summoning witnesses, where he does it, each thirty cents; for summoning a grand or petit jury, each three dollars: *Provided,* That in those states where jurors by the laws of the state are drawn by constables or other officers of corporate towns or places by lot, the marshals shall receive for the use of such constables or officers the fees allowed for summoning juries: For attending the supreme, circuit or district courts, five dollars per day, and at the rate of ten cents per mile for his expenses and time in travelling from the place of his abode to either of the said courts: For levying an execution, and for all other services not herein enumerated, such fees or compensation as are allowed in the supreme court of the state where the

for bail bonds; for selling vessels and goods; commitment or discharge of a prisoner; summoning juries.

Proviso in favor of state constables;

for attending courts;

levying execution, &c.

The act for regulating process in the courts of the United States, provides that the forms and modes of proceeding in courts of equity and in those of admiralty and maritime jurisdiction, shall be according to the principles, rules, and usages, which belong to courts of equity, and to courts of admiralty, respectively, as contradistinguished from courts of common law, subject, however, to alterations by the courts, &c. This act has been generally understood to adopt the principles, rules, and usages of the courts of chancery of England. *Hinde v. Vattier*, 5 Peters, 398.

services shall be rendered: (a) To the clerk of the supreme court of the United States, ten dollars per day for his attendance in court, and for his other services in discharging the duties of his office, double the fees of the clerk of the supreme court of that state in which the supreme court of the United States shall be holden. To the clerk of the district and circuit courts such fees in each state respectively as are allowed in the supreme courts of the same; and five dollars per day for his attendance on any circuit or district court, and at the rate of ten cents per mile for his expenses and time in travelling from the place of his abode to either of the said courts. And in case any clerk of a court of the United States shall in discharging the duties of his office perform any kind of service which is not performed by the clerks of the courts of the state, and for which the laws of the state make no allowance, the court in which such service shall be rendered may allow a reasonable compensation therefor. To each grand and petit juror fifty cents per day for attending in court, and for travelling, at the rate of five cents per every mile from their respective places of abode to the place where the court is held, and the like allowance for returning: To witnesses summoned in any of the courts of the United States the same compensations in each state respectively as are allowed in the supreme courts of the same; To the attorney of the United States for the district, such fees in each state respectively as are allowed in the supreme courts of the same, and also the like compensation for travelling as is above allowed to the clerk of the district and circuit courts.

fees of clerks.

Jurors.

Witnesses.

Attornies.

1796, ch. 48, sec. 2.
1799, ch. 19, sec. 9.

Marshal to have the custody of vessels seized, and be paid certain expenses of fuel &c. and receive and pay the fees of jurors &c.

SEC. 4. *And be it further enacted*, That the marshal shall have the custody of all vessels and goods seized by any officer of the revenue, and shall be allowed such compensation therefor as the court may judge reasonable: And there shall be paid to the marshal the amount of the expense for fuel, candles, and other reasonable contingencies that may accrue in holding the courts within his district, and providing the books necessary to record the proceedings thereof; and such amount, as also the compensations aforesaid to the grand and petit jurors,—To the witnesses summoned on the part of the United States, to the clerk of the supreme court for his attendance,—to the clerks of the district and circuit courts for their travelling and attendance,—to the attorney of the district for travelling to court—to the marshal for his attendance at court; for summoning grand and petit jurors and witnesses in behalf of any prisoner to be tried for a capital offence; for the maintenance of prisoners confined in gaol for any criminal offence, and for the commitment or discharge of such prisoner,—and also the legal fees of the clerk, attorney and marshal, in criminal prosecutions, shall be included in the account of the marshal; and the same having been examined and certified by the court or one of the judges of it in which the service shall have been rendered, shall be passed in the usual manner at, and the amount thereof paid out of the treasury of the United States, to the marshal, and by him shall be paid over to the persons entitled to the same, and the marshal shall be allowed two and an half per cent. on the amount by him so paid over to be charged in his future account.

his allowance therefor.

Rules for payment of costs incurred by prosecutions for fines &c.

SEC. 5. *And be it further enacted*, That in every prosecution for any fine or forfeiture incurred under any statutes of the United States, if judgment is rendered against the defendant he shall be subject to the payment of costs—And on every conviction for any other offence not capital, the court may, in their discretion, award that the defendant shall pay the costs of prosecution—And if any informer or plaintiff on a penal statute to whose benefit the penalty or any part thereof if recovered is directed by law to accrue shall discontinue his suit or prosecution or

(a) Marshal.—The marshal shall have an attachment to enforce the payment of his fees of office against suitors in the court. So also against the endorser on the writ, who by the lex loci, is liable to respond for costs. 2 Gallis' C. C. R. 101.

shall be nonsuit in the same, or if upon trial a verdict shall pass for the defendant, the court shall award to the defendant his costs, unless such informer or plaintiff be an officer of the United States specially authorized to commence such prosecution, and the court before whom the action or information shall be tried, shall at the trial in open court, certify upon record, that there was reasonable cause for commencing the same, in which case no costs shall be adjudged to the defendant. (a)

1813, ch. 14.
Fees herein
how to be re-
covered.

SEC. 6. *And be it further enacted*, That the fees and compensations to the several officers and persons herein before mentioned, other than those which are above directed to be paid out of the treasury of the United States, shall be recovered in like manner as the fees of the officers of the states respectively for like services are recovered.

Penalty on de-
manding unlaw-
ful fees.

SEC. 7. *And be it further enacted*, That if any officer herein before mentioned, or his deputy, shall by reason or colour of his office willfully and corruptly demand and receive any greater fees than those allowed by this act, he shall on conviction thereof in any court of the United States, forfeit and pay a fine not exceeding five hundred dollars, or be imprisoned not exceeding six months, at the discretion of the court before whom the conviction shall be.

Certain acts
repealed.

SEC. 8. *And be it further enacted*, That the act passed at the last session of Congress, entitled "An act to continue in force for a limited time, an act passed at the first session of Congress, entitled An act to regulate processes in the courts of the United States;" and also another act passed at the last session of Congress, entitled "An act providing compensations for the officers of the judicial courts of the United States, and for jurors and witnesses and for other purposes," be and the same are hereby repealed.

1791, ch. 8.
Clerk of su-
preme court to
transmit to
clerks of circuit
courts the form
of a writ of error.

SEC. 9. *And be it further enacted*, That it shall be the duty of the clerk of the supreme court of the United States, forthwith to transmit to the clerks of the several circuit courts the form of a writ of error, to be approved by any two of the judges of the supreme court, and it shall be lawful for the clerks of the said circuit courts to issue writs of error agreeably to such forms, as nearly as the case may admit, under the seal of the said circuit courts, returnable to the supreme court, in the same manner as the clerk of the supreme court may issue such writs, in pursuance of the act, intitled "An act to establish the judicial courts of the United States."

1789, ch. 20.
When clerks
may take recog-
nizances *de bene
esse*;

and affidavits of
surveyors, &c.

SEC. 10. *And be it further enacted*, That it shall and may be lawful for the clerks of the district and circuit courts, in the absence or in case of the disability of the judges, to take recognizances of special bail, *de bene esse*, in any action depending in either of the said courts, and also the affidavits of all surveyors relative to their reports, and to administer oaths to all persons identifying papers found on board of vessels or elsewhere, to be used on trials in admiralty causes.

1812, ch. 25.

SEC. 11. *And be it further enacted*, That in all suits and actions in

(a) Costs are not to be awarded against the United States. The United States v. Hoe et al., 3 Cranch, 73; 1 Cond. Rep. 458. The Antelope, 12 Wheat. 546; 6 Cond. Rep. 629.

Where there appeared some ground for the prosecution, costs were refused. The United States v. La Vengeance, 3 Dall. 297; 1 Cond. Rep. 132.

It is undoubtedly a general rule that no court can give a direct judgment against the United States in a suit to which they are a party, either in behalf of any suitor, or any officer of the government. But it by no means follows that they are not liable for their own costs. No direct suit can be maintained against the United States. But when an action is brought by the United States, to recover money in the hands of a party, who has a legal claim against them for costs, it would be a very rigid principle to deny to him the right of setting up such claim in a court of justice, and turn him round to an application to Congress. If the right of the party is fixed by the existing law, there can be no necessity for an application to Congress, except for the purpose of remedy. And no such necessity can exist, where the right can be properly set up by way of defence to a suit by the United States. The United States v. Ringgold et al., 8 Peters, 150.

If a witness recognized for the defendant, is marked on the indictment and sent to the grand jury by the district attorney, the United States on the acquittal of the prisoner, must pay the witness his costs. The United States v. Coulter, Circuit Court of Pennsylvania, April, 1803.

any district court of the United States, in which it shall appear that the judge of such court is, any ways, concerned in interest, or has been of counsel for either party, it shall be the duty of such judge on application of either party, to cause the fact to be entered on the minutes of the court, and also to order an authenticated copy thereof, with all the proceedings in such suit or action, to be forthwith certified to the next circuit court of the district, which circuit court shall, thereupon, take cognizance thereof, in the like manner, as if it had been originally commenced in that court, and shall proceed to hear and determine the same accordingly.

Where judges act as counsel for a party, their duty in such case.

SEC. 12. *And be it further enacted*, That all the records and proceedings of the court of appeals heretofore appointed, previous to the adoption of the present constitution, shall be deposited in the office of the clerk of the supreme court of the United States, who is hereby authorized and directed to give copies of all such records and proceedings, to any person requiring and paying for the same, in like manner as copies of the records and other proceedings of the said court are by law directed to be given: which copies shall have like faith and credit as all other proceedings of the said court.

Records of court of appeals to be deposited with clerk of supreme court.

APPROVED, May 8, 1792.

STATUTE I.

CHAP. XXXVII.—*An Act making alterations in the Treasury and War Departments.* (a)

May 8, 1792.

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

(a) The acts for the establishment and regulation of the Treasury department, have been: An act to establish the Treasury department, September 2, 1789, chap. 12; an act supplemental to the act "establishing the Treasury department," and for further compensation to certain officers, March 3, 1791, chap. 18; an act making alterations in the Treasury and War departments, May 8, 1792, chap. 37; an act to amend the act entitled, "An act making alterations in the Treasury and War departments," February 13, 1795, chap. 21; an act for the more effectual recovery of debts due from individuals to the United States, March 3, 1795, chap. 48; an act to alter and amend the several acts for the establishment and regulation of the Treasury, War, and Navy departments, July 16, 1798, chap. 85; an act supplementary to the act entitled, "An act to establish the Treasury department," May 10, 1800, chap. 58; an act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy departments, March 3, 1809, chap. 28; an act authorizing the Secretary of the Treasury to appoint a clerk in the office of the commissioner of revenue, with power to sign licenses, November 22, 1814, chap. 7; an act supplementary to an act making alterations in the Treasury and War departments, passed 8th day of May, 1792, April 29, 1816, chap. 140; an act to provide for the prompt settlement of public accounts, March 3, 1817, chap. 45; an act making appropriation for the payment of arrearages which have been incurred for the support of the military establishment previous to the first of January, one thousand eight hundred and seventeen, February 16, 1818, chap. 10; an act supplementary to the act entitled, "An act to provide for the prompt settlement of public accounts," February 24, 1819, chap. 43; an act to provide for obtaining accurate statements of the foreign commerce of the United States, February 10, 1820, chap. 11; an act in addition to the several acts for the establishment and regulation of the Treasury, War, and Naval departments, May 1, 1820, chap. 50; an act to provide for the better organizing the Treasury department, May 15, 1820, chap. 107. (See *The United States v. Maurice et al.*, 2 Brockenb. C. C. R. 96.) An act further to amend the several acts relative to the Treasury, War, and Naval departments, May 7, 1822, chap. 98; an act to organize the general land office, July 4, 1836, chap. 352, sec. 12; an act to authorize the proper officers of the Treasury department to credit the account of the Treasurer of the United States, with the amount of unavailable funds standing to his debit on the books of the Treasury, to transfer the amount of the debit of banks and individuals indebted for the same, and to authorize the Secretary of the Treasury to compromise and settle the same, March 3, 1837, chap. 33.

Department of War. The acts establishing and regulating the department of War, are: An act to establish an executive department to be denominated the Department of War, August 7, 1789, chap. 7; an act making alterations in the Treasury and War departments, May 8, 1792, chap. 37; an act to amend the act entitled, "An act making alterations in the Treasury and War departments," February 13, 1795, chap. 21; an act to alter and amend the several acts for the establishment and regulation of the Treasury, War, and Naval departments, July 16, 1798, chap. 85; an act concerning public contracts, April 21, 1808, chap. 48, sec. 5; an act further to amend the several acts for the establishment and regulation of the Treasury, War, and Naval departments, March 3, 1809, chap. 28; an act concerning the annual sum appropriated for arming and equipping the militia, April 29, 1816, chap. 135; an act supplementary to "an act making alterations in the Treasury and War departments," passed 8th May, 1792, April 29, 1816, chap. 140; an act to provide for the prompt settlement of public accounts, March 3, 1817, chap. 45; an act in addition to the several acts for the establishment and regulation of the Treasury, War, and Navy departments, May 1, 1820, chap. 50; an act to amend the several acts relative to the Treasury, War, and Navy departments, May 7, 1822, chap. 47.

Accountant in the war department, his duty.

May 27, 1796.

Salary.

Duty of the Treasurer of the U. S. herein.

Paymaster of the troops, his duty.

1822, ch. 98.

To give bond.

His salary.

Assignment of pay by a soldier after 1st June next not valid.

Contracts for supplying the army to be made under the Secretary of the Treasury.

To direct the collection of duties, &c.

Assistant Secretary abolished, and Commissioner of the Revenue substituted, his duty.

be an accountant to the department of war, who shall be charged with the settlement of all accounts relative to the pay of the army, the subsistence of officers, bounties to soldiers, the expenses of the recruiting service, the incidental and contingent expenses of the department; and who shall report from time to time, all such settlements as shall have been made by him, for the inspection and revision of the accounting officers of the treasury; and the said accountant shall also be charged with the settlement of all claims for personal service authorized by the act of this Congress of the twenty-seventh of March last, and of all military claims lodged in the late office of the paymaster general and commissioner of army accounts, which are not foreclosed by the acts of limitation of the late Congress, and he shall report from time to time, all such settlements as have been made by him, for the inspection and revision of the Comptroller of the Treasury. The compensation of the said accountant shall be a yearly salary of one thousand two hundred dollars.

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

SEC. 3. *And be it further enacted*, That there be a paymaster to reside near the head-quarters of the troops of the United States. That it shall be the duty of the said paymaster, to receive from the treasurer all the monies which shall be entrusted to him for the purpose of paying the pay, the arrears of pay, subsistence or forage, due to the troops of the United States. That he shall receive the pay abstracts of the paymasters of the several regiments or corps, and compare the same with the returns or muster rolls which shall accompany the said pay abstracts. That he shall certify accurately to the commanding officer, the sums due to the respective corps, which shall have been examined as aforesaid, who shall thereon issue his warrant on the said deputy paymaster, for the payment accordingly. That copies of all reports to the commanding officer, and the warrants thereon, shall be duly transmitted to the office of the accountant of the war department, in order to be there examined and finally adjusted at the treasury. That the said paymaster shall give bond in the sum of twenty thousand dollars, with two sufficient sureties, for the faithful discharge of his duty, and he shall take an oath faithfully to execute the duties of his office. That the compensation to the said paymaster shall be sixty dollars monthly, with the same rations and forage as a major.

SEC. 4. *And be it further enacted*, That no assignment of pay made after the first day of June next, by a non-commissioned officer or private, shall be valid.

SEC. 5. *And be it further enacted*, That all purchases and contracts for supplying the army with provisions, clothing, supplies in the quartermaster's department, military stores, Indian goods, and all other supplies or articles for the use of the department of war, be made by or under the direction of the treasury department.

SEC. 6. *And be it further enacted*, That the Secretary of the Treasury shall direct the superintendence of the collection of the duties on impost and tonnage as he shall judge best. That the present office of assistant to the Secretary of the Treasury, be abolished, and that instead thereof there be an officer in the department of the treasury, to be denominated Commissioner of the Revenue, who shall be charged with superintending, under the direction of the head of the department, the collection of the other revenues of the United States, and shall execute such other services, being conformable to the constitution of the department, as shall be directed by the Secretary of the Treasury. That the

compensation of the said commissioner shall be a salary of one thousand nine hundred dollars per annum.

Salary.

SEC. 7. *And be it further enacted*, That in every case of an account or claim not finally adjusted, upon which the present comptroller of the treasury, as auditor, may have decided, it shall be the duty of the commissioner of the revenue, and of the auditor of the treasury, finally to adjust the same, and in case of disagreement between the said commissioner and auditor, the decision of the attorney general shall be final.

And powers, with the Auditor and Attorney-General.

SEC. 8. *And be it further enacted*, That in case of the death, absence from the seat of government, or sickness of the Secretary of State, Secretary of the Treasury, or of the Secretary of the War department, or of any officer of either of the said departments whose appointment is not in the head thereof, whereby they cannot perform the duties of their said respective offices, it shall be lawful for the President of the United States, in case he shall think it necessary, to authorize any person or persons at his discretion to perform the duties of the said respective offices until a successor be appointed, or until such absence or inability by sickness shall cease.

Power of the President on death, &c. of the heads of the three departments.

1795, ch. 21.

SEC. 9. *And be it further enacted*, That the forms of keeping and rendering all public accounts whatsoever, shall be prescribed by the department of the Treasury.

Treasury department to prescribe forms for keeping accounts.

1789, ch. 13.

SEC. 10. *And be it further enacted*, That in addition to the compensations allowed to the comptroller, auditor, treasurer, and register of the treasury, by the "act for establishing the salaries of the executive officers of government, their assistants and clerks," and to the attorney general by the "act for allowing certain compensations to the judges of the supreme and other courts, and to the attorney general of the United States," the said officers respectively shall be allowed the following yearly sums, viz: the comptroller four hundred dollars; the auditor four hundred dollars; the treasurer four hundred dollars; the register five hundred dollars; the attorney general four hundred dollars.

Yearly allowance to certain officers of the Treasury and Attorney General.

1789, ch. 18.

SEC. 11. *And be it further enacted*, That the Secretary of the Treasury be authorized to have two principal clerks, each of whom to have a salary of eight hundred dollars per annum; and that the salary of the chief clerk of the department of war, be at the rate of eight hundred dollars per year.

Secretary of the Treasury allowed two principal clerks.

SEC. 12. *And be it further enacted*, That the restriction on the clerks of the department of the treasury so far as respects the carrying on of any trade or business, other than in the funds or debts of the United States or of any state, or in any kind of public property, be abolished, and that such restriction, so far as respects the funds or debts of the United States, or of any state, or any public property of either, be extended to the commissioner of the revenue, to the several commissioners of loans, and to all persons employed in their respective offices, and to all officers of the United States concerned in the collection or disbursement of the revenues thereof, under the penalties prescribed in the eighth section of the act, intitled "An act to establish the treasury department," and the provisions relative to the officers in the treasury department, contained in the "Act to establish the post-office and post roads," shall be and hereby are extended and applied to the commissioner of the revenue.

Restriction on his clerks as to carrying on trade abolished; and that as to the funds extended to all revenue officers, &c.

1789, ch. 12.

1792, ch. 7.

Privilege of franking extended to Commissioner of the Revenue.

APPROVED, May 8, 1792.

STATUTE I.

May 8, 1792.

CHAP. XXXVIII.—*An Act supplementary to the act making provision for the Debt of the United States.*

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

[Obsolete.]
1790, ch. 34.

Term for receiving on loan the unsubscribed domestic debt of U. States extended.

Subscription books to be opened.

1790, ch. 34.

Interest to non-subscribing creditors.

Term for receiving state debts extended,

subscription books to be opened.

Certain certificates of N. Carolina excluded.

Debt due to certain foreign officers, President to cause to be paid.

Certain persons appointed Commissioners to purchase debt of the U. S. &c.

for receiving on loan that part of the domestic debt of the United States, which hath not been subscribed pursuant to the terms proposed in the act, intituled, "An act making provision for the debt of the United States," shall be, and it is hereby extended, on the same terms, as in and by the said act is provided, to the first day of March next; and books, for receiving such farther subscription, shall be opened at the treasury of the United States, and by the commissioners of loans in each of the said states, on the first day of June next, which shall continue open until the said first day of March next inclusively; for which purpose, the said commissioners, respectively, are hereby invested with the like powers, and required to perform the like duties, as in and by the said act is directed.

SEC. 2. *And be it further enacted,* That such of the creditors of the United States, as have not subscribed and shall not subscribe to the said loan, shall nevertheless receive a rate per centum on the amount of so much of their respective demands, as well for interest as principal, as, on or before the first day of March, shall be registered, conformably to the directions of the said act, as shall be equal to the interest payable to the subscribing creditors, which shall be payable at the same times and places, and by the same persons, as in and by the said act is directed.

SEC. 3. *And be it further enacted,* That the term for receiving upon loan that part of the debts of the respective states, which hath not been subscribed pursuant to the terms proposed in the act aforesaid, shall be, and it is hereby enlarged on the same terms, as in and by the said act is provided, until the first day of March, one thousand seven hundred and ninety-three inclusively; for which purpose, books shall be opened at the treasury of the United States, and by the commissioners of loans in each of the said states, on the first day of June next, which shall continue open until the first day of March, one thousand seven hundred and ninety-three inclusively; for which purposes the said commissioners are hereby invested with the like powers, and required to perform the like duties, as, in and by the said act, is directed.

SEC. 4. *Provided always, and be it further enacted,* That the commissioner of loans for North Carolina shall not be allowed to receive any certificate issued by Patrick Travers, commissioner of Cumberland county, or by the commissioners of army accounts at Warrenton.

SEC. 5. And whereas the United States are indebted to certain foreign officers, on account of pay and services during the late war, the interest whereof, pursuant to the certificates granted to the said officers by virtue of a resolution of the United States in Congress assembled, is payable at the house of Grand, banker, at Paris, and it is expedient to discharge the same. *Be it therefore enacted,* That the President of the United States be, and he hereby is authorized to cause to be discharged the principal and interest of the said debt, out of any of the monies, which have been or shall be obtained on loan, in virtue of the act aforesaid, and which shall not be necessary ultimately to fulfil the purposes for which the said monies are, in and by the said act, authorized to be borrowed.

SEC. 6. *And be it further enacted,* That the President of the Senate, the Chief Justice, the Secretary of State, the Secretary of the Treasury, and the Attorney General, for the time being, shall be commissioners, who, or any three of whom, are hereby authorized, with the approbation of the President of the United States, to purchase the debt of the United States, at its market price, if not exceeding the par or true value thereof; for which purchase the interest on so much of the public debt, as has already been, or may hereafter be purchased for the United States, or as shall be paid into the treasury, and so much of the monies appropriated for the payment of the interest on the foreign and domestic debt, as shall exceed what may be sufficient for the payment of such interest

to the creditors of the United States, shall be and are hereby appropriated. And it shall be the duty of the said commissioners to render to the legislature, within two months after the commencement of the first session thereof in every year, a full and precise account of all such purchases made, and public debt redeemed, in pursuance of this act.

Account to be rendered annually.

SEC. 7. And whereas it is expedient to establish a fund for the gradual reduction of the public debt: *Be it further enacted*, That the interest on so much of the debt of the United States, as has been or shall be purchased or redeemed for or by the United States, or as shall be paid into the treasury thereof in satisfaction of any debt or demand, and the surplus of any sum or sums appropriated for the payment of the interest upon the said debt, which shall remain after paying such interest, shall be, and hereby are appropriated and pledged firmly and inviolably for and to the purchase and redemption of the said debt, to be applied under the direction of the President of the Senate, the Chief Justice, the Secretary of State, the Secretary of the Treasury and the Attorney General for the time being, or any three of them, with the approbation of the President of the United States, for the time being, in manner following, that is to say: First, to the purchase of the several species of stock constituting the debt of the United States, at their respective market prices, not exceeding the par or true value thereof, and as nearly as may be, in equal proportions, until the annual amount of the said funds, together with any other provisions which may be made by law, shall be equal to two per centum of the whole amount of the outstanding funded stock bearing a present interest of six per centum. Thenceforth, secondly, to the redemption of the said last mentioned stock, according to the right for that purpose reserved to the United States, until the whole amount thereof shall have been redeemed. And lastly, after such redemption, to the purchase, at its market price, of any other stock consisting of the debt of the United States, which may then remain unredeemed: and such purchase, as far as the fund shall at any time extend, shall be made within thirty days next after each day, on which a quarterly payment of interest on the debt of the United States shall become due, and shall be made by a known agent, to be named by the said commissioners.

Out of a fund created for the purpose.

how to be applied.

SEC. 8. *And be it further enacted*, That all future purchases of public debt on account of the United States, shall be made at the lowest price, at which the same can be obtained by open purchase, or by receiving sealed proposals, to be opened in the presence of the commissioners, or persons authorized by them to make purchases, and the persons making such proposals.

Purchases how to be made.

SEC. 9. *And be it further enacted*, That quarter yearly accounts of the application of the said fund shall be rendered for settlement, as other public accounts, accompanied with returns of the sums of the said debt, which shall have been from time to time purchased or redeemed; and a full and exact report of the proceedings of the said commissioners, including a statement of the disbursements, which shall have been made, and of the sums which shall have been purchased or redeemed under their direction, and specifying dates, prices, parties, and places, shall be laid before Congress, within the first fourteen days of each session which may ensue the present, during the execution of the said trust.

Quarterly accounts of application of said fund to be rendered &c.

APPROVED, May 8, 1792.

STATUTE I.

CHAP. XXXIX.—*An Act to provide for a Copper Coinage.*

May 8, 1792.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the director of the mint, with the approbation of the President of the United States, be authorized to contract for and purchase a quantity of copper,

Director of the mint to purchase copper

and have coined into cents &c.

April 24, 1800, ch. 1.

1792, ch. 16.

whence to issue.

Director to publish when a certain sum has been paid into the Treasury.

Penalty for offering to pass other copper coins.

not exceeding one hundred and fifty tons, and that the said director, as soon as the needful preparations shall be made, cause the copper by him purchased to be coined at the mint into cents and half cents, pursuant to "the act establishing a mint, and regulating the coins of the United States;" and that the said cents and half cents, as they shall be coined, be paid into the treasury of the United States, thence to issue into circulation.

SEC. 2. *And be it further enacted,* That after the expiration of six calendar months from the time when there shall have been paid into the treasury by the said director, in cents and half cents, a sum not less than fifty thousand dollars, which time shall forthwith be announced by the treasurer in at least two gazettes or newspapers, published at the seat of the government of the United States, for the time being, no copper coins or pieces whatsoever, except the said cents and half cents, shall pass current as money, or shall be paid, or offered to be paid or received in payment for any debt, demand, claim, matter or thing whatsoever; and all copper coins or pieces, except the said cents and half cents, which shall be paid or offered to be paid or received in payment contrary to the prohibition aforesaid, shall be forfeited, and every person by whom any of them shall have been so paid or offered to be paid or received in payment, shall also forfeit the sum of ten dollars, and the said forfeiture and penalty shall and may be recovered with costs of suit for the benefit of any person or persons by whom information of the incurring thereof shall have been given.

APPROVED, May 8, 1792.

STATUTE I.

May 8, 1792.

Stationary, &c. allowed to Commissioners of Loans.

CHAP. XL.—*An Act for making compensations to the Commissioners of Loans for extraordinary expenses.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of Loans in the several states shall be allowed, in the settlement of their accounts, such sums as shall appear to have been necessarily expended by them in the purchase of stationary for the use of their several offices, and also for the hire of clerks to assist in executing the duties of their respective offices, from the first day of October last, until the first day of March one thousand seven hundred and ninety-three.

APPROVED, May 8, 1792.

STATUTE I.

May 8, 1792.

Specific appropriations.

CHAP. XLI.—*An Act making certain appropriations therein specified.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That there be granted and appropriated the following sums for the following purposes, to wit:—For the discharge of a balance to the commissioners appointed under the act of Congress of the fifteenth of March, one thousand seven hundred and eighty-five, two thousand seven hundred and eighty-seven dollars and eighty-eight cents: For additional salary to the first clerk of the commissioners for settling accounts between the United States and individual states, one hundred and eighty-seven dollars and ninety-one cents: For defraying the expense of stating and printing certain public accounts, pursuant to the order of the House of Representatives of the thirtieth of December one thousand seven hundred and ninety-one, eight hundred dollars: For discharging the accounts of officers of the courts of the United States, jurors and witnesses, in aid of the fund heretofore appropriated, seventeen thousand dollars: For making good deficiencies in former appropriations, for defraying the expense of the enumeration of the inhabitants of the United States,

four thousand six hundred and ninety-five dollars and fifty-nine cents: For discharging certain accounts against the treasury department, to the end of the year one thousand seven hundred and ninety-one, including a sum of six hundred dollars, for furnishing the supervisors of the revenue with screw presses, seals, and other articles, one thousand nine hundred and fifty-five dollars, and sixty-one cents: For a balance due to Lieutenant John Freeman of the late Maryland line, on account of subsistence for the years one thousand seven hundred and eighty-two and one thousand seven hundred and eighty-three, forty-one dollars and seventy-five cents: For compensations to the clerks of the acting commissioner of army accounts, and contingencies of his office, one thousand three hundred and twenty-nine dollars and sixteen cents: For additional compensations to the doorkeepers of the House of Representatives, pursuant to a resolution of the House, of the twenty-fourth of March last, seven hundred dollars: For the discharge of such demands against the United States, not otherwise provided for, as shall have been ascertained and admitted, in due course of settlement at the treasury, and which are of a nature, according to the usage thereof, to require payment in specie, five thousand dollars. All which said sums, amounting together, to thirty-four thousand four hundred and ninety-seven dollars and ninety cents, shall and may be paid out of the funds following, any, or all of them; namely, the surpluses which may remain of appropriations heretofore made, after satisfying the purposes of such appropriations; monies which have been paid into the treasury, in consequence of balances which have been found due from individuals, relating to transactions prior to the present government of the United States; the surplus, not heretofore appropriated, of the duties on imports and tonnage, which accrued to the end of the year one thousand seven hundred and ninety-one.

out of what funds payable.

SEC. 2. *And be it further enacted*, That so much of the aforesaid surplus of the duties on imports and tonnage, which accrued to the end of the year one thousand seven hundred and ninety-one, as may be necessary, shall be and is hereby appropriated, in addition to the provision heretofore made, towards defraying the expenses, which shall have been incurred in the execution of the act for raising and adding another regiment to the military establishment of the United States, and for making farther provision for the protection of the frontiers, within the limits of the sum of three hundred and twelve thousand, six hundred and eighty-six dollars, and twenty cents thereby authorized; and towards reimbursing any sums, which may have been borrowed, or advances of money which may have been obtained for that purpose.

Additional appropriations for expense of adding another regiment to military establishment.

1791, ch. 28.

SEC. 3. *And be it further enacted*, That a sum of fifty thousand dollars in addition to the provision heretofore made be appropriated to defray any expense which may be incurred in relation to the intercourse between the United States and foreign nations, to be paid out of any monies, which may be in the treasury, not otherwise appropriated, and to be applied under the direction of the President of the United States who, if necessary, is authorized to borrow, on the credit of the United States, the said sum of fifty thousand dollars; an account of the expenditure whereof as soon as may be, shall be laid before Congress.

For intercourse with foreign nations.

President may borrow \$50,000.

APPROVED, May 8, 1792.

STATUTE I.

May 8, 1792.

CHAP. XLII.—*An Act respecting the government of the territories of the United States northwest and south of the river Ohio.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the laws of the territory northwest of the river Ohio, that have been or hereafter may be enacted by the governor and judges thereof, shall be printed under the direction of the Secretary of State, and two hundred copies

Laws of northwestern territory how to be published, distributed, &c. 1789, ch. 8.

thereof, together with ten sets of the laws of the United States, shall be delivered to the said governor and judges, to be distributed among the inhabitants for their information, and that a like number of the laws of the United States shall be delivered to the governor and judges of the territory southwest of the river Ohio.

Power of Governor and Judges herein.

SEC. 2. *And be it further enacted*, That the governor and judges of the territory northwest of the river Ohio shall be, and hereby are authorized to repeal their laws by them made, whensoever the same may be found to be improper.

Power of the secretaries.

SEC. 3. *And be it further enacted*, That the official duties of the secretaries of the said territories shall be under the control of such laws, as are or may be in force in the said territories.

One supreme judge may hold court.

SEC. 4. *And be it further enacted*, That any one of the supreme or superior judges of the said territories, in the absence of the other judges, shall be and hereby is authorized to hold a court.

Seals by whom provided.

SEC. 5. *And be it further enacted*, That the secretary of state, provide proper seals for the several and respective public offices in the said territories.

The limitation act passed by the governor and judges disapproved.

SEC. 6. *And be it further enacted*, That the limitation act, passed by the governor and judges of the said territory, the twenty-eighth day of December, one thousand seven hundred and eighty-eight, be and hereby is disapproved.

Certain expenses allowed to John C. Symmes, &c.

SEC. 7. *And be it further enacted*, That the expenses incurred by John Cleves Symmes and George Turner, two of the judges of the said territory, in sending an express, and in purchasing a boat to go the circuit, in the year one thousand seven hundred and ninety, shall be liquidated by the officers of the treasury, and paid out of the treasury of the United States.

APPROVED, May 8, 1792.

May 8, 1792.

The Secretary of the Treasury to furnish to the collectors printed clearances, on the back of which the methods for obtaining fresh from salt water, shall be published.

RESOLVED by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury cause to be provided, for the use of the several collectors in the United States, printed clearances, on the back whereof shall be a printed account of the methods, which have been found to answer for obtaining fresh, from salt water, and of constructing extempore stills, of such implements, as are generally on board of every vessel, with a recommendation, in all cases, where they shall have occasion to resort to this expedient for obtaining water, to publish the result of their trial in some gazette, on their return to the United States, or to communicate it for publication, to the office of the Secretary of State, in order that others may, by their success, be encouraged to make similar trials, and be benefited by any improvements or new ideas which may occur to them in practice.

APPROVED, May 8, 1792.

ACTS OF THE SECOND CONGRESS

OF THE

UNITED STATES,

Passed at the second session, which was begun and held at the City of Philadelphia, in the State of Pennsylvania, on Monday, the fifth day of November, 1792, and ended on the second day of March, 1793.

GEORGE WASHINGTON, President, JOHN ADAMS, Vice President of the United States, and President of the Senate, JOHN LANGDON, President of the Senate pro tempore, on the second of March 1793, JONATHAN TRUMBULL, Speaker of the House of Representatives.

STATUTE II.

CHAPTER I.—*An Act concerning the registering and recording of ships or vessels.*(a) Dec. 31, 1792.

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

(a) The decisions of the courts of the United States on the acts relating to the registering of ships and vessels, have been :

An American registered vessel, in part transferred by grant while at sea, to an American citizen, and re-sold to her original owners on her return into port before her entry, does not, by that operation, lose her privilege as an American bottom, nor become subject to foreign duties. *The United States v. Willings and Francis*, 4 Cranch, 48; 2 Cond. Rep. 20.

In case of alienation to a foreigner, the privileges of an American bottom are ipso facto forfeited; but in case of alienation to a citizen, they are not forfeited until after she ought to have been registered anew; and the oath which entitles her owner to enter as an American bottom, does not require such new register. *Ibid.*

The register is the only document which needs to be on board during a period of universal peace, in compliance with the warranty of national character. *Catlett v. The Pacific Ins. Comp.*, Paine's C. C. R. 594.

If one of two partners in a house of trade in the United States, obtain a register for a vessel as a vessel of the United States, by swearing that he, together with his partner of the city of New York, are the sole owners of the vessel, when, in fact, his partner is domiciled in England, the vessel is liable to forfeiture under the act of December 31, 1792. *The Venus*, 8 Cranch, 253; 3 Cond. Rep. 109.

A transfer of a vessel of the United States to a foreign subject in a foreign port, for the purpose of evading the revenue laws of a foreign country with an understanding that she is to be afterwards re-conveyed to the former owner, works a forfeiture of the vessel under the 16th section of the registering act of December 31, 1792, unless the transfer is made known in the manner prescribed by the 7th section of the act. *The Margaret*, 9 Wheat. 421; 5 Cond. Rep. 638.

The proviso in the 16th section of the registry act, being by way of exception from the enacting clause, need not be taken notice of in a libel filed to enforce a forfeiture. The proviso applies only to the case of a part owner. *Ibid.*

By the law of the United States relating to the registry and enrolling of vessels, the inaccurate recital of the certificate of registry on a bill of sale does not, as in England, avoid the sale; but merely deprives the vessel of her American character. *Phillips v. Ledley*, 1 Wash. C. C. R. 226.

If a registered vessel is assigned to a foreigner, she is only deprived of her American character. The sale of a licensed vessel to a foreigner is not void, but the vessel is liable to forfeiture. *Ibid.*

Under the act of Congress of December 31, 1792, which declares, that "if a false oath be taken to procure a register for a vessel, the vessel, or its value, shall be forfeited," the United States have an election to proceed against the vessel as forfeited, or against the person who took the false oath, for its value. But until that election is made, the property does not vest in the United States, and the United States cannot maintain an action for money had and received against the assignees of the person who took the oath, and who became bankrupt; the assignees having sold the vessel and recovered the purchase money before the seizure of the vessel. *The United States v. Grundy et al.*, 3 Cranch, 337; 1 Cond. Rep. 554.

Under the 27th section of the registry act of 1792, vessels which have not been previously registered, as well as those which have been previously registered, may be forfeited by a fraudulent use of the certificate of register. *The Neptune*, 3 Wheat. 601; 4 Cond. Rep. 351.

A citizen of the United States, resident in a foreign country, may, under the act of December 31, 1792, command a registered vessel of the United States, without her right to the payment of domestic duties being affected thereby; but under the same act he cannot be the owner of a vessel of the United States. *United States v. Gillics, Peters's* C. C. R. 159.

By the licensing act of February 18, 1793, no coaster can be sold in a foreign port, unless her license

deemed of the United States. Sep. 1, 1789, ch. 11.

to enjoy the privileges only while owned, &c. by citizens of U. States.

What ships or vessels may be registered.

June 27, 1797, ch. 5.

March 27, 1804, ch. 52.

Registry benefits of, confined to actual residents,

unless in capacity of consul or agent for a house of trade.

Ships or vessels by whom registered.

Ships or vessels name &c. to be painted on the stern, &c.

forfeiture on neglect thereof.

vessels, which shall have been registered by virtue of the act, intituled "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes," and those which after the last day of March next, shall be registered, pursuant to this act, and no other (except such as shall be duly qualified, according to law, for carrying on the coasting trade and fisheries, or one of them) shall be denominated and deemed ships or vessels of the United States, entitled to the benefits and privileges appertaining to such ships or vessels: *Provided*, That they shall not continue to enjoy the same, longer than they shall continue to be wholly owned, and to be commanded by a citizen or citizens of the said states.

SEC. 2. *And be it further enacted*, That ships or vessels built within the United States, whether before or after, the fourth of July, one thousand seven hundred and seventy-six, and belonging wholly to a citizen or citizens thereof, or not built within the said states, but on the sixteenth day of May, in the year one thousand seven hundred and eighty-nine, belonging and thenceforth continuing to belong to a citizen or citizens thereof, and ships or vessels which may hereafter be captured in war, by such citizen or citizens, and lawfully condemned as prize, or which have been, or may be adjudged to be forfeited for a breach of the laws of the United States, being wholly owned by a citizen or citizens thereof, and no other, may be registered as herein after directed: *Provided*, That no such ship or vessel shall be entitled to be so registered, or if registered, to the benefits thereof, if owned in whole, or in part, by any citizen of the United States, who usually resides in a foreign country, during the continuance of such residence, unless such citizen be in the capacity of a consul of the United States, or an agent for, and a partner in, some house of trade or co-partnership, consisting of citizens of the said states actually carrying on trade within the said states: *And provided further*, That no ship or vessel, built within the United States, prior to the said sixteenth day of May, which was not then owned wholly, or in part, by a citizen or citizens of the United States, shall be capable of being registered, by virtue of any transfer to a citizen or citizens, which may hereafter be made, unless by way of prize or forfeiture: *Provided nevertheless*, That this shall not be construed to prevent the registering anew, of any ship or vessel, which was before registered, pursuant to the act before mentioned.

SEC. 3. *And be it further enacted*, That every ship or vessel, hereafter to be registered (except as is herein after provided) shall be registered by the collector of the district in which shall be comprehended the port to which such ship or vessel shall belong, at the time of her registry, which port shall be deemed to be that, at or nearest to which, the owner, if there be but one, or if more than one, the husband or acting and managing owner of such ship or vessel, usually resides. And the name of the said ship or vessel, and of the port to which she shall so belong, shall be painted on her stern, on a black ground, in white letters, of not less than three inches in length. And if any ship or vessel of the United States, shall be found, without having her name, and the name of the port, to which she belongs, painted in manner aforesaid, the owner or owners shall forfeit fifty dollars; one half to the person

be previously surrendered, nor is her American character changed by such transfer. But if she be condemned for a violation of that law, and sold under an order of court, she may become foreign property. United States v. The Hawke, Bee's Adm. Rep. 34. See also the United States v. The Brig Burdett, 9 Peters, 682.

By the act of 1793, no registered ship or vessel can, while she remains registered, engage in the whale fisheries, but she must surrender her register, and be enrolled and licensed for the fisheries. The United States v. Rogers, 3 Sumner's C. C. R. 342.

By the arrival of a vessel sailing under a temporary register at her home port, within the meaning of the 3d section of the coasting act of 1793, is meant an arrival in the regular course of an employment, at one of the termini of her voyage, or for an object connected with, and making part of, the business in which she is engaged. United States v. Shackford, Ware's D. C. R. 171.

giving the information thereof; the other half to the use of the United States.

SEC. 4. *And be it further enacted*, That in order to the registry of any ship or vessel, an oath or affirmation shall be taken and subscribed by the owner, or by one of the owners thereof, before the officer authorized to make such registry, who is hereby empowered to administer the same, declaring, according to the best of the knowledge and belief of the person so swearing or affirming, the name of such ship or vessel, her burthen, the place where she was built, if built within the United States, and the year in which she was built; and if built within the United States, before the said sixteenth day of May, one thousand seven hundred and eighty-nine, that she was then owned wholly, or in part, by a citizen or citizens of the United States; and if not built within the said states, that she was, on the said sixteenth day of May, and ever since, hath continued to be, the entire property of a citizen or citizens of the United States; or that she was, at some time posterior to the time when this act shall take effect, (specifying the said time) captured in war by a citizen or citizens of the said states, and lawfully condemned as prize (producing a copy of the sentence of condemnation, authenticated in the usual forms) or that she has been adjudged to be forfeited for a breach of the laws of the United States, (producing a like copy of the sentence whereby she shall have been so adjudged) and declaring his or her name and place of abode, and if he or she be the sole owner of the said ship or vessel that such is the case; or if there be another owner or other owners, that there is or are such other owner or owners, specifying his, her, or their name or names, and place or places of abode, and that he, she, or they, as the case may be, so swearing or affirming, is or are citizens of the United States; and where an owner resides in a foreign country, in the capacity of a consul of the United States, or as an agent for, and a partner in, a house or co-partnership, consisting of citizens of the United States, and actually carrying on trade within the United States, that such is the case, and that there is no subject or citizen of any foreign prince or state, directly, or indirectly, by way of trust, confidence, or otherwise, interested in such ship or vessel, or in the profits, or issues thereof; and that the master, or commander thereof is a citizen, naming the said master, or commander, and stating the means whereby, or manner in which, he is so a citizen. And in case, any of the matters of fact, in the said oath or affirmation alleged, which shall be within the knowledge of the party, so swearing, or affirming, shall not be true, there shall be a forfeiture of the ship or vessel, together with her tackle, furniture and apparel, in respect to which, the same shall have been made, or of the value thereof, to be recovered, with costs of suit, of the person, by whom such oath or affirmation shall have been made: *Provided always*, That if the master, or person having the charge or command of such ship or vessel, shall be within the district aforesaid, when application shall be made for registering the same, he shall, himself, make oath, or affirmation, instead of the said owner, touching his being a citizen, and the means whereby, or manner in which, he is so a citizen; in which case, if what the said master, or person having the said charge or command, shall so swear or affirm, shall not be true, the forfeiture aforesaid shall not be incurred, but he shall, himself, forfeit and pay, by reason thereof, the sum of one thousand dollars: *And provided further*, That in the case of a ship, or vessel, built within the United States, prior to the sixteenth day of May aforesaid, which was not then owned by a citizen or citizens of the United States, but which, by virtue of a transfer to such citizen or citizens, shall have been registered, pursuant to the act before mentioned, the oath or affirmation, hereby required, shall and may be varied, ac-

Registry how to be obtained, substance of the oath to be taken before registering officer.

Substance of oath for obtaining registry of ships or vessels.

Forfeiture of vessel, &c. on swearing falsely.

How recovered.

In what cases masters of vessels, &c. shall make oath as to citizenship

and, if not true, to forfeit \$1000.

How the oath may be varied.

ording to the truth of the case, as often as it shall be requisite to grant a new register for such ship or vessel.

Like oath to be taken by other owners (if any) than the applicant, &c.

within 90 days.

Before whom,

on failure, certificate of registry forfeited.

Ships, &c. how and by whom measured,

1790, ch. 35.

certificate thereof given.

In what cases, ships, &c. not to be measured anew.

Bonds, how and by whom given, for faithful use of certificate of registry, &c.

SEC. 5. *And be it further enacted*, That it shall be the duty of every owner, resident within the United States, of any ship or vessel, to which a certificate of registry may be granted, (in case there be more than one such owner) to transmit to the collector, who may have granted the same, a like oath or affirmation with that herein before directed to be taken and subscribed by the owner, on whose application, such certificate shall have been granted, and within ninety days after the same may have been so granted; which oath or affirmation may, at the option of the party, be taken and subscribed either before the said collector, or before the collector of some other district, or a judge of the supreme, or a district court of the United States, or of a superior court of original jurisdiction of some one of the states. And if such oath or affirmation shall not be taken, subscribed and transmitted, as is herein required, the certificate of registry, granted to such ship or vessel, shall be forfeit and void.

SEC. 6. *And be it further enacted*, That before any ship or vessel shall be registered, she shall be measured by a surveyor, if there be one, or by the person he shall appoint, at the port or place where the said ship or vessel may be, and if there be none, by such person as the collector of the district, within which she may be, shall appoint, according to the rule prescribed by the forty-third section of the act, intituled "An act to provide more effectually, for the collection of the duties imposed by law on goods, wares and merchandise, imported into the United States, and on the tonnage of ships or vessels." And the officer, or person, by whom such admeasurement shall be made, shall, for the information of, and as a voucher to the officer by whom the registry is to be made, grant a certificate, specifying the built of such ship or vessel, her number of decks and masts, her length, breadth, depth, the number of tons she measures, and such other particulars as are usually descriptive of the identity of a ship or vessel; and that her name, and the place to which she belongs, are painted on her stern, in manner required by the third section of this act: which certificate shall be countersigned by an owner, or by the master of such ship or vessel, or by some other person who shall attend her admeasurement, on behalf of her owner or owners, in testimony of the truth of the particulars therein contained; without which, the said certificate shall not be valid. But in all cases, where a ship or vessel has before been registered, as a ship or vessel of the United States, it shall not be necessary to measure her anew, for the purpose of obtaining another register; except such ship or vessel shall have undergone some alteration, as to her burthen, subsequent to the time of her former registry.

SEC. 7. *And be it further enacted*, That, previous to the registry of any ship or vessel, the husband or acting and managing owner, together with the master thereof, and one or more sureties, to the satisfaction of the collector of the district, whose duty it is to make such registry, shall become bound to the United States, if such ship or vessel shall be of burthen not exceeding fifty tons, in the sum of four hundred dollars; if of burthen above fifty tons, and not exceeding one hundred, in the sum of eight hundred dollars; if of burthen above one hundred tons, and not exceeding two hundred, in the sum of twelve hundred dollars; if of burthen above two hundred tons, and not exceeding three hundred, in the sum of sixteen hundred dollars; and if of burthen exceeding three hundred tons, in the sum of two thousand dollars; with condition, in each case, that the certificate of such registry, shall be solely used for the ship, or vessel, for which it is granted, and shall not be sold, lent, or otherwise disposed of, to any person or persons whomsoever; and that, in case such ship or vessel shall be lost, or taken by an enemy, burnt, or

broken up, or shall be otherwise prevented from returning to the port to which she may belong, the said certificate, if preserved, shall be delivered up, within eight days after the arrival of the master, or person, having the charge or command of such ship or vessel, within any district of the United States, to the collector of such district: And that if any foreigner, or any person or persons, for the use and benefit of such foreigner, shall purchase, or otherwise become entitled to the whole, or any part or share of, or interest in, such ship or vessel, the same being within a district of the United States, the said certificate shall, in such case, within seven days after such purchase, change, or transfer of property, be delivered up to the collector of the said district; and that if any such purchase, change, or transfer of property, shall happen, when such ship or vessel shall be at any foreign port or place, or at sea, then the said master, or person having the charge or command thereof, shall, within eight days after his arrival within any district of the United States, deliver up the said certificate to the collector of such district; and every such certificate, so delivered up, shall be forthwith transmitted to the register of the treasury, to be cancelled, who, if the same shall have been delivered up to a collector, other than of the district in which it was granted, shall cause notice of such delivery to be given to the collector of the said district.

In what case certificate of registry given up, &c.

SEC. 8. *And be it further enacted*, That in order to the registry of any ship or vessel, which, after the last day of March next, shall be built within the United States, it shall be necessary to produce a certificate, under the hand of the principal or master carpenter, by whom, or under whose direction, the said ship or vessel shall have been built, testifying, that she was built by him, or under his direction, and specifying the place where, the time when, and the person or persons for whom, and describing her built, number of decks and masts, length, breadth, depth, tonnage, and such other circumstances, as are usually descriptive of the identity of a ship or vessel; which certificate shall be sufficient to authorize the removal of a new vessel, from the district where she may be built, to another district in the same, or an adjoining state, where the owner or owners actually reside, provided it be with ballast only.

Vessels built in U. S. after March 1793, how to obtain register. March 2, 1803, ch. 18. March 26, 1810, ch. 19. March 3, 1813, ch. 50.

SEC. 9. *And be it further enacted*, That the several matters herein before required, having been complied with, in order to the registering of any ship or vessel, the collector of the district comprehending the port to which she shall belong, shall make, and keep, in some proper book, a record or registry thereof, and shall grant an abstract or certificate of such record or registry, as nearly as may be, in the form following:

Collector to keep record of registry,

“In pursuance of an act of the Congress of the United States of America, intituled “An act concerning the registering and recording of ships or vessels,” [inserting here the name, occupation, and place of abode, of the person by whom the oath or affirmation aforesaid, shall have been made] having taken or subscribed the oath (or affirmation) required by the said act, and having sworn (or affirmed) that he (or she, and if more than one owner, adding the words, “together with,” and the name or names, occupation or occupations, place or places of abode, of the other owner or owners) is (or are) the only owner (or owners) of the ship or vessel, called the [inserting here her name] of [inserting here the port to which she may belong] whereof [inserting here the name of the master] is at present master, and is a citizen of the United States, and that the said ship or vessel was [inserting here, when and where built] and [inserting here, the name and office, if any, of the person by whom she shall have been surveyed or admeasured] having certified that the said ship or vessel has [inserting here the number of decks] and [inserting here, the number of masts] and that her length is [inserting here, the number of feet] her breadth [inserting here, the num-

and grant certificate thereof.

Form of certificate of registry.

ber of feet] her depth [inserting here, the number of feet] and that she measures [inserting here, her number of tons] that she is [describing here, the particular kind of vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else, together with her built, and specifying whether she has any, or no gallery or head] and the said [naming the owner, or the master, or other person, acting in behalf of the owner or owners, by whom the certificate of admeasurement shall have been countersigned, as aforesaid] having agreed to the description and admeasurement, above specified, and sufficient security having been given, according to the said act, the said ship or vessel has been duly registered at the port of [naming the port where registered.] Given under my hand and seal, at [naming the said port] this [inserting the particular day] day of [naming the month] in the year [specifying the number of the year, in words at length;"] *Provided*, That if the master, or person having the charge or command of such ship or vessel, shall, himself, have made oath or affirmation touching his being a citizen, the wording of the said certificate shall be varied so as to be conformable to the truth of the case: *And Provided*, That where a new certificate of registry is granted, in consequence of any transfer of a ship or vessel, the words shall be so varied, as to refer to the former certificate of registry, for her admeasurement.

How certificate of registry may be varied.

Secretary of the Treasury, to furnish forms of certificates of registry.

SEC. 10. *And be it further enacted*, That it shall be the duty of the Secretary of the treasury, to cause to be prepared, and transmitted, from time to time, to the collectors of the several districts, a sufficient number of forms of the said certificates of registry, attested under the seal of the treasury, and the hand of the register thereof, with proper blanks, to be filled by the said collectors, respectively, by whom also, the said certificates shall be signed and sealed, before they shall be issued; and where there is a naval officer at any port, they shall be countersigned by him; and where there is a surveyor, but no naval officer, they shall be countersigned by him; and a copy of each, shall be transmitted to the said register, who shall cause a record to be kept of the same.

Citizens purchasing vessels out of their proper district how to obtain register.

SEC. 11. *And be it further enacted*, That where any citizen or citizens of the United States, shall purchase, or become owner or owners of any ship or vessel, entitled to be registered, by virtue of this act, such ship or vessel, being within any district, other than the one, in which he or they usually reside, such ship or vessel shall be entitled to be registered by the collector of the district, where such ship or vessel may be, at the time of his or their becoming owner or owners thereof, upon his or their complying with the provisions herein before prescribed, in order to the registry of ships or vessels: And the oath or affirmation which is required to be taken, may, at the option of such owner or owners, be taken, either before the collector of the district, comprehending the port to which such ship or vessel may belong, or before the collector of the district, within which, such ship or vessel may be, either of whom, is hereby empowered to administer the same: *Provided nevertheless*, That whenever such ship or vessel shall arrive within the district comprehending the port to which such ship or vessel shall belong, the certificate of registry, which shall have been obtained, as aforesaid, shall be delivered up to the collector of such district, who, upon the requisites of this act, in order to the registry of ships or vessels, being complied with, shall grant a new one, in lieu of the first; and the certificate, so delivered up, shall forthwith be returned by the collector who shall receive the same, to the collector who shall have granted it: and if the said first mentioned certificate of registry, shall not be delivered up, as above directed, the owner or owners, and the master of such ship or vessel, at the time of her said arrival within the district comprehending the port to which such ship or vessel may belong, shall, severally, forfeit the sum of one hundred dollars, to be recovered, with costs of suit; and

March 3, 1813, ch. 50.

To be delivered on arriving at their proper port to the collector, who to grant a new one.

the said certificate of registry shall be thenceforth void. And in case, any of the matters of fact, in the said oath or affirmation alleged, which shall be within the knowledge of the party, so swearing or affirming, shall not be true, there shall be a forfeiture of the ship or vessel, together with her tackle, furniture and apparel, in respect to which, the same shall have been made, or of the value thereof, to be recovered, with costs of suit, of the person by whom such oath or affirmation shall have been made: *Provided always*, That if the master, or person having the charge or command of such ship or vessel, shall be within the district aforesaid, when application shall be made for registering the same, he shall, himself, make oath or affirmation, instead of the said owner, touching his being a citizen, and the means whereby, or manner in which, he is so a citizen; in which case, if what the said master, or person having the said charge or command, shall so swear or affirm, shall not be true, the forfeiture aforesaid shall not be incurred, but he shall, himself, forfeit and pay, by reason thereof, the sum of one thousand dollars.

SEC. 12. *And be it further enacted*, That when any ship or vessel, entitled to be registered, pursuant to this act, shall be purchased by an agent or attorney for, or on account of a citizen or citizens of the United States, such ship or vessel, being in a district of the United States, more than fifty miles distant, taking the nearest usual route by land, from the one comprehending the port to which, by virtue of such purchase, and by force of this act, such ship or vessel ought to be deemed to belong, it shall be lawful for the collector of the district, where such ship or vessel may be, and he is hereby required, upon the application of such agent or attorney, to proceed to the registering of the said ship or vessel, the said agent or attorney, first complying, on behalf, and in the stead of, the owner or owners thereof, with the requisites prescribed by this act, in order to the registry of ships or vessels, except, that in the oath or affirmation, which shall be taken by the said agent or attorney, instead of swearing or affirming that he is owner, or an owner of such ship or vessel, he shall swear or affirm, that he is agent or attorney for the owner or owners thereof, and that he hath bona fide purchased the said ship or vessel, for the person or persons, whom he shall name and describe as the owner or owners thereof: *Provided nevertheless*, That whenever such ship or vessel shall arrive within the district comprehending the port to which such ship or vessel shall belong, the certificate of registry, which shall have been obtained, as aforesaid, shall be delivered up to the collector of such district, who, upon the requisites of this act, in order to the registry of ships or vessels, being complied with, shall grant a new one, in lieu of the first; and the certificate, so delivered up, shall forthwith be returned by the collector, who shall transmit the same to the collector who shall have granted it. And if the said first mentioned certificate of registry, shall not be delivered up, as above directed, the owner or owners, and the master of such ship or vessel, at the time of her said arrival within the district comprehending the port to which she may belong, shall, severally, forfeit the sum of one hundred dollars, to be recovered, with costs of suit, and the said certificate of registry shall be thenceforth void. And in case any of the matters of fact, in the said oath or affirmation alleged, which shall be within the knowledge of the party so swearing or affirming, shall not be true, there shall be a forfeiture of the ship or vessel, together with her tackle, furniture and apparel, in respect to which, the same shall have been made, or of the value thereof, to be recovered, with costs of suit, of the person by whom such oath or affirmation shall have been made: *Provided always*, That if the master, or person having the charge or command of such ship or vessel, shall be within the district aforesaid, when application shall be made for registering the same, he

Vessels purchased by agents how registered.

shall, himself, make oath or affirmation, instead of the said agent or attorney, touching his being a citizen, and the means whereby, or manner in which, he is so a citizen; in which case, if what the said master, or person having the said charge or command, shall so swear or affirm, shall not be true, the forfeiture aforesaid shall not be incurred, but he shall, himself, forfeit and pay, by reason thereof, the sum of one thousand dollars.

Oath to be taken on losing certificate of registry.

SEC. 13. *And be it further enacted*, That if the certificate of the registry of any ship or vessel shall be lost or destroyed, or mislaid, the master, or other person having the charge or command thereof, may make oath or affirmation, before the collector of the district where such ship or vessel shall first be, after such loss, destruction, or mislaying, who is hereby authorized to administer the same, which oath or affirmation shall be of the form following: "I (inserting here the name of the person swearing or affirming) being master (or having the charge or command) of the ship or vessel, called the (inserting the name of the vessel) do swear (or affirm) that the said ship, or vessel hath been, as I verily believe, registered, according to law, by the name of (inserting again the name of the vessel) and that a certificate thereof was granted by the collector of the district of (naming the district, where registered) which certificate has been lost (or destroyed, or unintentionally and by mere accident mislaid, as the case may be,) and (except, where the certificate is alleged to have been destroyed) that the same, if found again, and within my power, shall be delivered up to the collector of the district, in which it was granted;" which oath, or affirmation shall be subscribed by the party making the same, and upon such oath or affirmation being made, and the other requisites of this act, in order to the registry of ships, or vessels, being complied with, it shall be lawful for the collector of the district, before whom such oath or affirmation is made, to grant a new register, inserting therein, that the same is issued, in the room of the one lost or destroyed. But in all cases, where a register shall be granted, in lieu of the one lost or destroyed, by any other than the collector of the district, to which the ship, or vessel actually belongs, such register shall, within ten days after her first arrival within the district to which she belongs, be delivered up to the collector of the said district, who shall, thereupon, grant a new register, in lieu thereof. And in case the master, or commander shall neglect to deliver up such register within the time aforesaid, he shall forfeit one hundred dollars; and the former register shall become null and void.

Vessels sold &c. to be registered anew.

SEC. 14. *And be it further enacted*, That when any ship or vessel, which shall have been registered, pursuant to this act, or the act hereby, in part, repealed, shall, in whole, or in part, be sold, or transferred to a citizen or citizens of the United States, or shall be altered in form or burthen, by being lengthened, or built upon, or from one denomination to another, by the mode or method of rigging or fitting, in every such case, the said ship or vessel shall be registered anew, by her former name, according to the directions herein before contained, (otherwise she shall cease to be deemed a ship or vessel of the United States) and her former certificate of registry shall be delivered up to the collector to whom application for such new registry shall be made, at the time, that the same shall be made to be by him transmitted to the register of the treasury who shall cause the same to be cancelled. And in every such case of sale or transfer, there shall be some instrument of writing, in the nature of a bill of sale, which shall recite, at length, the said certificate, otherwise the said ship or vessel shall be incapable of being so registered anew. And in every case, in which a ship or vessel is hereby required to be registered anew, if she shall not be so registered anew, she shall not be entitled to any of the privileges or benefits of a ship or vessel of the United States. And further, if her said former certificate of regis-

March 2, 1797, ch. 7.

try shall not be delivered up, as aforesaid, except where the same may have been destroyed, lost, or unintentionally mislaid, and an oath or affirmation thereof shall have been made, as aforesaid, the owner or owners of such ship or vessel shall forfeit and pay the sum of five hundred dollars, to be recovered, with costs of suit.

SEC. 15. *And be it further enacted,* That when the master, or person having the charge or command of a ship or vessel, registered pursuant to this act, or the act hereby in part repealed, shall be changed, the owner, or one of the owners, or the new master of such ship or vessel, shall report such change to the collector of the district where the same shall happen, or where the said ship or vessel shall first be, after the same shall have happened, and shall produce to him the certificate of registry of such ship or vessel, and shall make oath or affirmation, showing that such new master is a citizen of the United States, and the manner in which, or means whereby, he is so a citizen; whereupon the said collector shall endorse upon the said certificate of registry, a memorandum of such change, specifying the name of such new master, and shall subscribe the said memorandum with his name, and if other than the collector of the district, by whom the said certificate of registry shall have been granted, shall transmit a copy of the said memorandum to him, with notice of the particular ship or vessel, to which it shall relate; and the collector of the district, by whom the said certificate shall have been granted, shall make a like memorandum of such change, in his book of registers, and shall transmit a copy thereof, to the register of the treasury. And if the said change shall not be reported, or if the said oath or affirmation shall not be taken, as above directed, the registry of such ship or vessel shall be void, and the said master, or person, having the charge or command of her shall forfeit and pay the sum of one hundred dollars.

Owner or master to report such change to collector.

SEC. 16. *And be it further enacted,* That if any ship or vessel, heretofore registered, or which shall hereafter be registered, as a ship or vessel of the United States, shall be sold or transferred, in whole or in part by way of trust, confidence or otherwise, to a subject or citizen of any foreign prince or state, and such sale or transfer shall not be made known, in manner herein before directed, such ship or vessel, together with her tackle, apparel, and furniture shall be forfeited: *Provided,* That if such ship or vessel shall be owned in part only, and it shall be made appear to the jury, before whom the trial for such forfeiture shall be had, that any other owner of such ship or vessel, being a citizen of the United States, was wholly ignorant of the sale or transfer to, or ownership of, such foreign subject or citizen, the share or interest of such citizen of the United States shall not be subject to such forfeiture; and the residue only shall be so forfeited.

Vessels sold to foreigners forfeited on neglect to make such report.

SEC. 17. *And be it further enacted,* That upon the entry of every ship or vessel of the United States, from any foreign port or place, if the same shall be at the port or place, at which the owner, or any of the part owners reside, such owner or part owner shall make oath or affirmation, that the register of such ship or vessel contains the name or names of all the persons, who are then owners of the said ship or vessel; or if any part of such ship or vessel has been sold or transferred, since the granting of such register, that such is the case, and that no foreign subject or citizen hath, to the best of his knowledge and belief, any share, by the way of trust, confidence, or otherwise, in such ship or vessel. And if the owner, or any part owner, shall not reside at the port or place, at which such ship or vessel shall enter, then the master or commander shall make oath or affirmation, to the like effect. And if the owner, or part owner, where there is one, or the master or commander, where there is no owner, shall refuse to swear or affirm as aforesaid, such ship or vessel shall not be entitled to the privileges of a ship or vessel of the United States.

Oath on entry of vessel of U. S. from foreign ports.

Collector, how to proceed on delivering up the register.

SEC. 18. *And be it further enacted*, That, in all cases, where the master, commander, or owner of a ship or vessel, shall deliver up the register of such ship or vessel, agreeable to the provisions of this act, if to the collector of the district, where the same shall have been granted, the said collector shall, thereupon, cancel the bond, which shall have been given at the time of granting such register; or, if to the collector of any other district, such collector shall grant to the said master, commander, or owner, a receipt or acknowledgment, that such register has been delivered to him, and the time, when; and upon such receipt being produced to the collector, by whom the register was granted, he shall cancel the bond of the party, as if the register had been returned to him.

Certificates of registry to be numbered.

SEC. 19. *And be it further enacted*, That the collector of each district shall progressively number the certificates of the registry by him granted, beginning anew, at the commencement of each year, and shall enter an exact copy of each certificate, in a book to be kept for that purpose; and shall, once in three months, transmit to the register of the treasury, copies of all the certificates, which shall have been granted by him, including the number of each.

Ships built in U. S. after 15th Aug. 1789, how to obtain registry.

SEC. 20. *And be it further enacted*, That every ship or vessel, built in the United States, after the fifteenth day of August, one thousand seven hundred and eighty-nine, and belonging wholly, or in part, to the subjects of foreign powers, in order to be entitled to the benefits of a ship, built and recorded in the United States, shall be recorded in the office of the collector of the district, in which such ship or vessel was built, in manner following, that is to say: The builder of every such ship or vessel shall make oath or affirmation, before the collector of such district, who is hereby authorized to administer the same, in manner following: "I (inserting here the name of such builder) of (inserting here the place of his residence) shipwright, do swear (or affirm) that (describing here the kind of vessel, as, whether ship, brig, snow, schooner, sloop, or whatever else) named (inserting here the name of the ship or vessel) having (inserting here the number of decks) and being, in length (inserting here the number of feet) in breadth (inserting here the number of feet) in depth (inserting here the number of feet) and measuring (inserting here the number of tons) having (specifying, whether any or no) gallery, and (also specifying, whether any or no) head, was built by me, or under my direction, at (naming the place, county, and state) in the United States, in the year (inserting here the number of the year;)" which oath, or affirmation, shall be subscribed by the person making the same, and shall be recorded in a book, to be kept, by the said collector, for that purpose.

Collector to have them surveyed.

1790, ch. 35, sec. 44.

SEC. 21. *And be it further enacted*, That the said collector shall cause the said ship or vessel to be surveyed or admeasured, according to the rule, prescribed by the forty-third section of the act, intituled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels;" and the person, by whom such admeasurement shall be made, shall grant a certificate thereof, as in the case of a ship or vessel to be registered; which certificate shall be countersigned by the said builder, and by an owner, or the master, or person having the command or charge thereof, or by some other person, being an agent for the owner or owners thereof, in testimony of the truth of the particulars therein contained.

And grant certificate of the record.

SEC. 22. *And be it further enacted*, That a certificate of the said record, attested under the hand and seal of the said collector, shall be granted to the master of every such ship or vessel, as nearly as may be, of the form following: "In pursuance of an act, intituled 'An act concerning the registering and recording of ships or vessels,' I

(inserting here the name of the collector of the district) of (inserting here the name of the district) in the United States, do certify, that (inserting here the name of the builder) of (inserting here the place of his residence, county, and state) having sworn, or affirmed, that the (describing the ship or vessel, as in the certificate of record) named (inserting here her name) whereof (inserting here the name of the master) is, at present, master, was built at (inserting here the name of the place, county, and state, where built) by him, or under his direction, in the year (inserting here the number of the year) and (inserting here the name of the surveyor, or other person, by whom the same admeasurement shall have been made) having certified, that the said ship or vessel has (inserting here her number of decks) is, in length (inserting here the number of feet) in breadth (inserting here the number of feet) in depth (inserting here the number of feet) and measures (inserting here the number of tons): And the said builder and (naming and describing the owner, or master, or agent for the owner or owners, as the case may be, by whom the said certificate shall have been countersigned) having agreed to the said description and admeasurement, the said ship or vessel has been recorded, in the district of (inserting here the name of the district, where recorded) in the United States: Witness my hand and seal, this (inserting here the day of the month) day of (inserting here the name of the month) in the year (inserting here the number of the year)"; which certificate shall be recorded in the office of the said collector, and a duplicate thereof transmitted to the register of the treasury of the United States, to be recorded in his office.

Oath on entry of a vessel of the U. States from foreign parts.

SEC. 23. *And be it further enacted*, That if the master, or the name, of any ship or vessel so recorded, shall be changed, the owner, part owner, or consignee of such ship or vessel, shall cause a memorandum thereof to be endorsed on the certificate of the record, by the collector of the district, where such ship or vessel may be, or at which she shall first arrive, if such change took place in a foreign country; and a copy thereof shall be entered in the book of records, a transcript whereof shall be transmitted, by the said collector, to the collector of the district, where such certificate was granted (if not the same person), who shall enter the same in his book of records, and forward a duplicate of such entry, to the register of the treasury of the United States; and in such case, until the said owner, part owner, or consignee, shall cause the said memorandum to be made, by the collector, in manner aforesaid, such ship or vessel shall not be deemed, or considered, as a vessel recorded, in pursuance of this act.

Changes of master or name of the ship, to be endorsed on certificate of record.

SEC. 24. *And be it further enacted*, That the master, or other person having the command or charge of any ship or vessel, recorded in pursuance of this act, shall, on entry of such ship or vessel, produce the certificate of such record, to the collector of the district, where she shall be so entered; in failure of which, the said ship or vessel shall not be entitled to the privileges of a vessel, recorded as aforesaid: *Provided always, and be it further enacted*, That nothing herein contained shall be construed to make it necessary to record, a second time, any ship or vessel, which shall have been recorded, pursuant to the act, hereby in part repealed: but such recording shall be of the like force and effect, as if made, pursuant to this act.

Certificate to be produced on entry.

in failure to forfeit privileges of this act.

SEC. 25. *And be it further enacted*, That the fees and allowances, for the several services to be performed, pursuant to this act, and the distribution of the same, shall be as follows, to wit: For the admeasurement of every ship or vessel, of one hundred tons, and under, one cent per ton; for the admeasurement of every ship or vessel, above one hundred, and not exceeding two hundred tons, one hundred and fifty cents; for the admeasurement of every ship or vessel, above two hundred tons, two hundred cents; for every certificate of registry or record,

Fees,

how distributed,

How distribu-
ted.

two hundred cents; for every endorsement upon a certificate of registry or record, one hundred cents; and for taking every bond required by this act, twenty-five cents. The whole amount of which fees shall be received, and accounted for, by the collector, or, at his option, by the naval officer, where there is one; and where there is a collector, naval officer, and surveyor, shall be equally divided, monthly, between the said officers; and where there is no naval officer, two thirds to the collector, and the other third to the surveyor; and where there is only a collector, he shall receive the whole amount thereof; and where there is more than one surveyor in any district, each of them shall receive his proportionable part of such fees, as shall arise in the port, for which he is appointed: *Provided always*, that in all cases where the tonnage of any ship or vessel shall be ascertained, by any person appointed for that purpose, such person shall be paid a reasonable compensation therefor, out of the fees aforesaid, before any distribution thereof, as aforesaid. And every collector, and naval officer, and every surveyor, who shall reside at a port where there is no collector, shall cause to be affixed, and constantly kept, in some conspicuous part of his office, a fair table of the rates of fees, demandable by this act.

Penalty on
making false
registers, or de-
manding unlaw-
ful fees.

SEC. 26. *And be it further enacted*, That every collector, or officer, who shall knowingly make, or be concerned in making, any false register or record, or shall knowingly grant, or be concerned in granting, any false certificate of registry or record of, or for any ship or vessel, or other false document whatsoever, touching the same, contrary to the true intent and meaning of this act, or who shall designedly take any other, or greater fees, than are by this act allowed, or who shall receive any voluntary reward or gratuity, for any of the services performed, pursuant thereto; and every surveyor, or other person appointed to measure any ship or vessel, who shall wilfully deliver to any collector, or naval officer, a false description of such ship or vessel, to be registered or recorded, shall, upon conviction of any such neglect, or offence, forfeit the sum of one thousand dollars, and be rendered incapable of serving in any office of trust or profit, under the United States; and if any person or persons, authorized and required by this act, in respect to his or their office or offices, to perform any act or thing, required to be done or performed, pursuant to any of the provisions of this act, shall wilfully neglect to do or perform the same, according to the true intent and meaning of this act, such person or persons shall, on being duly convicted thereof, if not subject to the penalty and disqualification aforesaid, forfeit the sum of five hundred dollars for the first offence, and a like sum for the second offence, and shall, thenceforth, be rendered incapable of holding any office of trust or profit under the United States.

On fraudu-
lently using cer-
tificate of regis-
try.

SEC. 27. *And be it further enacted*, That if any certificate of registry, or record, shall be fraudulently or knowingly used for any ship or vessel, not then actually entitled to the benefit thereof, according to the true intent of this act, such ship or vessel shall be forfeited to the United States, with her tackle, apparel, and furniture.

On making
false oath.

SEC. 28. *And be it further enacted*, That if any person or persons shall falsely make oath or affirmation, to any of the matters, herein required to be verified, such person or persons shall suffer the like pains and penalties, as shall be incurred by persons committing wilful and corrupt perjury; and that if any person or persons shall forge, counterfeit, erase, alter, or falsify any certificate, register, record, or other document, mentioned, described or authorized, in and by this act, such person, or persons, shall, for every such offence, forfeit the sum of five hundred dollars.

1790, ch. 9,
sec. 18.

SEC. 29. *And be it further enacted*, That all the penalties and forfeitures, which may be incurred, for offences against this act, shall and

may be sued for, prosecuted and recovered, in such courts, and be disposed of in such manner, as any penalties and forfeitures which may be incurred for offences against the act, intituled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandise, imported into the United States, and on the tonnage of ships or vessels," may legally be sued for, prosecuted, recovered and disposed of: *Provided always*, That if any officer entitled to a part or share of any such penalty or forfeiture, shall be necessary as a witness, on the trial for such penalty or forfeiture, such officer may be a witness upon the said trial; but in such case, he shall not receive, nor be entitled to any part or share of the said penalty or forfeiture; and the part or share, to which he would otherwise have been entitled, shall accrue to the United States.

Penalties how recovered and disposed of. 1790, ch. 35.

SEC. 30. *And be it further enacted*, That from and after the last day of March next, this act shall be in full force and effect; and so much of the act, intituled "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes," as comes within the purview of this act, shall, after the said last day of March, be repealed.

When this act shall take effect, &c. Repealed 1789, ch. 11.

APPROVED, December 31, 1792.

STATUTE II.

CHAP. II.—*An Act to amend an act intituled "An act establishing a Mint, and regulating the coins of the United States," so far as respects the coinage of copper.*

Jan. 14, 1793.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every cent shall contain two hundred and eight grains of copper, and every half cent shall contain one hundred and four grains of copper; and that so much of the act, intituled "An act establishing a mint, and regulating the coins of the United States," as respects the weight of cents and half cents, shall be, and the same is hereby repealed.

Act of April 2, 1792, ch. 16. Contents of cents and half cents.

APPROVED, January 14, 1793.

STATUTE II.

CHAP. III.—*An Act to provide for the allowance of interest on the sum ordered to be paid by the resolve of Congress, of the twenty-eighth of September, one thousand seven hundred and eighty-five, as an indemnity to the Persons therein named.*

Jan. 14, 1793.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That lawful interest, from the sixteenth day of May, in the year one thousand seven hundred and seventy-six, shall be allowed on the sum of two hundred dollars, ordered to be paid to Return Jonathan Meigs, and the legal representative of Christopher Greene, deceased, by a Resolve of the United States in Congress assembled, of the twenty-eighth day of September, in the year one thousand seven hundred and eighty-five.

APPROVED, January 14, 1793.

STATUTE II.

CHAP. IV.—*An Act to continue in force for a limited time, and to amend the act intituled "An act providing the means of intercourse between the United States and foreign nations."*

Feb. 9, 1793.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the act, intituled "An act providing the means of intercourse between the United States and foreign nations," which would expire at the end of the present session of Congress, be, and the same hereby is, together

Act providing intercourse with foreign nations continued. July 1, 1790, ch. 22. 1796, ch. 41.

with this act, continued in force for the space of one year, from the passing of this act, and from thence until the end of the session of Congress then, or next thereafter holden, and no longer.

Accounts
thereof how and
when furnished
and settled.

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

APPROVED, February 9, 1793.

STATUTE II.

Feb. 9, 1793.

CHAP V.—*An Act regulating foreign Coins, and for other purposes.*(a)

Rates of fo-
reign coins es-
tablished.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the first day of July next, foreign gold and silver coins shall pass current as money within the United States, and be a legal tender for the payment of all debts and demands, at the several and respective rates following, and not otherwise, viz: The gold coins of Great Britain and Portugal, of their present standard, at the rate of one hundred cents for every twenty-seven grains of the actual weight thereof; the gold coins of France, Spain and the dominions of Spain, of their present standard, at the rate of one hundred cents for every twenty-seven grains and two fifths of a grain, of the actual weight thereof. Spanish milled dollars, at the rate of one hundred cents for each dollar, the actual weight whereof shall not be less than seventeen pennyweights and seven grains; and in proportion for the parts of a dollar. Crowns of France, at the rate of one hundred and ten cents for each crown, the actual weight whereof, shall not be less than eighteen pennyweights and seventeen grains, and in proportion for the parts of a crown. But no foreign coin that may have been, or shall be issued subsequent to the first day of January, one thousand seven hundred and ninety-two, shall be a tender, as aforesaid, until samples thereof shall have been found, by assay, at

(a) Acts relating to foreign coins: An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of vessels, August 4, 1790, chap. 35, sec. 40; an act relative to the six dollar of Denmark, March 3, 1791, chap. 19; an act regulating foreign coins, and for other purposes, February 9, 1793, chap. 5; an act supplementary to an act regulating foreign coins, and for other purposes, February 1, 1798, chap. 11; an act to regulate the collection of duties on imports and tonnage, March 2, 1799, chap. 22, sec. 61; an act to suspend in part the act entitled, "An act regulating foreign coins, and for other purposes," April 30, 1802, chap. 33; an act regulating the currency of foreign coins in the United States, April 10, 1806, chap. 22; an act regulating the currency within the United States, of the gold coins of Great Britain, France, Portugal, and Spain, and crowns of France, and five franc pieces, April 29, 1816, chap. 139; an act to continue in force an act regulating the currency within the United States, of the gold coins of Great Britain, France, Portugal, and Spain, and crowns of France, and five franc pieces, March 3, 1819, chap. 96; an act to continue in force an act entitled, "An act regulating the currency within the United States, of the gold coins of Great Britain, France, Portugal, and Spain, and crowns of France, and five franc pieces," March 3, 1821, chap. 52; an act to continue in force an act entitled, "An act regulating the currency within the United States, of the gold coins of Great Britain, France, Portugal, and Spain, and crowns of France, and five franc pieces," March 3, 1823, chap. 49; an act regulating the value of certain foreign silver coins within the United States, June 25, 1834, chap. 71; an act regulating the value of certain foreign gold coins within the United States, June 28, 1834, chap. 96; an act supplementary to an act entitled, "An act establishing a mint, and regulating the coins of the United States," January 18, 1837, chap. 3, sec. 8; an act regulating the currency of foreign gold and silver coins in the United States, March 3, 1843, chap. 69; an act to fix the value of certain foreign moneys of account in computations at the custom-house, March 3, 1843, chap. 92.

the mint of the United States, to be conformable to the respective standards required, and proclamation thereof shall have been made by the President of the United States.

SEC. 2. *Provided always, and be it further enacted,* That at the expiration of three years next ensuing the time when the coinage of gold and silver, agreeably to the act, entitled "An act establishing a mint, and regulating the coins of the United States," shall commence at the mint of the United States, (which time shall be announced by the proclamation of the President of the United States,) all foreign gold coins, and all foreign silver coins, except Spanish milled dollars and parts of such dollars, shall cease to be a legal tender, as aforesaid.

When all coins except Spanish dollars shall cease to be a tender.

SEC. 3. *And be it further enacted,* That all foreign gold and silver coins, (except Spanish milled dollars, and parts of such dollars,) which shall be received in payment for monies due to the United States, after the said time, when the coining of gold and silver coins shall begin at the mint of the United States, shall, previously to their being issued in circulation, be coined anew, in conformity to the act, entitled "An act establishing a mint and regulating the coins of the United States."

Other foreign coins to be coined anew.

SEC. 4. *And be it further enacted,* That from and after the first day of July next, the fifty-fifth section of the act, entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandise imported into the United States," which ascertains the rates at which foreign gold and silver coins shall be received for the duties and fees to be collected in virtue of the said act, be, and the same is hereby repealed.

After 1st of July, 1793, 55th section of a certain act rating foreign coins, repealed.
1799, ch. 22, sec. 61.

SEC. 5. *And be it further enacted,* That the assay, provided to be made by the act, entitled "An act establishing a mint, and regulating the coins of the United States," shall commence in the manner as by the said act is prescribed, on the second Monday of February, annually, any thing in the said act to the contrary notwithstanding.

Assay of coins when to commence.
1792, ch. 16, sec. 18.

APPROVED, February 9, 1793.

STATUTE II.

CHAP. VI.—*An Act relative to claims against the United States, not barred by any act of limitation, and which have not been already adjusted.*

Feb. 12, 1793.

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all claims upon the United States, for services or supplies, or for other cause, matter or thing, furnished or done, previous to the fourth day of March, one thousand seven hundred and eighty-nine, whether founded upon certificates, or other written documents from public officers, or otherwise, which have not already been barred by any act of limitation, and which shall not be presented at the treasury, before the first day of May, one thousand seven hundred and ninety-four, shall forever after be barred and precluded from settlement or allowance: *Provided,* That nothing herein contained shall be construed to affect loan-office certificates, certificates of final settlement, indents of interest, balances entered in the books of the register of the treasury, certificates issued by the register of the treasury, commonly called registered certificates, loans of money obtained in foreign countries, or certificates issued pursuant to the act, intituled "An act making provision for the debt of the United States." *And provided further,* That nothing herein contained, shall be construed to prohibit the proper officers of the treasury from demanding an account or accounts to be rendered, for any monies heretofore advanced, and not accounted for, or from admitting, under the usual forms and restrictions, credits for expenditures, equal to the sums which have been so advanced.

[Obsolete.]
Limitation of certain claims against U. S. to 1st May, 1794.

1790, ch. 34.

SEC. 2. *And be it further enacted,* That it shall be the duty of the Auditor of the Treasury, to receive all such claims aforesaid as have

Auditor how to keep record

of claims presented.

Officers of the treasury to report to Congress claims deemed invalid.

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.

SEC. 3. *And be it further enacted*, That it shall be the duty of the accounting officers of the treasury to make report to Congress, upon all such of the said claims as shall not be allowed to be valid, according to the usual forms of the treasury.

APPROVED, February 12, 1793.

STATUTE II.

Feb. 12, 1793.

CHAP. VII.—*An Act respecting fugitives from justice, and persons escaping from the service of their masters.*(a)

Fugitives from justice how to be apprehended and secured.

Copy of indictment, or affidavit charging the commission of the crime to be produced.

Notice of the arrest to be given to the executive authority making the demand.

Fugitive to be delivered to the agent of the executive, or if no agent appointed within six months, to be discharged.

Expenses of apprehending. Agent to transport the fugitive.

Penalty on persons rescuing fugitive.

Proceedings to be had on escape of persons held to labour.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That whenever the executive authority of any state in the Union, or of either of the territories northwest or south of the river Ohio, shall demand any person as a fugitive from justice, of the executive authority of any such state or territory to which such person shall have fled, and shall moreover produce the copy of an indictment found, or an affidavit made before a magistrate of any state or territory as aforesaid, charging the person so demanded, with having committed treason, felony or other crime, certified as authentic by the governor or chief magistrate of the state or territory from whence the person so charged fled, it shall be the duty of the executive authority of the state or territory to which such person shall have fled, to cause him or her to be arrested and secured, and notice of the arrest to be given to the executive authority making such demand, or to the agent of such authority appointed to receive the fugitive, and to cause the fugitive to be delivered to such agent when he shall appear: But if no such agent shall appear within six months from the time of the arrest, the prisoner may be discharged. And all costs or expenses incurred in the apprehending, securing, and transmitting such fugitive to the state or territory making such demand, shall be paid by such state or territory.

SEC. 2. *And be it further enacted*, That any agent, appointed as aforesaid, who shall receive the fugitive into his custody, shall be empowered to transport him or her to the state or territory from which he or she shall have fled. And if any person or persons shall by force set at liberty, or rescue the fugitive from such agent while transporting, as aforesaid, the person or persons so offending shall, on conviction, be fined not exceeding five hundred dollars, and be imprisoned not exceeding one year.

SEC. 3. *And be it also enacted*, That when a person held to labour in any of the United States, or in either of the territories on the northwest or south of the river Ohio, under the laws thereof, shall escape into any other of the said states or territory, the person to whom such labour or service may be due, his agent or attorney, is hereby empowered to seize or arrest such fugitive from labour,(b) and to take him or her before

(a) Fugitives from justice. *Holmes v. Jennison*, governor of Vermont, 14 Peters, 540.

A foreign government has no right, by the law of nations, to demand of the government of the United States a surrender of a citizen or subject of such foreign government, who has committed a crime in his own country, and is afterwards found within the limits of the United States. It is a right which has no existence without, and can only be secured by a treaty stipulation. Case of Jose Ferriados Santos, 2 Brockenb. C. C. R. 493.

(b) Fugitives from labour. In an action for the penalty by the owner of a fugitive slave, for obstructing the plaintiff in arresting and seizing his slave, under the 4th section of the act of Congress of Feb-

any judge of the circuit or district courts of the United States, residing or being within the state, or before any magistrate of a county, city or town corporate, wherein such seizure or arrest shall be made, and upon proof to the satisfaction of such judge or magistrate, either by oral testi- May be arrested on proof as required, and may be removed to the place

ruary 12, 1793, whether the alleged slave owes his service or labour, is a question for the jury to decide. *Hill v. Low*, 4 Wash. C. C. R. 327.

If the defendant knowingly obstructs the owner or his agent in seizing the fugitive, he cannot excuse himself against the penalty, by pleading ignorance of the law, or an honest belief that the person was not a fugitive from service or labour. *Ibid.*

Mere obstruction, hindrance, or interruption, is no offence under this act, unless it be interposed to prevent a seizure in the first instance, or a re-capture in case the fugitives after seizure should escape; and the offence in such case would be complete, although the owner should ultimately succeed in making the arrest. *Ibid.*

After the arrest is consummated, no subsequent obstruction, whilst the arrest continues, although it should afford an opportunity for escape, amounts to the offence; although it might possibly entitle the owner to an action at common law: or if an escape in consequence of the obstruction should happen, it might amount to the other offence, a rescue. *Ibid.*

The act of Congress, respecting fugitives owing service or labour, does not apply to slaves brought by their masters from one state to another, who afterwards escape or refuse to return. *Ex parte Simmons*, 4 Wash. C. C. R. 396.

A sojourner who brings his slave with him to Pennsylvania, cannot claim him as his slave, after he has resided there six months. He is free by the law of that state of March 1, 1780. *Ibid.*

Under the act respecting fugitives from service of February 12, 1793, the judge or magistrate has no power to issue a warrant to arrest the fugitive, or commit him after the investigation is over, and the certificate is granted; although in practice the judge commits *de die in diem* pending the examination. The whole power is to examine, decide, and grant, or refuse the certificate. *Worthington v. Preston*, 4 Wash. C. C. R. 461.

If after the certificate is granted, the owner of a slave delivers him to the gaoler, who receives him, he is not officially liable for an escape, even although the commitment were under a warrant from the examining magistrate. *Ibid.*

Neither is the gaoler liable for an escape, as bailor, if there was no contract to pay him a reward for safe keeping, unless gross negligence be proved. *Ibid.*

On a question of freedom or slavery, the same rules of evidence prevail as in other cases concerning the right of property. *Baldwin's C. C. R. 577.*

A bill of sale is not necessary to pass the right to a slave. *Ibid.*

A citizen of another state, from which a slave absconds into the state of Pennsylvania, may pursue and take him without warrant, and use as much force as is necessary to carry him back to his residence. *Ibid.*

Such an absconding slave may be arrested on Sunday; in the night time; in the house of another, if no breach of the peace is committed. *Ibid.*

This right of the master results from his ownership, and the right to the custody and service of the slave by the common law, and the 11th section of the abolition law of Pennsylvania, and other laws of that state. It is the same right by which bail may arrest the principal in another state. *Ibid.*

The constitution of the United States does not confer, but secures the right to reclaim fugitive slaves against state legislation. *Baldwin's Rep. 579.*

It is no offence against the laws of a state for a master to take his absconding slave to the state from whence he absconded. The offence consists only in taking a free person by force, under the act of Pennsylvania of 1820, and the act of 1780. *Ibid.*

No person has a right to oppose the master in reclaiming his slave, or to demand proof of property. A judge or magistrate cannot order his arrest or detention, without oath, warrant, or probable cause. *Ibid.*

The master may use force in repelling such opposition, or the execution of such order, and the officer who gives such order, and all concerned in its execution, are trespassers. *Ibid.*

It is historically well known that the clause in the constitution of the United States, relating to persons owing service and labour in one state escaping into other states, was to secure to the citizens of the slaveholding states the complete right and title of ownership in their slaves, as property, in every state in the Union into which they might escape from the state where they were held in servitude. The full recognition of this right and title was indispensable to the security of this species of property in all the slaveholding states; and indeed was so vital to the preservation of their domestic interests and institutions, that it cannot be doubted that it is constituted a fundamental article, without the adoption of which the Union could not have been formed. Its true design was to guard against the doctrines and principles prevailing in the non-slaveholding states, by preventing them from intermeddling with or obstructing or abolishing the rights of the owners of slaves. *Prigg v. Commonwealth of Pennsylvania*. 16 Peters. 539.

The owner of a fugitive slave has the same right to seize and to take him in a state to which he has escaped or fled, that he had in the state from which he escaped; and it is well known that this right to seize or recapture is universally acknowledged in all the slaveholding states. The court have not the slightest hesitation in holding, that under and in virtue of the constitution, the owner of the slave is clothed with authority in every state of the Union, to seize and recapture his slave; wherever he can do it without any breach of the peace, or illegal violence. In this sense, and to this extent, this clause in the constitution may properly be said to execute itself, and to require no aid from legislation, state or national. *Ibid.*

The constitution does not stop at a mere annunciation of the rights of the owner to seize his absconding or fugitive slave, in the state to which he may have fled. If it had done so, it would have left the owner of the slave, in many cases, utterly without any adequate redress. *Ibid.*

The constitution declares that the fugitive slave shall be delivered up on claim of the party to whom

from whence he fled. money or affidavit taken before and certified by a magistrate of any such state or territory, that the person so seized or arrested, doth, under the laws of the state or territory from which he or she fled, owe service or labour to the person claiming him or her, it shall be the duty of such

service or labour may be due. It is exceedingly difficult, if not impracticable, to read this language, and not to feel that it contemplated some further remedial redress than that which might be administered at the hand of the owner himself. "A claim" is to be made. *Ibid.*

"A claim" in a just juridical sense, is a demand of some matter as of right, made by one person upon another to do or to forbear to do some act or thing as a matter of duty. It cannot well be doubted, that the constitution requires the delivery of the fugitive "on the claim" of the master: and the natural inference certainly is, that the national government is clothed with the appropriate authority and functions to enforce it. The fundamental principle applicable to all cases of this sort would seem to be, that where the end is required, the means are given; and where the duty is enjoined, the ability to perform it is contemplated to exist on the part of the functionaries to whom it is intrusted. *Ibid.*

The clause relating to fugitive slaves is found in the national constitution, and not in that of any state. It might well be deemed an unconstitutional exercise of the power of interpretation, to insist that the states are bound to provide means to carry into effect the duties of the national government; nowhere delegated or intrusted to them by the constitution. On the contrary, the natural, if not the necessary conclusion is, that the national government, in the absence of all positive provisions to the contrary, is bound, through its own proper departments, legislative, executive, or judiciary, as the case may require, to carry into effect all the rights and duties imposed upon it by the constitution. *Ibid.*

A claim to a fugitive slave is a controversy in a case "arising under the constitution of the United States," under the express delegation of judicial power given by that instrument. Congress, then, may call that power into activity, for the very purpose of giving effect to the right; and if so, then it may prescribe the mode and extent to which it shall be applied; and how, and under what circumstances, the proceedings shall afford a complete protection and guarantee of the right. *Ibid.*

The provisions of the sections of the act of Congress of 12th February, 1793, on the subject of fugitive slaves, as well as relative to fugitives from justice, cover both the subjects; not because they exhaust the remedies, which may be applied by Congress to enforce the rights, if the provisions shall be found, in practice, not to attain the objects of the constitution: but because they point out all the modes of attaining those objects which Congress have as yet deemed expedient and proper. If this is so, it would seem, upon just principles of construction, that the legislation of Congress, if constitutional, must supersede all state legislation upon the same subject; and by necessary implication prohibit it. For if Congress have a constitutional power to regulate a particular subject, and they do actually regulate it in a given manner, and in a certain form, it cannot be that the state legislatures have a right to interfere. Where Congress have an exclusive power over a subject, it is not competent for state legislation to interfere. *Ibid.*

The clause in the constitution of the United States, relating to fugitives from labour, manifestly contemplates the existence of a positive, unqualified right on the part of the owner of the slave, which no state law or regulation can in any way qualify, regulate, control, or restrain. Any state law or regulation, which interrupts, limits, delays, or postpones the rights of the owner to the immediate command of his services or labour, operates, pro tanto, a discharge of the slave therefrom. The question can never be, how much he is discharged from; but whether he is discharged from any, by the natural or necessary operation of the state laws or state regulations. The question is not one of quantity or degree, but of withholding or controlling the incidents of a positive right. *Ibid.*

The constitutionality of the act of Congress relating to fugitives from labour, has been affirmed by the adjudications of the state tribunals, and by those of the courts of the United States. If the question of the constitutionality of the law were one of doubtful construction, such long acquiescence in it, such contemporaneous expositions of it; and such extensive and uniform recognitions would, in the judgment of the court, entitle the question to be considered at rest. Congress, the executive, and the judiciary, have, upon various occasions, acted upon this as a sound and reasonable doctrine. Cited, *Stuart v. Laird*, 1 Cranch, 299. *Martin v. Hunter*, 1 Wheat. 304. *Cohens v. The Commonwealth of Virginia*, 6 Wheat. 264. *Ibid.*

The provisions of the act of 12th February, 1793, relative to fugitive slaves is clearly constitutional in all its leading provisions; and, indeed, with the exception of that part which confers authority on state magistrates, is free from reasonable doubt or difficulty. As to the authority so conferred on state magistrates, while a difference of opinion exists, and may exist on this point, in different states, whether state magistrates are bound to act under it, none is entertained by the court, that state magistrates may, if they choose, exercise the authority, unless prohibited by state legislation. *Ibid.*

The power of legislation in relation to fugitives from labour, is exclusive in the national legislature. *Ibid.*

The right to seize and retake fugitive slaves, and the duty to deliver them up, in whatever state of the Union they may be found, is, under the constitution, recognized as an absolute positive right and duty, pervading the whole Union with an equal and supreme force; uncontrolled and uncontrollable by state sovereignty or state legislation. The right and duty are co-extensive and uniform in remedy and operation throughout the whole Union. The owner has the same security and the same remedial justice, and the same exemption from state regulations and control, through however many states he may pass with the fugitive slave in his possession, in transitu, to his domicile. *Ibid.*

The act of the legislature of Pennsylvania upon which the indictment against Edward Prigg, for carrying away a fugitive slave, is founded, is unconstitutional and void. It purports to punish as a public offence against the state, the very act of seizing and removing a slave by his master, which the constitution of the United States was designed to justify and uphold. *Ibid.*

There is no general principle in the law of nations, which requires a surrender of a fugitive slave. The surrender must be required by compact. *Jones v. Vanzant*, 2 McLean's C. C. R. 596.

judge or magistrate to give a certificate thereof to such claimant, his agent or attorney, which shall be sufficient warrant for removing the said fugitive from labour, to the state or territory from which he or she fled.

SEC. 4. *And be it further enacted*, That any person who shall knowingly and willingly obstruct or hinder such claimant, his agent or attorney in so seizing or arresting such fugitive from labour, or shall rescue such fugitive from such claimant, his agent or attorney when so arrested pursuant to the authority herein given or declared; or shall harbor or conceal such person after notice that he or she was a fugitive from labour, as aforesaid, shall, for either of the said offences, forfeit and pay the sum of five hundred dollars. Which penalty may be recovered by and for the benefit of such claimant, by action of debt, in any court proper to try the same; saving moreover to the person claiming such labour or service, his right of action for or on account of the said injuries or either of them.

APPROVED, February 12, 1793.

Penalty on obstructing claimants of fugitives from labour.

STATUTE II.

Feb. 18, 1793.

CHAP. VIII.—*An Act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That ships or vessels, enrolled by virtue of "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes," and those of twenty tons and upwards, which shall be enrolled after the last day of May next, in pursuance of this act, and having a license in force, or if less than twenty tons, not being enrolled shall have a license in force, as is herein after required, and no others, shall be deemed ships or vessels of the United States, entitled to the privileges of ships or vessels employed in the coasting trade or fisheries.

SEC. 2. *And be it further enacted*, That from and after the last day of May next, in order for the enrolment of any ship or vessel, she shall possess the same qualifications, and the same requisites, in all respects, shall be complied with, as are made necessary for registering ships or vessels, by the act, intituled "An act concerning the registering and recording of ships or vessels," and the same duties and authorities are hereby given and imposed on all officers, respectively, in relation to such enrolments, and the same proceedings shall be had, in similar cases, touching such enrolments; and the ships or vessels so enrolled, with the master, or owner or owners thereof, shall be subject to the same requi-

What ships shall be deemed of the United States.

Ships or vessels enrolled under this act alone entitled to the privileges of the coasting trade.

Act of Sept. 1, 1789, ch. 11.

Ships to possess the requisites required by a certain act, to obtain enrolment.

Dec. 31, 1792, ch. 1.

1812, ch. 40.

Damages for harboring or concealing a slave, in a free state, are recoverable only by the constitution and act of Congress. *Ibid.*

Notice that the persons harbored or concealed are fugitives from labour, need not be in writing by the claimant, or his agent, nor need it be given by either of them verbally. Notice under the act of Congress, means knowledge. *Ibid.*

If there be evidence conducing to show such notice or knowledge, it will go to the jury, who will judge of its sufficiency. The same principles apply to the evidence of harboring or concealing the fugitives. *Ibid.*

Any overt act, which intentionally places a fugitive from labour beyond the reach of his master, or is calculated to have such an effect, is a harboring of the fugitive within the statute. *Jones v. Vanzant*, 2 M'Lean's C. C. R. 611.

If the defendant had full knowledge from the negroes or otherwise, that they are fugitives from labour, it is notice under the statute. *Ibid.*

If the plaintiff was subjected to a certain reward, by the laws of Kentucky, for the return of his slaves, and the defendant was the cause of his liability to such payment, it may constitute a part of his damages. *Ibid.*

Where the defendant has been the means of the entire loss of the slave, evidence may be received of the loss of such slave, by showing what his services were worth, as conducing to show that fact, for what sum he might have been sold. *Ibid.*

The act of Congress on the subject of fugitive slaves is constitutional, and does not conflict with the ordinance for the government of the Northwestern territory. *Ibid.*

Form of enrolment.

sites, as are in those respects provided for vessels registered by virtue of the aforesaid act; the record of which enrolment shall be made, and an abstract or copy thereof granted, as nearly as may be, in the form following: "Enrolment in conformity to an act of the Congress of the United States of America, intituled 'An act for enrolling and licensing ships or vessels, to be employed in the coasting trade and fisheries, and for regulating the same' [inserting here, the name of the person, with his occupation and place of abode, by whom the oath or affirmation is to be made] having taken and subscribed the oath (or affirmation) required by this act, and having sworn (or affirmed) that he (or she, and if more than one owner, adding the words "together with," and the name or names, occupation or occupations, place or places of abode, of the owner or owners) is, (or are) a citizen (or citizens) of the United States, and sole owner (or owners) of the ship or vessel, called the [inserting here her name] of [inserting here the name of the port to which she may belong] whereof [inserting here the name of the master] is at present master, and is a citizen of the United States, and that the said ship or vessel was [inserting here when and where built] and [inserting here the name and office, if any, of the person by whom she shall have been surveyed, or admeasured] having certified, that the said ship or vessel has [inserting here the number of decks] and [inserting here the number of masts] and that her length is [inserting here the number of feet] her breadth [inserting here the number of feet] her depth [inserting here the number of feet] and that she measures [inserting here her number of tons] that she is [describing here, the particular kind of vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else, together with her built, and specifying, whether she has any or no gallery or head] and the said [naming the owner, or the master, or other person acting in behalf of the owner or owners, by whom the certificate of admeasurement shall have been countersigned] having agreed to the description and admeasurement above specified, and sufficient security having been given, according to the said act, the said ship or vessel has been duly enrolled, at the port of [naming the port where enrolled.] Given under my hand and seal, at [naming the said port] this [inserting the particular day] day of [naming the month] in the year, [specifying the number of the year, in words at length.]"

1798, ch. 77, sec. 2.

On what conditions collectors may enrol vessels.

Vessels may be registered on giving up enrolment.

In such cases enrolment to be transmitted to the Register of the Treasury.

Penalty on failure to deliver up enrolment and license.

Licenses for carrying on the coasting trade.

SEC. 3. *And be it further enacted*, That it shall and may be lawful for the collectors of the several districts, to enrol and license any ship or vessel, that may be registered, upon such registry being given up, or to register any ship or vessel, that may be enrolled, upon such enrolment and license being given up. And when any ship or vessel shall be in any other district than the one to which she belongs, the collector of such district, on the application of the master or commander thereof, and upon his taking an oath or affirmation, that according to his best knowledge and belief, the property remains, as expressed in the register or enrolment proposed to be given up, and upon his giving the bonds required for granting registers, shall make the exchanges aforesaid; but in every such case, the collector, to whom the register, or enrolment and license may be given up, shall transmit the same to the register of the treasury; and the register, or enrolment and license, granted in lieu thereof, shall, within ten days after the arrival of such ship or vessel within the district, to which she belongs, be delivered to the collector of the said district, and be by him cancelled. And if the said master or commander shall neglect to deliver the said register or enrolment and license, within the time aforesaid, he shall forfeit one hundred dollars.

SEC. 4. *And be it further enacted*, That in order to the licensing of any ship or vessel, for carrying on the coasting trade or fisheries, the husband, or managing owner, together with the master thereof, with one or more sureties to the satisfaction of the collector granting the same,

shall become bound to pay to the United States, if such ship or vessel be of the burthen of five tons, and less than twenty tons, the sum of one hundred dollars; and if twenty tons, and not exceeding thirty tons, the sum of two hundred dollars; and if above thirty tons, and not exceeding sixty tons, the sum of five hundred dollars; and if above sixty tons, the sum of one thousand dollars, in case it shall appear, within two years from the date of the bond, that such ship or vessel has been employed in any trade, whereby the revenue of the United States has been defrauded during the time the license granted to such ship or vessel remained in force; and the master of such ship or vessel shall also swear, or affirm, that he is a citizen of the United States, and that such license shall not be used for any other vessel, or any other employment, than that for which it is specially granted, or in any trade or business, whereby the revenue of the United States may be defrauded; and if such ship or vessel be less than twenty tons burthen, the husband or managing owner shall swear or affirm, that she is wholly the property of a citizen or citizens of the United States; whereupon it shall be the duty of the collector of the district comprehending the port, whereto such ship or vessel may belong, (the duty of six cents per ton being first paid) to grant a license, in the form following: "License for carrying on the [here insert, coasting trade, whale fishery, or cod fishery, as the case may be.]

Penalty on employing such vessel contrary to the laws of the U. States.

Form of license.

"In pursuance of an act of the Congress of the United States of America, intituled "An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same," [inserting here the name of the husband or managing owner, with his occupation and place of abode, and the name of the master, with the place of his abode] having given bond, that the [insert here the description of the vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else she may be,] called the [insert here, the vessel's name,] whereof the said [naming the master] is master, burthen [insert here, the number of tons, in words] tons, as appears by her enrolment, dated at [naming the district, day, month and year, in words at length, (but if she be less than twenty tons, insert, instead thereof,) proof being had of her admeasurement] shall not be employed in any trade, while this license shall continue in force, whereby the revenue of the United States shall be defrauded, and having also sworn (or affirmed) that this license shall not be used for any other vessel, or for any other employment, than is herein specified, license is hereby granted for the said [inserting here, the description of the vessel] called the [inserting here the vessel's name] to be employed in carrying on the [inserting here, coasting trade, whale fishery, or cod-fishery, as the case may be] for one year from the date hereof, and no longer: Given under my hand and seal, at [naming the said district] this [inserting the particular day] day of [naming the month] in the year [specifying the number of the year in words at length.]"

Form of license to coasting vessels.

SEC. 5. *And be it further enacted,* That no license, granted to any ship or vessel, shall be considered in force, any longer than such ship or vessel is owned, and of the description set forth in such license, or for carrying on any other business or employment, than that for which she is specially licensed, and if any ship or vessel be found with a forged or altered license, or making use of a license granted for any other ship or vessel, such ship or vessel, with her tackle, apparel, and the cargo found on board her, shall be forfeited.

How far licenses shall be deemed in force as long as the vessel shall be owned and employed according to its terms.

SEC. 6. *And be it further enacted,* That after the last day of May next, every ship or vessel of twenty tons or upwards (other than such as are registered) found trading between district and district, or between different places in the same district, or carrying on the fishery, without being enrolled and licensed or if less than twenty tons, and not less

Certain vessels not complying with this act.

than five tons, without a license, in manner as is provided by this act, such ship or vessel, if laden with goods the growth or manufacture of the United States only (distilled spirits excepted) or in ballast, shall pay the same fees and tonnage in every port of the United States, at which she may arrive, as ships or vessels not belonging to a citizen or citizens of the United States, and if she have on board any articles of foreign growth or manufacture, or distilled spirits, other than sea-stores, the ship or vessel, together with her tackle, apparel and furniture, and the lading found on board, shall be forfeited: *Provided*, however, if such ship or vessel be at sea, at the expiration of the time for which the license was given, and the master of such ship or vessel shall swear or affirm that such was the case, and shall also within forty-eight hours after his arrival deliver to the collector of the district in which he shall first arrive the license which shall have expired, the forfeiture aforesaid shall not be incurred, nor shall the ship or vessel be liable to pay the fees and tonnage aforesaid.

To pay foreign duties.

Such ship or vessel to be forfeited.

Collectors to number licenses.

To transmit copies of licenses granted by him to the Register of the Treasury.

Vessels before proceeding on a foreign voyage failing to give up enrolment and obtain register.

To be forfeited. *Proviso*.

Forfeiture on neglecting to give up license, about to expire.

Forfeiture not to be incurred if license proved to have been mislaid.

SEC. 7. *And be it further enacted*, That the collector of each district shall progressively number the licenses by him granted, beginning anew at the commencement of each year, and shall make a record thereof in a book, to be by him kept for that purpose, and shall, once in three months, transmit to the register of the treasury, copies of the licenses, which shall have been so granted by him; and also of such licenses, as shall have been given up or returned to him, respectively, in pursuance of this act. And where any ship or vessel shall be licensed, or enrolled anew, or being licensed or enrolled, shall afterwards be registered, or being registered, shall afterwards be enrolled, or licensed, she shall, in every such case, be enrolled, licensed or registered by her former name.

SEC. 8. *And be it further enacted*, That if any ship or vessel, enrolled or licensed, as aforesaid, shall proceed on a foreign voyage, without first giving up her enrolment and license, to the collector of the district comprehending the port, from which she is about to proceed on such foreign voyage, and being duly registered by such collector, every such ship or vessel, together with her tackle, apparel and furniture, and the goods, wares and merchandise, so imported therein, shall be liable to seizure and forfeiture: *Provided always*, if the port, from which such ship or vessel is about to proceed on such foreign voyage, be not within the district, where such ship or vessel is enrolled, the collector of such district shall give to the master of such ship or vessel a certificate, specifying that the enrolment and license of such ship or vessel is received by him, and the time when it was so received; which certificate shall afterwards be delivered by the said master to the collector, who may have granted such enrolment and license.

SEC. 9. *And be it further enacted*, That the license, granted to any ship or vessel, shall be given up to the collector of the district, who may have granted the same, within three days after the expiration of the time, for which it was granted, in case such ship or vessel be then within the district, or if she be absent, at that time, within three days from her first arrival within the district afterwards, or if she be sold out of the district, within three days after the arrival of the master within any district, to the collector of such district, taking his certificate therefor; and if the master thereof shall neglect, or refuse to deliver up the license, as aforesaid, he shall forfeit fifty dollars; but if such license shall have been previously given up to the collector of any other district, as authorized by this act, and a certificate thereof under the hand of such collector, be produced by such master, or if such license be lost, or destroyed, or unintentionally mislaid, so that it cannot be found, and the master of such ship or vessel shall make and subscribe an oath or affirmation, that such license is lost, destroyed, or unintentionally mislaid, as he verily believes, and that the same, if found, shall be delivered up, as is

herein required, then the aforesaid penalty shall not be incurred. And if such license shall be lost, destroyed, or unintentionally mislaid, as aforesaid, before the expiration of the time for which it was granted, upon the like oath or affirmation being made and subscribed by the master of such ship or vessel, the said collector is hereby authorized and required, upon application being made therefor, to license such ship or vessel anew.

A new license to be given.

SEC. 10. *And be it further enacted*, That it shall and may be lawful for the owner or owners of any licensed ship or vessel, to return such license to the collector who granted the same at any time within the year, for which it was granted, who shall thereupon, cancel the same and shall license such vessel anew, upon the application of the owner or owners, and upon the conditions herein before required, being complied with; and in case the term, for which the former license was granted, shall not be expired, an abatement of the tonnage of six cents per ton shall be made, in the proportion of the time so unexpired.

When owners may cancel license, and obtain new ones.

SEC. 11. *And be it further enacted*, That every licensed ship or vessel shall have her name, and the port to which she belongs painted on her stern, in the manner as is provided for registered ships or vessels, and if any licensed ship or vessel be found, without such painting, the owner or owners thereof shall pay twenty dollars.

Abatement of the tonnage duty.
Licensed vessels to have name and port painted on the stern.

SEC. 12. *And be it further enacted*, That when the master of any licensed ship or vessel, ferry boats excepted, shall be changed, the new master, or, in case of his absence, the owner or one of the owners thereof, shall report such change to the collector residing at the port where the same may happen, if there be one, otherwise, to the collector residing at any port, where such ship or vessel may next arrive, who, upon the oath or affirmation of such new master, or in case of his absence, of the owner or one of the owners, that he is a citizen of the United States, and that such ship or vessel shall not, while such license continues in force, be employed in any manner, whereby the revenue of the United States may be defrauded, shall endorse such change on the license, with the name of the new master; and when any change shall happen, as aforesaid, and such change shall not be reported, and the endorsement made of such change, as is herein required, such ship or vessel, found carrying on the coasting trade or fisheries, shall be subject to pay the same fees and tonnage, as a vessel of the United States, having a register, and the said new master shall forfeit and pay the sum of ten dollars.

1792, ch. 1, sec. 3.

Proceedings on change of masters of licensed vessels.

SEC. 13. *And be it further enacted*, That it shall be lawful, at all times, for any officer concerned in the collection of the revenue, to inspect the enrolment or license of any ship or vessel; and if the master of any such ship or vessel shall not exhibit the same, when thereunto required by such officer, he shall pay one hundred dollars.

Forfeiture in case of neglect.

SEC. 14. *And be it further enacted*, That the master or commander of every ship or vessel licensed for carrying on the coasting trade, destined from a district in one state, to a district in the same, or an adjoining state on the sea-coast, or on a navigable river, having on board, either distilled spirits in casks exceeding five hundred gallons, wine in casks exceeding two hundred and fifty gallons, or in bottles exceeding one hundred dozens, sugar in casks or boxes exceeding three thousand pounds, tea in chests or boxes exceeding five hundred pounds, coffee in casks or bags exceeding one thousand pounds, or foreign merchandise in packages, as imported, exceeding in value four hundred dollars, or goods, wares or merchandise, consisting of such enumerated or other articles of foreign growth or manufacture, or of both, whose aggregate value exceeds eight hundred dollars, shall, previous to the departure of such ship or vessel from the port where she may then be, make out and subscribe duplicate manifests of the whole of such cargo on board such ship or vessel, specifying in such manifests, the marks

By whom enrolments may be inspected.

Duty of masters of licensed coasting vessels, having on board distilled spirits, &c.

exceeding in value \$800, to make out duplicate manifests.

and numbers of every cask, bag, box, chest or package containing the same, with the name and place of residence of every shipper and consignee, and the quantity shipped by and to each, and if there be a collector or surveyor, residing at such port, or within five miles thereof, he shall deliver such manifests to the collector, if there be one, otherwise to the surveyor, before whom he shall swear or affirm, to the best of his knowledge and belief, that the goods therein contained were legally imported, and the duties thereupon paid or secured, or if spirits distilled within the United States, that the duties thereupon have been paid or secured, whereupon the said collector or surveyor shall certify the same on the said manifests, one of which he shall return to the said master, with a permit, specifying thereon, generally, the lading on board such ship or vessel, and authorizing him to proceed to the port of his destination. And if any ship or vessel, being laden and destined, as aforesaid, shall depart from the port where she may then be, without the master or commander having first made out and subscribed duplicate manifests of the lading on board such ship or vessel, and in case there be a collector or surveyor residing at such port, or within five miles thereof, without having previously delivered the same to the said collector or surveyor, and obtaining a permit, in manner as is herein required, such master or commander shall pay one hundred dollars.

1799, ch. 22.

Duty of masters of licensed coasting vessels having on board distilled spirits, &c.

SEC. 15. *And be it further enacted*, That the master or commander of every ship or vessel licensed for carrying on the coasting trade, having on board, either distilled spirits in casks exceeding five hundred gallons, wine in casks exceeding two hundred and fifty gallons, or in bottles exceeding one hundred dozens, sugar in casks or boxes exceeding three thousand pounds, tea in chests or boxes exceeding five hundred pounds, coffee in casks or bags exceeding one thousand pounds, or foreign merchandise in packages, as imported, exceeding in value four hundred dollars, or goods, wares or merchandise, consisting of such enumerated or other articles of foreign growth or manufacture, or of both, whose aggregate value exceeds eight hundred dollars, and arriving from a district in one state, at a district in the same or an adjoining state on the sea-coast, or on a navigable river, shall, previous to the unloading of any part of the cargo of such ship or vessel, deliver to the collector, if there be one, or if not, to the surveyor residing at the port of her arrival, or if there be no collector or surveyor residing at such port, then to a collector or surveyor, if there be any such officer, residing within five miles thereof, the manifest of the cargo, certified by the collector or surveyor of the district from whence she sailed (if there be such manifest), otherwise the duplicate manifests thereof, as is herein before directed, to the truth of which, before such officer, he shall swear or affirm. And if there have been taken on board such ship or vessel, any other or more goods, than are contained in such manifest or manifests, since her departure from the port from whence she first sailed, or if any goods have been since landed, the said master or commander shall make known and particularize the same to the said collector or surveyor, or if no such goods have been so taken on board or landed, he shall so declare, to the truth of which he shall swear or affirm: Whereupon, the said collector or surveyor shall grant a permit for unloading a part, or the whole of such cargo, as the said master or commander may request.— And if there be no collector or surveyor, residing at, or within five miles of the said port of her arrival, the master or commander of such ship or vessel may proceed to discharge the lading from on board such ship or vessel, but shall deliver to the collector or surveyor, residing at the first port, where he may next afterwards arrive, and within twenty-four hours of his arrival, the manifest or manifests aforesaid, noting thereon the times when, and places where, the goods therein mentioned have been unladen, to the truth of which, before the said last mentioned collector

1799, ch. 22.

or surveyor, he shall swear or affirm; and if the master or commander of any such ship or vessel, being laden as aforesaid, shall neglect or refuse to deliver the manifest or manifests, at the times, and in the manner, herein directed, he shall pay one hundred dollars.

SEC. 16. *And be it further enacted,* That the master or commander of every ship or vessel, licensed for carrying on the coasting trade, and being destined from any district of the United States, to a district other than a district in the same, or an adjoining state, on the sea-coast, or on a navigable river, shall, previous to her departure, deliver to the collector residing at the port where such ship or vessel may be, if there is one, otherwise to the collector of the district comprehending such port, or to a surveyor within the district, as the one or the other may reside nearest to the port at which such ship or vessel may be, duplicate manifests of the whole cargo on board such ship or vessel, or if there be no cargo on board, he shall so certify, and if there be any distilled spirits, or goods, wares and merchandise, of foreign growth or manufacture on board, other than what may, by the collector, be deemed sufficient for sea stores, he shall specify in such manifests, the marks and numbers of every cask, bag, box, chest or package, containing the same, with the name, and place of residence, of every shipper and consignee of such distilled spirits, or goods of foreign growth or manufacture, and the quantity shipped by, and to each, to be by him subscribed, and to the truth of which, he shall swear or affirm; and shall also swear or affirm before the said collector or surveyor, that such goods, wares, or merchandise, of foreign growth or manufacture, were, to the best of his knowledge and belief, legally imported, and the duties thereupon paid or secured; or if spirits distilled within the United States, that the duties thereupon have been duly paid or secured; upon the performance of which, and not before, the said collector or surveyor shall certify the same on the said manifests; one of which he shall return to the master, with a permit, thereto annexed, authorizing him to proceed to the port of his destination. And if any such ship or vessel shall depart from the port where she may then be, having distilled spirits, or goods, wares or merchandise, of foreign growth or manufacture on board, without the several things herein required, being complied with, the master thereof shall forfeit one hundred dollars; or if the lading be of goods, the growth or manufacture of the United States only, or if such ship or vessel have no cargo, and she depart, without the several things herein required, being complied with, the said master shall forfeit and pay fifty dollars.

SEC. 17. *And be it further enacted,* That the master or commander of every ship or vessel, licensed to carry on the coasting trade, arriving at any district of the United States, from any district, other than a district in the same, or an adjoining state on the sea-coast, or on a navigable river, shall deliver to the collector residing at the port where she may arrive, if there be one, otherwise to the collector or surveyor in the district comprehending such port, as the one, or the other, may reside nearest thereto, if the collector or surveyor reside at a distance not exceeding five miles, within twenty-four hours, or if at a greater distance, within forty-eight hours next after his arrival; and previous to the unlading any of the goods brought in such ship or vessel, the manifest of the cargo (if there be any) certified by the collector or surveyor of the district from whence she last sailed, and shall make oath or affirmation, before the said collector or surveyor, that there was not when he sailed from the district where his manifest was certified, or has been since, or then is, any more, or other goods, wares or merchandise of foreign growth or manufacture, or distilled spirits (if there be any, other than sea stores, on board such vessel) than is therein mentioned; and if there be no such goods, he shall so swear or affirm; and if there be no cargo on board, he shall produce the certificate of the collector or surveyor of

Duty of masters of vessels destined from any district to other than a district in the same or an adjoining state.

Act of March 2, 1799, ch. 22.

Forfeiture on neglecting it.

Amount of forfeiture.

Masters of coasting vessels when and to whom to deliver manifests.

March 2, 1799, ch. 22. under oath.

And obtain permits for unlading.

the district from whence she last sailed, as aforesaid, that such is the case: Whereupon such collector or surveyor shall grant a permit for unlading the whole, or part of such cargo (if there be any) within his district, as the master may request; and where a part only of the goods, wares and merchandise, of foreign growth or manufacture, or of distilled spirits, brought in such ship or vessel, is intended to be landed, the said collector or surveyor shall make an endorsement of such part, on the back of the manifest, specifying the articles to be landed; and shall return such manifest to the master, endorsing also thereon, his permission for such ship or vessel to proceed to the place of her destination; and if the master of such ship or vessel shall neglect or refuse to deliver the manifest, (or if she has no cargo, the certificate) within the time herein directed, he shall forfeit one hundred dollars, and the goods, wares and merchandise of foreign growth or manufacture, or distilled spirits, found on board, or landed from such ship or vessel, not being certified, as is herein required, shall be forfeited, and if the same shall amount to the value of eight hundred dollars, such ship or vessel, with her tackle, apparel and furniture, shall be also forfeited.

In what cases masters of vessels may be exempt from delivering manifests.

SEC. 18. *And be it further enacted,* That nothing in this act contained shall be so construed, as to oblige the master or commander of any ship or vessel, licensed for carrying on the coasting trade, bound from a district in one state, to a district in the same, or an adjoining state on the sea-coast, or on a navigable river, having on board goods, wares or merchandise, of the growth, product or manufactures of the United States only (except distilled spirits) or distilled spirits, not more than five hundred gallons, wine in casks not more than two hundred and fifty gallons, or in bottles not more than one hundred dozens, sugar in casks or boxes not more than three thousand pounds, tea in chests or boxes not more than five hundred pounds, coffee in casks or bags not more than one thousand pounds, or foreign merchandise in packages, as imported, of not more value than four hundred dollars, or goods, wares or merchandise, consisting of such enumerated or other articles of foreign growth or manufacture, or of both, whose aggregate value shall be not more than eight hundred dollars, to deliver a manifest thereof, or obtain a permit, previous to her departure, or on her arrival within such district, to make any report thereof; but such master shall be provided with a manifest, by him subscribed, of the lading, of what kind soever, which was on board such ship or vessel, at the time of his departure from the district from which she last sailed, and if the same, or any part of such lading, consists of distilled spirits, or goods, wares, or merchandise, of foreign growth or manufacture, with the marks and numbers of each cask, bag, box, chest or package, containing the same, with the name of the shipper and consignee of each; which manifest shall be by him exhibited, for the inspection of any officer of the revenue, when, by such officer, thereunto required; and shall also inform such officer, from whence such ship or vessel last sailed, and how long she has been in port, when by him so interrogated. And if the master of such ship or vessel shall not be provided, on his arrival within any such district, with a manifest, and exhibit the same, as is herein required, if the lading of such ship or vessel consist wholly of goods, the produce or manufacture of the United States (distilled spirits excepted) he shall forfeit twenty dollars, or if there be distilled spirits, or goods, wares, or merchandise, of foreign growth or manufacture, on board, excepting what may be sufficient for sea stores, he shall forfeit forty dollars; or if he shall refuse to answer the interrogatories truly, as is herein required, he shall forfeit the sum of one hundred dollars. And if any of the goods laden on board such ship or vessel, shall be of foreign growth or manufacture, or of spirits distilled within the United States, so much of the same as may be found on board such ship or vessel, and which shall

In others how to be provided with them.

Forfeiture on neglect thereof.

not be included in the manifest exhibited by such master, shall be forfeited.

SEC. 19. *And be it further enacted*, That it shall and may be lawful for the collector of the district of Pennsylvania, to grant permits for the transportation of goods, wares or merchandise, of foreign growth or manufacture, across the state of New Jersey, to the district of New York, or across the state of Delaware, to any district in the state of Maryland or Virginia; and for the collector of the district of New York, to grant like permits for the transportation across the state of New Jersey; and for the collector of any district of Maryland or Virginia, to grant like permits for the transportation across the state of Delaware, to the district of Pennsylvania: *Provided*, That every such permit shall express the name of the owner, or person sending such goods, and of the person or persons, to whom such goods shall be consigned, with the marks, numbers and description of the packages, whether bale, box, chest or otherwise, and the kind of goods contained therein, and the date, when granted; and the owner, or person sending such goods, shall swear or affirm, that they were legally imported, and the duties thereupon paid or secured: *And provided also*, That the owner or consignee of all such goods, wares and merchandise, shall, within twenty-four hours after the arrival thereof, at the place to which they were permitted to be transported, report the same, to the collector of the district where they shall so arrive, and shall deliver up the permit accompanying the same, and if the owner or consignee aforesaid, shall neglect or refuse to make due entry of such goods, within the time, and in the manner, herein directed, all such goods, wares and merchandise shall be subject to forfeiture; and if the permit granted shall not be given up, within the time limited for making the said report, the person or persons to whom it was granted, neglecting or refusing to deliver it up, shall forfeit fifty dollars for every twenty-four hours it shall be withheld afterwards: *Provided*, That where the goods, wares and merchandise, to be transported in manner aforesaid, shall be of less value than eight hundred dollars, the said oath and permit shall not be deemed necessary, nor shall the owner or consignee be obliged to make report to the collector of the district where the said goods, wares and merchandise shall arrive.

SEC. 20. *And be it further enacted*, That when any ship or vessel of the United States, registered according to law, shall be employed in going from any one district in the United States, to any other district, such ship or vessel, and the master or commander thereof, with the goods she may have on board, previous to her departure from the district, where she may be, and also, upon her arrival in any other district, shall be subject (except as to the payment of fees) to the same regulations, provisions, penalties and forfeitures, and the like duties are imposed on like officers, as is provided by the sixteenth and seventeenth sections of this act, for ships or vessels licensed for carrying on the coasting trade: *Provided however*, that nothing herein contained, shall be construed to extend to registered ships or vessels of the United States, having on board goods, wares and merchandise of foreign growth or manufacture, brought into the United States in such ship or vessel from a foreign port, and on which the duties have not been paid or secured, according to law.

SEC. 21. *And be it further enacted*, That when any ship or vessel, licensed for carrying on the fishery, shall be intended to touch and trade at any foreign port or place, it shall be the duty of the master, commander, or owner, to obtain permission for that purpose, from the collector of the district where such ship or vessel may be, previous to her departure, and the master or commander of every such ship or vessel, shall deliver like manifests, and make like entries, both of the ship or vessel, and of the goods, wares, or merchandise on board, within the

Collector of Pennsylvania may grant permits for transporting foreign goods to Maryland across the state of Delaware, and to Virginia.

Also to New York across New Jersey.

So also the collector of New York to goods to cross New Jersey, under what regulations.

Owner or consignee to report the same to the collector.

Registered vessels employed in going from district to district subject to regulations in sec. 16 and 17 of this act.

Proviso.

Duty of masters of ships licensed for carrying on the fishery, intending to touch at a foreign port.

same time, and under the same penalty, as by the laws of the United States, are provided for ships or vessels of the United States arriving from a foreign port. And if any ship or vessel, licensed for carrying on the fisheries, shall be found within three leagues of the coast, with goods, wares, or merchandise of foreign growth or manufacture, exceeding the value of five hundred dollars, without having such permission, as is herein directed, such ship or vessel, together with her goods, wares, or merchandise of foreign growth or manufacture imported therein, shall be subject to seizure and forfeiture.

Masters of vessels transporting goods from district to district, to report themselves within 24 hours after arrival.

SEC. 22. *And be it further enacted*, That the master or commander of every ship or vessel, employed in the transportation of goods from district to district, that shall put into a port, other than the one to which she was bound, shall, within twenty-four hours of his arrival, if there be an officer residing at such port, and she continue there so long, make report of his arrival, to such officer, with the name of the place he came from, and to which he is bound, with an account of his lading; and if the master of such ship or vessel shall neglect or refuse to do the same, he shall forfeit twenty dollars.

Duty of collectors on masters of vessels having lost their manifests.

To take bond for foreign duties.

SEC. 23. *And be it further enacted*, That if the master or commander of any ship or vessel, employed in the transportation of goods, from district to district, having on board goods, wares, or merchandise of foreign growth or manufacture, or distilled spirits, shall, on his arrival at the port to which he was destined, have lost or mislaid the certified manifest of the same, or the permit which was given therefor, by the collector or surveyor of the district from whence he sailed, the collector of the district where he shall so arrive, shall take bond for the payment of the duties on such goods, wares and merchandise of foreign growth or manufacture, or distilled spirits, within six months, in the same manner, as though they were imported from a foreign country: *Provided however*, such bond shall be cancelled, if the said master shall deliver, or cause to be delivered to the collector taking such bond, and within the term therein limited for payment, a certificate from the collector or surveyor of the district, from whence he sailed, that such goods were legally exported in such ship or vessel, from such district.

Bond to be cancelled on certificate that said goods were legally imported.

Masters of vessels bound from district to district previously to deliver duplicate manifests to collector, &c.

SEC. 24. *And be it further enacted*, That the master or commander of every foreign ship or vessel, bound from a district in the United States, to any other district within the same, shall, in all cases, previous to her departure, from such district, deliver to the collector of such district, duplicate manifests of the lading on board such ship or vessel, if there be any, or if there be none, he shall declare that such is the case, and to the truth of such manifests or declaration, he shall swear or affirm, and also obtain a permit, from the said collector, authorizing him to proceed to the place of his destination. And the master or commander of every such ship or vessel, on his arrival within any district, from any other district, shall, in all cases, within forty-eight hours after his arrival, and previous to the unloading any goods from on board such ship or vessel, deliver to the collector of the district where he may have arrived, a manifest of the goods laden on board such ship or vessel, if any there be, or if in ballast only, he shall so declare, and to the truth of which manifest or declaration, he shall swear or affirm; and also, that such manifest contains an account of all the goods, wares, and merchandise which were on board such ship or vessel, at the time, or have been, since her departure from the place from whence she shall be reported last to have sailed; and he shall also deliver to such collector the permit which was given him from the collector of the district from whence he sailed. And if the master or commander of any such ship or vessel shall neglect or refuse complying with any of the requirements herein made, he shall forfeit one hundred dollars: *Provided always*, That no-

Masters of foreign vessels.

Manifests on oath.

Forfeiture on neglect thereof. Proviso.

thing herein contained shall be construed as affecting the payment of tonnage, or any other requirements which such ships or vessels are now subject to by the present existing laws of the United States.

SEC. 25. *And be it further enacted,* That in every case, where the collector is, by this act, directed to grant any enrolment, license, certificate, permit, or other document, the naval officer residing at the port (if there be one) shall sign the same, and every surveyor who shall certify a manifest, or grant a permit, or who shall receive any certified manifest, or a permit as is provided for in this act, shall make monthly returns thereof, or sooner, if it can conveniently be made, to the collector of the district where such surveyor may reside.

Enrolment, &c.
by whom issued.

Monthly re-
turns to be made
by the surveyors
to the collector.

SEC. 26. *And be it further enacted,* That before any ship or vessel, of the burthen of five tons, and less than twenty tons, shall be licensed, the same admeasurement shall be made of such ship or vessel, and the same provisions observed relative thereto, as are to be observed in case of admeasuring ships or vessels to be registered or enrolled; but in all cases, where such ship or vessel, or any other licensed ship or vessel, shall have been once admeasured, it shall not be necessary to measure such ship or vessel anew, for the purpose of obtaining another enrolment or license, except such ship or vessel shall have undergone some alteration as to her burthen, subsequent to the time of her former license.

How vessels
under twenty
tons shall be ad-
measured, &c.

SEC. 27. *And be it further enacted,* That it shall be lawful for any officer of the revenue, to go on board of any ship or vessel, whether she shall be within or without his district, and the same to inspect, search and examine, and if it shall appear, that any breach of the laws of the United States has been committed, whereby such ship or vessel, or the goods, wares and merchandise on board, or any part thereof, is, or are liable to forfeiture, to make seizure of the same.

Revenue offi-
cers may go on
board vessels
without their
districts.

SEC. 28. *And be it further enacted,* That in every case, where a forfeiture of any ship or vessel, or of any goods, wares or merchandise, shall accrue, it shall be the duty of the collector, or other proper officer, who shall give notice of the seizure of such ship or vessel, or of such goods, wares or merchandise, to insert in the same advertisement, the name or names, and the place or places of residence, of the person or persons, to whom any such ship or vessel, goods, wares and merchandise belonged, or were consigned, at the time of such seizure, if the same shall be known to him.

Collector's du-
ty in cases of
seizure.

Names of the
owners or con-
signees of ships
or vessels or
goods seized to
be inserted in
the advertise-
ment.

SEC. 29. *And be it further enacted,* That every collector, who shall knowingly make any record of enrolment or license of any ship or vessel, and every other officer, or person, appointed by, or under them, who shall make any record, or grant any certificate, or other document whatever, contrary to the true intent and meaning of this act, or shall take any other, or greater fees, than are by this act allowed, or shall receive, for any service performed pursuant to this act, any reward or gratuity, and every surveyor, or other person appointed to measure ships or vessels, who shall wilfully deliver to any collector, or naval officer, a false description of any ship or vessel, to be enrolled or licensed, in pursuance of this act, shall, upon conviction of any such neglect or offence, forfeit to the United States five hundred dollars, and be rendered incapable of serving in any office of trust or profit, under the United States. And if any person, authorized and required by this act, in respect to his office, to perform any act or thing required by this act, shall wilfully neglect or refuse to do and perform the same, according to the true intent and meaning of this act, such person, on being duly convicted thereof, if not hereby subject to the penalty and disqualifications aforesaid, shall forfeit and pay the sum of five hundred dollars for the first offence, and a like sum for the second offence, and shall from thencefor-

Forfeiture on
recording enrol-
ment, &c. con-
trary to this act.

Penalty on
persons in office
refusing or ne-
glecting to do
their duty.

ward, be rendered incapable of holding any office of trust or profit under the United States.

Penalties on swearing falsely.

1790, ch. 9, sec. 13.

On counterfeiting, or falsifying enrolment.

SEC. 30. *And be it further enacted*, That if any person or persons shall swear, or affirm to any of the matters, herein required to be verified, knowing the same to be false, such person or persons shall suffer the like pains and penalties, as shall be incurred, by persons committing wilful and corrupt perjury. And if any person or persons shall forge, counterfeit, erase, alter or falsify any enrolment, license, certificate, permit, or other document, mentioned or required in this act, to be granted by any officer of the revenue, such person or persons, so offending, shall forfeit five hundred dollars.

Penalty on obstructing the execution of this act.

SEC. 31. *And be it further enacted*, That if any person or persons shall assault, resist, obstruct, or hinder any officer in the execution of this act, or of any other act or law of the United States, herein mentioned, or of any of the powers or authorities vested in him by this act, or any other act or law, as aforesaid, all and every person and persons so offending, shall, for every such offence, for which no other penalty is particularly provided, forfeit five hundred dollars.

On transferring vessels to foreigners, &c.

SEC. 32. *And be it further enacted*, That if any licensed ship or vessel shall be transferred, in whole or in part, to any person, who is not, at the time of such transfer, a citizen of, and resident within, the United States, or if any such ship or vessel shall be employed in any other trade than that for which she is licensed, or shall be found with a forged or altered license, or one granted for any other ship or vessel, every such ship or vessel, with her tackle, apparel and furniture, and the cargo found on board her, shall be forfeited.

In what cases the lading on board of vessels shall be exempt from forfeiture.

SEC. 33. *Provided nevertheless, and be it further enacted*, That in all cases where the whole or any part of the lading, or cargo, on board any ship or vessel, shall belong bona fide to any person or persons other than the master, owner, or mariners of such ship or vessel, and upon which the duties shall have been previously paid or secured, according to law, shall be exempted from any forfeiture under this act, any thing therein contained to the contrary notwithstanding.

Fees allowed under this act.

SEC. 34. *And be it further enacted*, That the fees and allowances for the several duties and services, to be performed, in virtue of this act, shall be as follow; that is to say:

Fees for admeasuring ships or vessels.

For admeasuring every ship or vessel, in order to the enrolment, or licensing and recording the same, if of the burthen of five tons, and less than twenty tons, fifty cents; if of twenty tons, and not exceeding seventy tons, seventy-five cents; if above seventy tons, and not exceeding one hundred tons, one hundred cents; if above one hundred tons, one hundred and fifty cents:

For every certificate of enrolment, fifty cents:

For every endorsement on a certificate of enrolment, twenty cents:

For every license, and granting the same, including the bond, if not exceeding twenty tons, twenty-five cents; if above twenty, and not more than one hundred tons, fifty cents; and if more than one hundred tons, one hundred cents:

For every endorsement on a license, twenty cents:

For certifying manifests, and granting a permit for a licensed vessel to proceed from district to district, twenty-five cents, if less than fifty tons, and if above fifty tons, fifty cents:

For receiving a certified manifest, and granting a permit, on the arrival of such vessel, twenty-five cents, if less than fifty tons, and if above fifty tons, fifty cents:

For certifying manifests, and granting a permit for a registered vessel to proceed from district to district, one hundred and fifty cents:

For receiving a certified manifest, and granting a permit, on the arrival of such registered vessel, one hundred and fifty cents:

For granting a permit for a vessel, not belonging to a citizen or citizens of the United States, to proceed from district to district, and receiving the manifest, two hundred cents:

For receiving a manifest, and granting a permit, to unload, for such last mentioned vessel, on her arrival in one district, from another district, two hundred cents:

For granting a permit for a vessel carrying on the fishery, to trade at a foreign port, twenty-five cents, and for the report and entry of any foreign goods imported in such vessel, twenty-five cents.

And where a surveyor shall certify a manifest, or grant a permit, or receive a certified manifest and grant a permit, the fees arising therefrom, shall be received by him solely for his use. And all other fees arising, by virtue of this act, shall be received, and accounted for, by the collector, or, at his option, by the naval officer, where there is one, and where there is a collector, naval officer, and surveyor, shall be equally divided, monthly, between the said officers; and where there is no naval officer, two thirds to the collector, and the other third to the surveyor; and where there is only a collector, he shall receive the whole amount thereof; and where there is more than one surveyor in any district, each of them shall receive his proportionable part of such fees, as shall arise in the port, for which he is appointed: *Provided always*, That in all cases, where the tonnage of any ship or vessel shall be ascertained, by any person appointed for that purpose, such person shall be paid a reasonable compensation therefor, out of the fees aforesaid, before any distribution thereof, as aforesaid; and every collector and naval officer, and every surveyor, who shall reside at a port where there is no collector, shall cause to be affixed, and constantly kept, in some conspicuous place of his office, a fair table of the rates of fees, demandable by this act.

Disposal of fees under this act.

Persons employed to ascertain tonnage of vessels to be paid before distribution of fees. Table of fees.

Sec. 35. *And be it further enacted*, That all penalties and forfeitures, which shall be incurred by virtue and force of this act, shall and may be sued for, prosecuted and recovered, in like manner, as penalties and forfeitures, incurred by virtue of the act, intituled "An act to regulate the collection of the duties imposed by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels," may be sued for, prosecuted and recovered, and shall be appropriated in like manner: *Provided always*, That if any officer, entitled to a part or share of any such penalty or forfeiture, shall be necessary as a witness on the trial for such penalty or forfeiture, such officer may be a witness upon the said trial; but in such case, he shall not receive, or be entitled to any part or share of the said penalty or forfeiture, and the part or share to which he would otherwise have been entitled, shall accrue to the United States.

Penalties and forfeitures how sued for and recovered.

1790, ch. 35.

Sec. 36. *And be it further enacted*, That this act shall commence, and take effect, from and after the last day of May next, and thenceforth, the act, intituled "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes," and also, the act, intituled "An act to explain and amend an act, intituled An act for registering and clearing vessels, regulating the coasting trade, and for other purposes," shall be repealed, and cease to operate, except as to the validity of the registers, records, enrolments and licenses, with the certificates and documents, which shall have been done or granted, in pursuance of those acts, prior to the first day of June next, which shall continue to be of the like force and effect, as if the said acts were not repealed; and except also, as to the prosecution, recovery and distribution of, and for fines, penalties and forfeitures, which may have been incurred, prior to the first day of June next, for which purpose likewise, the said acts shall continue in force.

When this act shall be in force, and certain other acts repealed.

Act 1789 ch. 11, sec. 22, repealed with exceptions.

1789, ch. 22.

Sec. 37. *And be it further enacted*, That nothing in this act, shall be

Nothing here-
in to extend to
boats, &c.

construed to extend to any boat or lighter, not being masted, or if masted, and not decked, employed in the harbor of any town or city.

APPROVED, February 18, 1793.

STATUTE II.

Feb. 18, 1793.

CHAP. IX.—*An Act providing compensation to the President and Vice President of the United States.*

Act of Sept.
24, 1789, ch. 19.
Compensation
to the President
and Vice Presi-
dent.

\$25,000 per
annum to the
President, and
\$5000 to the
Vice President.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the third day of March in the present year, the compensation of the President of the United States shall be at the rate of twenty-five thousand dollars per annum, with the use of the furniture and other effects belonging to the United States, and now in possession of the President: And that of the Vice President, at the rate of five thousand dollars per annum, in full for their respective services, to be paid quarter-yearly, at the treasury.

APPROVED, February 18, 1793.

STATUTE II.

Feb. 21, 1793.

CHAP. X.—*An Act to repeal part of a resolution of Congress of the twenty-ninth of August, one thousand seven hundred and eighty-eight, respecting the inhabitants of Post Saint Vincents.*

Inhabitants of
Post St. Vin-
cents relieved
from expense of
certain surveys.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the resolution of Congress of the twenty-ninth of August, one thousand seven hundred and eighty-eight, as requires the French and Canadian inhabitants, and other settlers at Post Saint Vincents, to pay for the survey of the several tracts, which they rightfully claimed, and which had been allotted to them, according to the laws and usages of the government, under which they had settled, be, and hereby is repealed: And that such surveys thereof, as may have been made, be paid for by the United States, not exceeding the rates hitherto established by Congress for making surveys.

APPROVED, February 21, 1793.

STATUTE II.

Feb. 21, 1793.

CHAP. XI.—*An Act to promote the progress of useful Arts; and to repeal the act heretofore made for that purpose.*(a)

Act of 1790,
ch. 7.

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That when any person or persons, being a citizen or citizens of the United States, shall

(a) Laws passed relating to patents for useful inventions: An act to extend the privilege of obtaining patents for useful discoveries and inventions to certain persons therein mentioned, and to enlarge and define the penalties for violating the rights of patentees, April 17, 1800, chap. 25; an act to extend the jurisdiction of the Circuit Courts of the United States, in cases arising under the law relating to patents, February 15, 1819, chap. 19; an act supplementary to the act entitled "An act to promote the progress of useful arts," June 7, 1794, chap. 58; an act concerning patents for useful inventions, July 3, 1832, chap. 162; an act concerning the issuing of patents to aliens for useful discoveries and inventions, passed July 13, 1832, chap. 203; an act to promote the progress of the useful arts, and to repeal all acts and parts of acts heretofore made on that subject, July 4, 1836, chap. 257; an act in addition to the act to promote the progress of science and useful arts, March 3, 1837, chap. 43; an act in addition to the act to promote the progress of the useful arts, and to repeal all acts and parts of acts, heretofore made for the purpose, August 29, 1842, chap. 263.

Decisions of the courts of the United States on the acts of Congress relating to patents for useful inventions.—Patents for useful inventions.

The forms and subjects of Patents.—Invention or Discovery,—the Specification or Description.—Under the 6th section of the patent law of February 21, 1793, if the thing secured by patent has been in use, or has been described in a public work, anterior to the supposed discovery, the patent is void, whether the patentee had a knowledge of this previous use or not. *Evans v. Eaton*, 3 Wheat. 454; 4 Cond. Rep. 291.

A party cannot entitle himself to a patent for more than his own invention; and if a patent be for the

allege that he or they have invented any new and useful art, machine, manufacture or composition of matter, or any new and useful improvement on any art, machine, manufacture or composition of matter, not known or used before the application, and shall present a petition to the

Letters patent
how and by
whom made out.

whole machine, he can maintain a title to it only by establishing that it is substantially new, with its structure and mode of operation. *Ibid.*

If the combinations existed before in machines of the same nature, up to a certain point, and the party's invention consists in adding some new machinery, or some improved mode of operation to the old, the patent should be limited to such improvement; for if it includes the whole machine, it includes more than his invention, and therefore cannot be supported. *Ibid.*

The patent act of the United States differs from the English in several particulars. A mere public use by others before taking a patent, or a sale thereof by the inventor, is not decisive against him here, as it is in England. *Pennock et al. v. Dialogue*, 2 Peters, 16.

It has not, and it cannot be denied, that an inventor may abandon his invention, and surrender or dedicate it to the public. The inchoate right thus given, cannot afterwards be resumed at his pleasure, for when gifts are once made to the public in this way, they become absolute. The true meaning of the words in the patent law, "not known or used before the application," is, not known or used by the public, before the application. *Ibid.*

Where a defect in the specification on which a patent has issued, arose from inadvertence or mistake, and without any fraud or misconduct on the part of the patentee, the Secretary of State has authority to accept a surrender of the patent, and cancel the record thereof; whereupon he may issue a new patent on an amended specification for the unexpired fourteen years granted by the first patent. *Grant v. Raymond*, 6 Peters, 218.

The letters patent were obtained in 1822, and in 1829, the patentee having surrendered the same for an alleged defect in the specification, obtained another patent. The second patent is to be considered as having relation to the first patent in 1822, and not as having been issued on an original application. *Shaw v. Cooper*, 7 Peters, 292.

The taking of the oath required by the patent act, previous to the issuing of the patent, is but a prerequisite to the granting of the patent, and is in no degree essential to its validity; and if not taken, still the patent is valid. No defect or concealment in the specification, will avoid the patent, unless it arose from an intention to deceive the public. *Whittemore v. Cutter*, 1 Gallis. C. C. R. 429.

The first inventor is entitled to the benefit of his invention, and if he reduce it to practice, and obtain a patent for it, a subsequent inventor cannot, by obtaining a patent, deprive him of his invention, or maintain an action against him or his patent. *Woodcock v. Parker et al.*, 1 Gallis. C. C. R. 438.

A patent can in no case be for an effect only, but for an effect produced in a certain manner, or by a peculiar operation. *Ibid.*

The original inventor of a machine is exclusively entitled to a patent for it. *Merc colourable differences*, or slight improvements, will not affect his right. *Odiorne v. Winkley*, 2 Gallis. C. C. R. 51.

The law allows a party a patent for a new and useful invention, and by "useful invention," is meant, not an invention in all respects superior to the modes now in use for the same purpose, but useful, in contradistinction to frivolous and mischievous inventions. *Lowell v. Lewis*, 1 Mason's C. C. R. 182.

The patentee must describe in his patent in what his invention consists, with reasonable certainty; otherwise it is void for ambiguity. If it be for an improvement in an existing machine, he must, in his patent, distinguish the new from the old; and confine his patent to such parts only as are new; for if both are mixed up together, and a patent is taken out for the whole, it is void. *Ibid.*

A joint patent may well be for a joint invention, but not for a sole invention of one of the patentees. If each of the patentees obtain patents for the same invention as his exclusive invention, and afterwards both obtain a joint patent for the same as their invention, the parties are not actually estopped from ascertaining the invention to be joint; but the former patents are very strong evidence against a joint invention. *Ibid.*

An inventor cannot, under the patent laws of the United States, have two subsisting valid patents at the same time for the same invention. The first that he obtains, while it remains unrepealed, is an estoppel to any patent under the same patent act. *Odiorne v. The Amesbury Nail Factory*, 2 Mason's C. C. R. 28.

The first section of the patent act of 1793, construed in connection with the other sections of the act, means that the invention should not be known and used as the invention of any other person than the patentee before the application for a patent. *Morris v. Huntington*, Paine's C. C. R. 348.

To obtain a patent under the laws of the United States, the party must be the original inventor in reference to the whole world; it is not sufficient that he is the first inventor within the United States. *Rutgen v. Kanowers*, 1 Wash. C. C. R. 168.

One who is the inventor of an improvement in the principle of a machine, has the same right to use it, as the inventor of the original machine had to it. Aliter, if it be only in form and proportion. *Gray et al. v. James et al.*, Peters's C. C. R. 394.

It is not enough that the thing designed to be embraced by the patent, should be made apparent on the trial, by comparison of the new with the old machine. The patent for the invention must distinguish the new from the old, so as to point out in what the improvement consists. *Dixon v. Moyer*, 4 Wash. C. C. R. 68.

Patents and the specifications annexed thereto, should be construed fairly and liberally, and not be subject to any over nice or critical refinements. *Ames v. Howard*, 1 Sumner's C. C. R. 452.

It is not necessary to the validity of a patent for a new and useful invention, that any of the ingredients should be new and unused before for the purpose. The true question is, whether the combination of materials by the patentee, is substantially new. *Ryan v. Goodwin*, 3 Sumner's C. C. R. 514.

Under the patent laws of the United States, the applicant for a patent must be the first as well as the original inventor, and a subsequent inventor, although an original inventor, is not entitled to a patent, if the invention is perfected and put in actual use by the first and an original inventor; and it is of no consequence whether the invention is extensively known or used, or whether the knowledge or use thereof

Act of April 10, 1799, ch. 33, repealed.

Secretary of State, signifying a desire of obtaining an exclusive property in the same, and praying that a patent may be granted therefor, it shall and may be lawful for the said Secretary of State, to cause letters patent to be made out in the name of the United States, bearing teste by the

is limited to a few persons, or even to the first inventor himself, or is kept a secret by the first inventor. *Reed v. Cutter*, 1 Story's C. C. R. 590. See *Stone v. Sprague*, 1 Story's C. C. R. 270.

Infringement of a Patent Right.—By the provisions of the act of Congress of April 17, 1800, citizens and aliens as to patent rights, are placed substantially on the same ground. In either case, if the invention was known or used by the public before it was patented, the patent is void. *Shaw v. Cooper*, 7 Peters, 292.

No matter by what means an invention may have been communicated before the patent was obtained: any acquiescence by the inventor in the public use, will be an abandonment of the right. If the right were asserted by him who fraudulently obtained it, perhaps no lapse of time could give it validity. But the public stand in an entirely different relation to the inventor. This right would be secured by giving public notice that he was the inventor of the thing used, and that he should apply for a patent. *Ibid.*

A strict construction of the act of Congress, as it respects the public use of the invention, is not only required by its letter and spirit, but sound policy. *Ibid.*

The question of abandonment by the inventor does not depend on the intention of the inventor. If without any intention, he suffers his invention to go to the public, he has no right to a patent. *Ibid.*

Under the patent act of 1793, if the patentee has sold out a moiety of his patent, a joint action lies by his vendee and himself, for a violation of the patent. *Whittemore v. Cutter*, 1 Gallis. C. C. R. 429.

By the term "actual damage," which the plaintiff may recover under the patent law, is meant such damages as he can actually prove, and has in fact sustained as contradistinguished from mere imaginary or vindictive damages, which in personal torts are sometimes given. *Ibid.*

If there be a mere making, and no use proved, nominal damages are to be recovered. The rule of damages, if the use of the machine be proved, should be the value of the use of the machine during the time the use was proved. *Ibid.*

In an action for the infringement of a patent right, the law gives to a plaintiff treble the actual damages sustained by him; and the rule is to allow him treble the amount of the profits actually received by the defendant, in consequence of his using the plaintiff's invention. *Lowell v. Lewis*, 1 Mason's C. C. R. 182.

The jury are to find single damages, and the court are to treble them. *Gray et al. v. James*, Peters's C. C. R. 394.

A patent may be for a new combination of machines to produce certain effects; and this, whether the machines constituting the combination be new or not. But in such a case, the patent being for the combination only, it is no infringement of the patent to use any of the machines separately, if the whole combination be not used. *Barrett et al. v. Hall et al.*, 1 Mason's C. C. R. 447.

Where a party claims several distinct, independent improvements in the same machine, and procures a patent for them in the aggregate, he is entitled to recover against any person who shall use any one of the improvements so patented, notwithstanding there shall have been no violation of the other improvements. *Moody v. Fiske et al.*, 2 Mason's C. C. R. 112.

The jury may, in an action for the infringement of a patent, give the plaintiff, as a part of his actual damages, such expenses for counsel fees, &c., as have been actually incurred in vindicating his right by suit, and which are not taxable in the bill of costs. *Boston Manufacturing Company v. Fiske et al.*, 2 Mason's C. C. R. 119.

A patentee of an invention, notwithstanding he had given away his invention to another, may recover for the violation of his patent; not having assigned away his whole title and interest in it, and no deed of assignment having been recorded in the office of the Secretary of State. *Parke v. Little*, 3 Wash. C. C. R. 196.

Proceedings and Pleadings in actions for the violation of Patent Rights.—In the case of a rule before the district judge, to show cause why a patent should not be repealed, a record is to be made of the proceedings antecedent to the rule to show cause why process should not issue to repeal the patent, and upon which the rule was granted. *Ex parte Wood and Brundage*, 9 Wheat. 603; 5 Cond. Rep. 702.

The proceedings under the 10th section of the act of 1793, are in the nature of a scire facias at common law, to repeal a patent. *Stearns v. Barrett*, 1 Mason's C. C. R. 153.

The scire facias in such a case ought to contain a direct allegation or suggestion that the patent was obtained surreptitiously or upon false suggestion; and to call upon the defendant for that cause only, to show cause why the patent should not be repealed. *Ibid.*

On an application for an injunction to restrain the infringement of a patent right, it should be stated in the bill, or by affidavit, that the complainant is the inventor, and the bill must be sworn to: it is not sufficient that this fact was sworn to when the patent was obtained. *Sullivan v. Redfield*, Paine's C. C. R. 441. See *Cutting v. Meyers*, 4 Wash. C. C. R. 220. *Pettibone v. Derringer*, 4 Wash. C. C. R. 215. *Dixon v. Moyer*, 4 Wash. C. C. R. 68.

In an action for a violation of a patent right, it is sufficient, under the plea of the general issue, to give notice that the plaintiff is not the inventor of the machine for which the patent has been obtained, if that constitutes the defence; without stating in the notice who was the inventor, or who had previously used the machine. *Evans v. Kromer*, Peters's C. C. R. 215. See *Prouty v. Reynolds*, 16 Peters, 336.

In an action for an infringement of a patent right, evidence that the invention of the defendant is better than that of the plaintiff, is improper; except to show a substantial difference between the two inventions. *Alden v. Dewey*, 1 Story's C. C. R. 336.

Evidence in actions for the violation of Patent Rights.—Under the sixth section of the patent law of Feb. 1793, the defendant pleaded the general issue and gave notice that he would prove at the trial, that the machine for the use of which, without license, the suit was brought, had been used previous to the alleged invention at several places which were specified in the notices or some of them, and also at sundry other places in Pennsylvania, Maryland, and elsewhere, in the United States. The defendant having given evidence as to some of the places specified; held, that evidence as to the other places was admissible, but

President of the United States, reciting the allegations and suggestions of the said petition, and giving a short description of the said invention or discovery, and thereupon granting to such petitioner, or petitioners, his, her, or their heirs, administrators or assigns, for a term not exceeding fourteen years, the full and exclusive right and liberty of making, constructing, using, and vending to others to be used, the said invention or discovery, which letters patent shall be delivered to the Attorney General of the United States, to be examined; who, within fifteen days after such delivery, if he finds the same conformable to this act, shall certify accordingly, at the foot thereof, and return the same to the Secretary of State, who shall present the letters patent thus certified, to be signed, and shall cause the seal of the United States to be thereto affixed: and the same shall be good and available to the grantee or grantees, by force of this act, and shall be recorded in a book, to be kept for that purpose, in the office of the Secretary of State, and delivered to the patentee or his order.

To bear teste by the President, and

be examined by the Attorney General.

1800, ch. 25.

SEC. 2. *Provided always, and be it further enacted*, That any person, who shall have discovered an improvement in the principle of any machine, or in the process of any composition of matter, which shall have been patented, and shall have obtained a patent for such improvement, he shall not be at liberty to make, use or vend the original discovery, nor shall the first inventor be at liberty to use the improvement: And it is hereby enacted and declared, that simply changing the form or the proportions of any machine, or composition of matter, in any degree, shall not be deemed a discovery.

The liberty of using an improvement defined.

Changing the form or proportions of any machine &c. not to be a discovery.

SEC. 3. *And be it further enacted*, That every inventor, before he can receive a patent, shall swear or affirm, that he does verily believe, that he is the true inventor or discoverer of the art, machine, or improvement, for which he solicits a patent, which oath or affirmation may be made before any person authorized to administer oaths, and shall deliver a written description of his invention, and of the manner of using, or process of compounding the same, in such full, clear and exact terms, as to distinguish the same from all other things before known, and to enable any person skilled in the art or science, of which it is a branch, or with which it is most nearly connected, to make, compound, and use the same. And in the case of any machine, he shall fully explain the principle, and the several modes in which he has contemplated the applica-

How to proceed to obtain letters patent.

1800, ch. 25, sec. 2.

Specification.

that the court possesses the power, which will be exercised, to prevent the plaintiff being injured by surprise. *Evans v. Eaton*, 3 Wheat. 454; 4 Cond. Rep. 291.

It is no objection to the competency of a witness in a patent cause that he is sued in another action for the infringement of the patent. *Evans v. Hettich*, 7 Wheat. 453; 5 Cond. Rep. 317.

The sixth section of the patent act does not enumerate all the defences of which the defendant may legally avail himself. He may give in evidence that he never did the act attributed to him: that the patentee is an alien, not entitled under the act; or that he has a license or authority from the patentee. *Whitmore v. Cutter*, 1 Gallis. C. C. R. 436.

It is a presumption of law, that where a patent and the specifications and drawings have been recorded in the patent office, every person who takes out a patent for a similar machine has a knowledge of the preceding patent. *Odiorne v. Winkley*, 2 Gallis. C. C. R. 51; *Stearnes v. Barrett*, 1 Mason's C. C. R. 153; *Kneas v. The Schuylkill Bank*, 4 Wash. C. C. R. 106.

There is no limitation to the ground on which the defendant, under the general issue may give in evidence that the patentee was not the original inventor. *Evans v. Eaton*, *Peters' C. C. R. 322*.

Surrender and Repeal of Patents.—The holder of a defective patent may surrender it to the department of state, and obtain a new one, which shall have relation to the emanation of the first. *Shaw v. Cooper*, 7 Peters 292.

The great object and intention of the act granting patents for useful inventions is to secure to the public the advantage to be derived from the discoveries of individuals, and the means it employs are the compensation to those individuals for the time or labour devoted to those discoveries, by the exclusive right to make and sell the thing discovered for a limited time. *Grant v. Raymond*, 6 Peters, 218.

One who has patented his invention cannot take out a new patent for the same invention until the first is surrendered, repealed, or declared void. *Morris v. Huntington*, *Paine's C. C. R. 348*.

The obstacle of an invalid patent may be removed by having it declared void after a verdict against it, or by having a vacatur entered, *ex parte*, in the office of the Secretary of State, on a surrender of the patent. But the provisions of the sixth section of the act do not enable a patentee to declare his own patent void; and a verdict in a suit on the second patent in favour of such patent does not avoid the first patent. *Ibid.*

Specification.

tion of that principle or character, by which it may be distinguished from other inventions; and he shall accompany the whole with drawings and written references, where the nature of the case admits of drawings, or with specimens of the ingredients, and of the composition of matter, sufficient in quantity for the purpose of experiment, where the invention is of a composition of matter; which description, signed by himself and attested by two witnesses, shall be filed in the office of the Secretary of State, and certified copies thereof shall be competent evidence, in all courts, where any matter or thing, touching such patent-right, shall come in question. And such inventor shall, moreover, deliver a model of his machine, provided, the secretary shall deem such model to be necessary.

Inventors may assign their titles.

Record of assignment to be made in the office of the Secretary of State.

Forfeiture on using patented inventions without leave.

Three times the price to be the penalty. How recovered.

How defendants may give this act in evidence.

And judgment shall be given.

State rights to inventions when to be deemed void.

How applications depending under former law shall be prosecuted under this act.

1790, ch. 7.

Proceedings to be had on in-

SEC. 4. *And be it further enacted*, That it shall be lawful for any inventor, his executor or administrator to assign the title and interest in the said invention, at any time, and the assignee having recorded the said assignment, in the office of the Secretary of State, shall thereafter stand in the place of the original inventor, both as to right and responsibility, and so the assignees of assigns, to any degree.

SEC. 5. *And be it further enacted*, That if any person shall make, devise and use, or sell the thing so invented, the exclusive right of which shall, as aforesaid, have been secured to any person by patent, without the consent of the patentee, his executors, administrators or assigns, first obtained in writing, every person so offending, shall forfeit and pay to the patentee, a sum, that shall be at least equal to three times the price, for which the patentee has usually sold or licensed to other persons, the use of the said invention; which may be recovered in an action on the case founded on this act, in the circuit court of the United States, or any other court having competent jurisdiction.

SEC. 6. *Provided always, and be it further enacted*, That the defendant in such action shall be permitted to plead the general issue, and give this act and any special matter, of which notice in writing may have been given to the plaintiff or his attorney, thirty days before trial, in evidence, tending to prove, that the specification, filed by the plaintiff, does not contain the whole truth relative to his discovery, or that it contains more than is necessary to produce the described effect, which concealment or addition shall fully appear to have been made, for the purpose of deceiving the public, or that the thing, thus secured by patent, was not originally discovered by the patentee, but had been in use, or had been described in some public work anterior to the supposed discovery of the patentee, or that he had surreptitiously obtained a patent for the discovery of another person: in either of which cases, judgment shall be rendered for the defendant, with costs, and the patent shall be declared void.

SEC. 7. *And be it further enacted*, That where any state, before its adoption of the present form of government, shall have granted an exclusive right to any invention, the party, claiming that right, shall not be capable of obtaining an exclusive right under this act, but on relinquishing his right under such particular state, and of such relinquishment his obtaining an exclusive right under this act shall be sufficient evidence.

SEC. 8. *And be it further enacted*, That the persons, whose applications for patents, were, at the time of passing this act, depending before the Secretary of State, Secretary at War, and Attorney General, according to the act, passed the second session of the first Congress, intitled "An act to promote the progress of useful arts," on complying with the conditions of this act, and paying the fees herein required, may pursue their respective claims to a patent under the same.

SEC. 9. *And be it further enacted*, That in case of interfering applications, the same shall be submitted to the arbitration of three persons,

one of whom shall be chosen by each of the applicants, and the third person shall be appointed by the Secretary of State; and the decision or award of such arbitrators, delivered to the Secretary of State, in writing and subscribed by them, or any two of them, shall be final, as far as respects the granting of the patent: And if either of the applicants shall refuse or fail to chuse an arbitrator, the patent shall issue to the opposite party. And where there shall be more than two interfering applications, and the parties applying shall not all unite in appointing three arbitrators, it shall be in the power of the Secretary of State to appoint three arbitrators for the purpose.

interfering applications.

SEC. 10. *And be it further enacted,* That upon oath or affirmation being made, before the judge of the district court, where the patentee, his executors, administrators or assigns reside, that any patent, which shall be issued in pursuance of this act, was obtained surreptitiously, or upon false suggestion, and motion made to the said court, within three years after issuing the said patent, but not afterwards, it shall and may be lawful for the judge of the said district court, if the matter alleged shall appear to him to be sufficient, to grant a rule, that the patentee, or his executor, administrator or assign show cause, why process should not issue against him to repeal such patent. And if sufficient cause shall not be shown to the contrary, the rule shall be made absolute, and thereupon the said judge shall order process to be issued against such patentee, or his executors, administrators or assigns, with costs of suit. And in case no sufficient cause shall be shown to the contrary, or if it shall appear, that the patentee was not the true inventor or discoverer, judgment shall be rendered by such court for the repeal of such patent; and if the party, at whose complaint, the process issued, shall have judgment given against him, he shall pay all such costs, as the defendant shall be put to, in defending the suit, to be taxed by the court, and recovered in due course of law.

And against persons surreptitiously obtaining patents.

Repeal of a patent illegally obtained.

SEC. 11. *And be it further enacted,* That every inventor, before he presents his petition to the Secretary of State, signifying his desire of obtaining a patent, shall pay into the treasury thirty dollars, for which he shall take duplicate receipts; one of which receipts he shall deliver to the Secretary of State, when he presents his petition; and the money, thus paid, shall be in full for the sundry services, to be performed in the office of the Secretary of State, consequent on such petition, and shall pass to the account of clerk-hire in that office. *Provided nevertheless,* That for every copy, which may be required at the said office, of any paper respecting any patent, that has been granted, the person, obtaining such copy, shall pay, at the rate of twenty cents, for every copy-sheet of one hundred words, and for every copy of a drawing, the party obtaining the same, shall pay two dollars; of which payments, an account shall be rendered, annually, to the treasury of the United States, and they shall also pass to the account of clerk hire in the office of the Secretary of State.

Inventor before presenting petition to pay \$30 into the treasury.

Copying fees.

SEC. 12. *And be it further enacted,* That the act, passed the tenth day of April, in the year one thousand seven hundred and ninety, intituled "An act to promote the progress of useful arts," be, and the same is hereby repealed. *Provided always,* That nothing, contained in this act, shall be construed to invalidate any patent, that may have been granted under the authority of the said act; and all patentees under the said act, their executors, administrators and assigns, shall be considered within the purview of this act, in respect to the violation of their rights; provided, such violations shall be committed, after the passing of this act.

Act of April 10, 1790, ch. 7, repealed.

Proviso.

APPROVED, February 21, 1793.

STATUTE II.

Feb. 27, 1793.

Duty on beasts imported for breed, to be repealed.

1799, ch. 22, sec. 94.

CHAP. XV.—*An Act for repealing the several impost laws of the United States, so far as they may be deemed to impose a duty on useful beasts imported for breed.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the several laws of the United States, imposing duties on goods, wares and merchandise imported into the United States, so far as they may be deemed to impose a duty on horses, cattle, sheep, swine or other useful beasts, imported into the United States, for breed, shall be repealed.

APPROVED, February 27, 1793.

STATUTE II.

Feb. 27, 1793.

Second section of act extending powers of the board of commissioners repealed.

1792, ch. 5.

Vermont not to be regarded in apportioning balances,

Act of August 5, 1790, ch. 38.

and Kentucky to be included with Virginia.

CHAP. XVI.—*An Act in addition to, and alteration of the Act, entitled "An Act to extend the time limited for settling the Accounts of the United States with the individual States."*

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the second section of the act, entitled "An act to extend the time limited for settling the accounts of the United States with the individual States," which extended the powers of the board of commissioners to the settlement of the accounts between the United States and the state of Vermont, be and hereby is repealed.

SEC. 2. *And be it further enacted,* That the board of commissioners established to settle the accounts between the United States and the individual states, in apportioning the aggregate of all the balances due to each state, between the states, agreeably to the act, entitled "An act to provide more effectually for the settlement of the accounts between the United States and the individual states," shall have no regard to the state of Vermont.

SEC. 3. *And be it further enacted,* That in the apportioning of the balances aforesaid, the state of Kentucky shall be deemed to be included in the state of Virginia, the admission of the said state of Kentucky as a member of the Union notwithstanding.

APPROVED, February 27, 1793.

STATUTE II.

Feb. 23, 1793.

1792, ch. 11.

Sections of certain former act repealed.

Evidence relative to invalids, how taken.

Evidence.

CHAP. XVII.—*An Act to regulate the Claims to Invalid Pensions.*

WHEREAS the act, passed at the last session of Congress, intituled "An act to provide for the settlement of the claims of widows and orphans barred by the limitations heretofore established, and to regulate the claims to invalid pensions," is found by experience inadequate to prevent the admission of improper claims to invalid pensions, and not to contain a sufficient facility for the allowance of such as may be well founded: Therefore,

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the second, third and fourth sections of the said act, be repealed, and that in future, all claims to such pensions shall be regulated in the manner following, to wit:

First.—All evidence relative to Invalids shall be taken upon oath or affirmation, before the judge of the district, in which such invalids reside, or before any three persons specially authorized by commission from the said judge.

Secondly.—The evidence relative to any claimant must prove decisive disability to have been the effect of known wounds, received while in the actual line of his duty, in the service of the United States, during the late war. That this evidence must be the affidavits of the commanding officer or surgeon of the ship, regiment, corps or company, in

which such claimant served, or two other credible witnesses, to the same effect, setting forth the time and place of such known wound.

Evidence how taken.

Thirdly.—Every claimant shall be examined upon oath or affirmation, by two physicians or surgeons, to be authorized by commission from the said judge, who shall report, in writing, their opinion, upon oath or affirmation, of the nature of the said disability, and, in what degree, it prevents the claimant from obtaining his livelihood, by labor.

Fourthly.—Every claimant shall produce evidence of the time of his leaving the service of the United States. He must also produce evidence of three reputable freeholders of the city, town or county, in which he usually resided for the two years immediately after he left the service, as aforesaid, of the existence of his disability, during that period; and ascertaining, of their own knowledge, the mode of life, employment, labour or means of support of the claimant.

Fifthly.—And the said claimant must produce the evidence of two credible witnesses, of the continuance of his disability, from the expiration of the said two years, to the time of his application.

Sixthly.—Each claimant must show a good and sufficient cause why he did not apply for a pension to the person or persons authorized to examine his claim, on or before the eleventh of December, one thousand seven hundred and eighty-eight, the time limited for applications of this nature.

Seventhly.—No evidence of any claimant shall be admitted whose claim has been examined and rejected, on or before the aforesaid eleventh of December, one thousand seven hundred and eighty-eight.

SEC. 2. *And be it further enacted,* That the judge of the district shall transmit a list of such claims, accompanied by the evidence herein directed, to the Secretary for the department of War, in order that the same may be compared with the muster-rolls, and other documents in his office; and the said Secretary shall make a statement of the cases of the said claimants to Congress, with such circumstances and remarks, as may be necessary, in order to enable them to take such order thereon, as they may judge proper.

District judge to transmit list of claims to Secretary at War,

by whom they are to be stated to Congress.

SEC. 3. *And be it further enacted,* That no person not on the pension-list, before the twenty-third day of March, one thousand seven hundred and ninety-two, shall be entitled to a pension, who shall not have complied with the rules and regulations herein prescribed; saving however to all persons, all and singular their rights founded upon legal adjudications under the act, intitled "An act to provide for the settlement of the claims of widows and orphans, barred by the limitations heretofore established, and to regulate the claims to invalid pensions." But it shall be the duty of the Secretary at War, in conjunction with the Attorney General, to take such measures as may be necessary to obtain an adjudication of the Supreme Court of the United States, on the validity of any such rights claimed under the act aforesaid, by the determination of certain persons styling themselves commissioners.

How persons shall be entitled to a pension under this act.

March 23, 1792, ch. 11.

Duty of Secretary at War, and Attorney General.

SEC. 4. *And be it further enacted,* That no claim to a pension shall be allowed under this act, which shall not be presented within two years from the passing the same.

Limitation of claims under this act.

APPROVED, February 28, 1793.

STATUTE II.

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

Feb. 28, 1793.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the service of the year one thousand seven hundred and ninety-three, there be appropriated a sum of money, not exceeding one million five

[Expired.] Specific appropriations for the year 1793.

Specific appro-
priations for
the year 1793.

hundred and eighty-nine thousand, and forty-four dollars, and seventy-two cents; that is to say:

For the compensations granted by law to the President and Vice-President of the United States, thirty thousand dollars: For the like compensations to the members of the Senate and House of Representatives, their officers and attendants, estimated for a session of six months continuance, one hundred and forty-three thousand, five hundred and ninety-one dollars: For the salaries of the doorkeepers and assistant doorkeepers of the Senate and House of Representatives, under the act for their compensation, passed the twelfth of April, one thousand seven hundred and ninety-two, one thousand two hundred and thirty-three dollars, and sixty-eight cents: For the expenses of firewood, stationery, printing work, and all other contingent expenses of the two Houses of Congress, nine thousand five hundred and fifty-two dollars: For making good a deficiency in the appropriation, in the year one thousand seven hundred and ninety-two, for contingent expenses in the office of the clerk of the House of Representatives, five hundred and seventy-eight dollars: For the compensations granted by law, to the chief justice, associate judges, district judges, and the attorney general, forty-three thousand two hundred dollars: For the additional salary of the attorney general, by the act of the eighth of May, one thousand seven hundred and ninety-two, two hundred and sixty dollars and eighty-two cents: For defraying the expense of clerks of courts, jurors and witnesses, in aid of the fund arising from fines, forfeitures and penalties, twelve thousand dollars: For defraying the expenses of prosecutions for offences against the United States, and for the safe keeping of prisoners, four thousand dollars: For compensation to the secretary of the treasury, clerks and persons employed in his office, eight thousand three hundred and fifty dollars: For salary of the two principal clerks to the secretary of the treasury, from the eighth of May to the thirty-first of December, one thousand seven hundred and ninety-two, one thousand and forty-three dollars and twenty-eight cents: For expense of stationery, printing, and all other contingent expenses in the office of the secretary of the treasury, five hundred dollars: For compensation to the comptroller of the treasury, clerks and persons employed in his office, nine thousand four hundred and fifty dollars: For the increased salary of the comptroller, from the eighth of May to the thirty-first of December, one thousand seven hundred and ninety-two, two hundred and sixty dollars and eighty-two cents: For expense of stationery, printing and all other contingent expenses in the comptroller's office, six hundred dollars: For compensation to the auditor of the treasury, clerks and persons employed in his office, ten thousand four hundred and fifty dollars: For the increased salary of the auditor, from the eighth of May to the thirty-first of December one thousand seven hundred and ninety-two, two hundred and sixty dollars and eighty-two cents: For expense of stationery, printing, and other contingent expenses, in the auditor's office, six hundred dollars: For compensation to the register of the treasury, clerks and persons employed in his office, eighteen thousand six hundred dollars: For the increased salary of the register of the treasury, from the eighth of May to the thirty-first of December, one thousand seven hundred and ninety-two, three hundred and twenty-six dollars and three cents, and for making good the deficiency in the appropriation of one thousand seven hundred and ninety-two, one hundred dollars; making, in the whole, four hundred and twenty-six dollars and three cents: For expenses of stationery, printing and other contingent expenses, in the register's office, two thousand dollars: For compensation to the treasurer, clerks and persons employed in his office, four thousand one hundred dollars: For the increased salary of the treasurer, from the eighth of May to the thirty-first of December, one thousand seven hundred and

ninety-two, and for making good a deficiency in the appropriation of the year one thousand seven hundred and ninety-two, for clerks in that office, five hundred and thirty dollars and sixty-eight cents: For expense of firewood, stationery, printing and other contingencies in the treasurer's office, four hundred and fifty dollars: For compensation to the commissioner of the revenue, clerks and persons employed in his office, four thousand one hundred dollars: For the salary of the commissioner of the revenue, clerks and persons employed in that office, from the establishment thereof, to the thirty-first of December, one thousand seven hundred and ninety-two, including also contingent expenses to the same time, two thousand eight hundred and seventy-three dollars and forty-six cents: For the expense of stationery, printing and other contingent expenses in the office of the commissioner, three hundred dollars: To make good the deficiency in the appropriation of the year one thousand seven hundred and ninety-two, for the contingent expenses of the treasury department, two thousand four hundred dollars: For the payment of rent for the several houses employed in the treasury department, one thousand four hundred and eighty-nine dollars and ninety-nine cents: For wood and candles in the several offices in the treasury department (except the treasurer's office) one thousand two hundred dollars: For compensations to the several loan officers, thirteen thousand two hundred and fifty dollars: For defraying the expenses of stationery, and for hire of clerks in the offices of the several commissioners of loans, to the first of March, one thousand seven hundred and ninety-three, authorized by the act of the eighth of May one thousand seven hundred and ninety-two, thirty-two thousand seven hundred and twenty-nine dollars and ninety-five cents: To make good deficiencies in former appropriations, for similar expenses, one thousand six hundred and fifty dollars: For compensation to the secretary of state, clerks and other persons employed in his office, six thousand three hundred dollars: For defraying the expense of collecting the laws of the several states, publishing and distributing the laws of Congress, and all other expenses in the office of the secretary of state, one thousand eight hundred and fifty-one dollars and sixty-seven cents: To make good a deficiency, in the appropriation of the year one thousand seven hundred and ninety-two, for the contingent expenses in this office, ninety-three dollars and thirty-four cents: For compensation to the commissioners for settlement of the accounts between the United States and the individual states, clerks and persons employed in their office, six thousand six hundred and fifty dollars: For defraying the contingent expenses of the board of commissioners, four hundred and seven dollars: For compensations to the governors, secretaries and judges of the territory northwest, and the territory south of the river Ohio, ten thousand three hundred dollars: For expenses of stationery, office rent, printing patents for lands, and other contingent expenses in both the said territories, seven hundred dollars: For the payment of the pensions granted to invalids, eighty-two thousand, two hundred and forty-five dollars, and thirty-two cents: For payment of the annual allowance granted by Congress to Baron Steuben, two thousand five hundred dollars: For payment of sundry pensions granted by the late government, two thousand seven hundred and sixty-seven dollars, and seventy-three cents: For the maintenance and repair of lighthouses, beacons, piers, stakes and buoys, twenty thousand dollars: For the farther expense of building and equipping ten cutters, three thousand dollars: For the purchase of hydrometers, for the use of the officers of the customs and inspectors of the revenue, one thousand five hundred dollars: To make good the deficiency in the appropriation of the year one thousand seven hundred and ninety-two, for the purchase of hydrometers, six hundred and ten dollars, and ten cents: For the payment of such demands, not otherwise provided for,

Specific appropriations for the year 1793.

1792, ch. 38.

1791, ch. 15,
sec. 37.

Specific appropriations for the year 1793.

as shall have been duly allowed by the officers of the treasury, five thousand one hundred and sixty-nine dollars: For compensation to the secretary of war, clerks and persons employed in his office, seven thousand and fifty dollars: For the increased salary of the chief clerk in the war department, from the eighth of May, to the thirty first of December, one thousand seven hundred and ninety-two, one hundred and thirty dollars and forty-one cents: For expenses of firewood, stationery, printing and other contingent expenses in the office of the secretary of war, six hundred dollars: For compensation to the accountant to the war department and clerks in his office, four thousand two hundred dollars: For salary to the accountant, clerks, and for contingent expenses in that office, from the establishment thereof, to the thirty first of December, one thousand seven hundred and ninety-two, one thousand one hundred and sixty-five dollars and eighty-nine cents: For contingent expenses in the office of the accountant to the war department, three hundred dollars: For payment of four years rent for the buildings occupied for offices of the secretary of war and accountant, one thousand six hundred and sixty-six dollars, and sixty-six cents: For salaries of the storekeepers at the several arsenals, rents for the buildings occupied as magazines, for payment of the labourers, coopers, armorers and other persons employed in taking care of the ordnance, arms and military stores, seven thousand eight hundred and thirty-five dollars and thirty-two cents: For five hundred rifles, purchased in the year one thousand seven hundred and ninety-two, six thousand dollars: For expense of repairing arms, equipments of cannon, cartridge-boxes, swords and every other article in the ordnance department, ten thousand dollars: For defraying the expenses of the Indian department, fifty thousand dollars: For the pay of the troops authorized by law, three hundred and four thousand, three hundred and eight dollars: For subsistence, three hundred and twelve thousand, five hundred and sixty-seven dollars, and seventy-five cents: For forage, thirty-four thousand eight hundred and fifty-six dollars: For clothing, one hundred and twelve thousand dollars: For equipments for cavalry, five thousand dollars: For horses for cavalry, five thousand dollars: For hospital department, twenty-five thousand dollars: For quartermaster's department, one hundred thousand dollars: For maps, hiring expresses, allowance to officers for extra expenses, printing, loss of stores, advertising, apprehending deserters, and every other contingent expense in the war department, thirty thousand dollars: For the defensive protection of the frontiers, fifty thousand dollars: For the payment of bounties, fifteen thousand two hundred and forty dollars.

Out of what funds payable.

SEC. 2. *And be it further enacted*, That the several appropriations herein before made shall be paid and discharged out of the funds following to wit:

1790, ch. 34.

First.—The sum of six hundred thousand dollars reserved by the act making provision for the debt of the United States. Secondly.—The surplus, which may remain unexpended, of the monies appropriated for the use of the war department, in the year one thousand seven hundred and ninety-two. And, thirdly.—The surplus of the existing revenues of the United States, to the end of the year, one thousand seven hundred and ninety-three, except what may be otherwise appropriated, during the present session of Congress.

President may borrow not exceeding \$800,000.

SEC. 3. *And be it further enacted*, That the President of the United States be authorized to borrow, on account of the said states, any sum or sums, not exceeding, in the whole, eight hundred thousand dollars, at a rate of interest not exceeding five per centum per annum, and reimbursable at the pleasure of the United States, to be applied for the purposes aforesaid, and to be repaid out of the said surplus of the duties on imports and tonnage, to the end of the present year, one thousand seven

On what terms and of whom.

hundred and ninety-three: And that it shall be lawful for the Bank of the United States, to lend the said sum. And the President of the United States shall cause so much of the loan, made of the Bank of the United States, pursuant to the eleventh section of the act, by which it is incorporated, to be paid off, in sums not less than fifty thousand dollars, as, in his opinion, the state of the treasury may, from time to time, admit, out of any monies which may be in the treasury, having due regard to the exigencies of government, and the appropriations made and to be made by law.

Loan made of the bank, how to be paid off.

APPROVED, February 28, 1793.

STATUTE II.

CHAP. XIX.—*An Act to regulate Trade and Intercourse with the Indian Tribes.*

March 1, 1793.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That no person shall be permitted to carry on any trade or intercourse with the Indian tribes, without a license under the hand and seal of the superintendent of the department, or of such other person, as the President of the United States shall authorize to grant licenses for that purpose; which superintendent, or person so authorized shall, on application, issue such license, for a term not exceeding two years, to any proper person, who shall enter into bond with one or more sureties approved of by the superintendent, or person issuing such license, or by the President of the United States, in the penal sum of one thousand dollars, payable to the United States, conditioned for the true and faithful observance of such rules, regulations and restrictions, as are or shall be made, for the government of trade and intercourse with the Indian tribes. The said superintendents, and persons licensed, as aforesaid, shall be governed, in all things touching the said trade and intercourse, by such rules and regulations, as the President of the United States shall prescribe.

[Repealed.]
May 19, 1796,
ch. 30.

Trade with the Indian tribes to be under licenses.

1790, ch. 33.

SEC. 2. *And be it further enacted,* That the superintendent, or person issuing such license, shall have full power and authority to recall the same, if the person so licensed shall transgress any of the regulations or restrictions, provided for the government of trade and intercourse with the Indian tribes, and shall put in suit such bonds, as he may have taken, on the breach of any condition therein contained.

Power of the person granting such licenses.

SEC. 3. *And be it further enacted,* That every person, who shall attempt to trade with the Indian tribes, or shall be found in the Indian country, with such merchandise in his possession, as are usually vended to the Indians, without lawful license, shall forfeit all the merchandise offered for sale to the Indians, or found in his possession, in the Indian country, and shall, moreover, be liable to a fine not exceeding one hundred dollars, and to imprisonment not exceeding thirty days, at the discretion of the court, in which the trial shall be: *Provided,* That any citizen of the United States, merely travelling through any Indian town or territory, shall be at liberty to purchase, by exchange or otherwise, such articles as may be necessary for his subsistence, without incurring any penalty.

Forfeiture on attempting to trade without a license.

SEC. 4. *And be it further enacted,* That if any citizen or inhabitant of the United States, or of either of the territorial districts of the United States, shall go into any town, settlement, or territory, belonging to any nation or tribe of Indians, and shall there commit murder, robbery, larceny, trespass or other crime, against the person or property of any friendly Indian or Indians, which, if committed within the jurisdiction of any state, or within the jurisdiction of either of the said districts, against a citizen thereof, would be punishable by the laws of such state or district, such offender shall be subject to the same punishment, as if the offence had been committed within the state or district, to which he or she may belong, against a citizen thereof.

Punishment on committing crimes against friendly Indians.

Forfeiture in cases of settlement on their lands.

SEC. 5. *And be it further enacted,* That if any such citizen or inhabitant shall make a settlement on lands belonging to any Indian tribe, or shall survey such lands, or designate their boundaries, by marking trees, or otherwise, for the purpose of settlement, he shall forfeit a sum not exceeding one thousand dollars, nor less than one hundred dollars, and suffer imprisonment not exceeding twelve months, in the discretion of the court, before whom the trial shall be: And it shall, moreover, be lawful for the President of the United States, to take such measures, as he may judge necessary, to remove from lands belonging to any Indian tribe, any citizens or inhabitants of the United States, who have made, or shall hereafter make, or attempt to make a settlement thereon.

Horses not to be purchased of Indians without license.

SEC. 6. *And be it further enacted,* That no person shall be permitted to purchase any horse of an Indian, or of any white man in the Indian territory, without special license for that purpose; which license, the superintendent, or such other person, as the President shall appoint, is hereby authorized to grant, on the same terms, conditions and restrictions, as other licenses are to be granted under this act: *Provided also,* That every person, who shall purchase a horse or horses, under such license, before he exposes such horse or horses for sale, and within fifteen days after they shall have been brought out of the Indian country, shall make a particular return, to the superintendent, or other person, from whom he obtained his license, of every horse by him purchased, as aforesaid, describing such horses, by their color, height and other natural or artificial marks, under the penalties contained in their respective bonds. And every person, purchasing a horse or horses, as aforesaid, in the Indian country, without a special license, shall, for every horse thus purchased and brought into any settlement of citizens of the United States, forfeit, for every horse thus purchased, or brought from the Indian country, a sum not more than one hundred dollars, nor less than thirty dollars, to be recovered in any court of record having competent jurisdiction. And every person, who shall purchase a horse, knowing him to be brought out of the Indian territory, by any person or persons not licensed, as above, to purchase the same, shall forfeit the value of such horse: one half for the benefit of the informant, the other half for the use of the United States, to be recovered, as aforesaid.

Forfeiture by the persons granting license trading with Indians.

SEC. 7. *And be it further enacted,* That no agent, superintendent, or other person authorized to grant a license to trade, or purchase horses, shall have any interest or concern in any trade with the Indians, or in the purchase or sale of any horses, to or from any Indian; and that any person, offending herein, shall forfeit one thousand dollars, and be imprisoned, at the discretion of the court, before which the conviction shall be had, not exceeding twelve months.

Purchases of their lands invalid unless made pursuant to the Constitution.

SEC. 8. *And be it further enacted,* That no purchase or grant of lands, or of any title or claim thereto, from any Indians or nation or tribe of Indians, within the bounds of the United States, shall be of any validity in law or equity, unless the same be made by a treaty or convention entered into pursuant to the constitution; and it shall be a misdemeanor, in any person not employed under the authority of the United States, in negotiating such treaty or convention, punishable by fine not exceeding one thousand dollars, and imprisonment not exceeding twelve months, directly or indirectly to treat with any such Indians, nation or tribe of Indians, for the title or purchase of any lands by them held, or claimed: *Provided nevertheless,* That it shall be lawful for the agent or agents of any state, who may be present at any treaty, held with Indians under the authority of the United States, in the presence, and with the approbation of the commissioner or commissioners of the United States, appointed to hold the same, to propose to, and adjust with

Proviso.

the Indians, the compensation to be made for their claims to lands within such state, which shall be extinguished by the treaty.

SEC. 9. *And be it further enacted,* That in order to promote civilization among the friendly Indian tribes, and to secure the continuance of their friendship, it shall and may be lawful for the President of the United States, to cause them to be furnished with useful domestic animals, and implements of husbandry, and also to furnish them with goods or money, in such proportions, as he shall judge proper, and to appoint such persons, from time to time, as temporary agents, to reside among the Indians, as he shall think proper: *Provided,* That the whole amount of such presents, and allowance to such agents, shall not exceed twenty thousand dollars per annum.

President to furnish friendly Indian tribes, with domestic animals, &c.

to what amount in value.

Before what courts crimes against this act may be tried.

SEC. 10. *And be it further enacted,* That the superior courts of each of the said territorial districts, and the circuit courts, and other courts of the United States of similar jurisdiction in criminal causes in each district of the United States, into which any offender against this act shall be first brought, or in which he shall be apprehended, shall have, and are hereby invested with full power and authority, to hear and determine all crimes, offences and misdemeanors against this act; such courts proceeding therein, in the same manner, as if such crimes, offences and misdemeanors had been committed within the bounds of their respective districts: And in all cases, where the punishment shall not be death, the county courts of quarter sessions in the said territorial districts, and the district courts of the United States, in their respective districts, shall have, and are hereby invested with like power to hear and determine the same.

SEC. 11. *And be it further enacted,* That it shall and may be lawful for the President of the United States, and for the governors of such territorial districts, respectively, on proof to them made, that any citizen or citizens of the United States, or of the said districts, or either of them, have been guilty of any of the said crimes, offences or misdemeanors, within any town, settlement or territory, belonging to any nation or tribe of Indians, to cause such person or persons to be apprehended, and brought into either of the United States, or of the said districts, and to be proceeded against in due course of law. And in all cases, where the punishment shall be death, it shall be lawful for the governor of the district, into which the offender may be first brought, or in which he may be apprehended, to issue a commission of oyer and terminer to the superior judges of the district, who shall have full power and authority to hear and determine all such capital cases, in the same manner, as the superior courts of such districts have, in their ordinary sessions: And when the offender shall be brought into, or shall be apprehended in any of the United States, except Kentucky, it shall be lawful for the President of the United States, to issue a like commission to any two judges of the supreme court of the United States, and the judge of the district, in which the offender may have been apprehended or first brought; which judges, or any two of them, shall have the same jurisdiction in such capital cases, as the circuit court of such district, and shall proceed to trial and judgment, in the same manner, as such circuit court might or could do.

President of U. S. and territorial governors how to proceed on proof made of crimes against this act.

Disposition of fines and forfeitures under this act.

SEC. 12. *And be it further enacted,* That all fines and forfeitures, which shall accrue under this act, shall be, one half to the use of the informant, and the other half, to the use of the United States, except where the prosecution shall be first instituted on behalf of the United States, in which case, the whole shall be to their use.

SEC. 13. *And be it further enacted,* That nothing in this act shall be construed to prevent any trade or intercourse with Indians living on lands surrounded by settlements of the citizens of the United States, and being within the jurisdiction of any of the individual states.

Construction of this act defined.

Acts within the purview of this act repealed.

Limitation of this act.

SEC. 14. *And be it further enacted*, That all and every other act and acts coming within the purview of this act, shall be and are hereby repealed.

SEC. 15. *And be it further enacted*, That this act shall be in force, for the term of two years, and from thence to the end of the then next session of Congress, and no longer.

APPROVED, March 1, 1793.

STATUTE II.

March 1, 1793.

CHAP. XX.—*An Act to ascertain the fees in Admiralty proceedings in the District Courts of the United States, and for other purposes.*

[Expired.]

Fees in courts of admiralty of maritime jurisdiction, established.

1796, ch. 11.
1799, ch. 19,
sec. 3.
Of the attornies.

Fees of the clerks.

1799, ch. 19,
sec. 3.

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the first day of May next, there shall not be taxed or adjudged to any officer or other person, any greater or other fee or reward, for, or in respect of any service to be done or performed, in any of the district courts of the United States, in cases of admiralty or maritime jurisdiction, than such as is herein after specified; that is to say:

Fees of the Counsellor or Attorney in the district court, in admiralty and maritime proceedings.

The stated fee for drawing and exhibiting libel, claim or answer in each cause, three dollars;

Drawing interrogatories, three dollars;

And all other services in any one cause, three dollars.

SEC. 2. *Fees of the clerk of the district court, in admiralty and maritime causes.*

For drawing every stipulation, process, monition or 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;

Fees of the clerks.

And if on paper, for each sheet of ninety words, ten cents;

Swearing each witness in court, ten cents;

For every entry or writing not mentioned or described, such allowance shall be taxed, as for similar services, herein mentioned.

All money deposited in court, one and a quarter per cent.

SEC. 3. *Fees of the marshal in the district court, in admiralty and maritime causes.*

Of the Marshals.

For summoning every witness or appraiser, fifteen cents;

Making each proclamation, fifteen cents;

Serving every capias, attachment or summons, one dollar and fifty cents;

Travelling each mile, going only, either to serve process, or subpoena witnesses, ten cents;

Custody fees of a vessel, for each day, one dollar and fifty cents;

Sales, for any sum under five hundred dollars, two and an half per cent.; and for any larger sum, one and a quarter per cent. upon the excess.

SEC. 4. *And be it further enacted,* That there be allowed and taxed in the supreme, circuit and district courts of the United States, in favour of the parties obtaining judgments therein, such compensation for their travel and attendance, and for attornies and counsellors' fees, except in the district courts in cases of admiralty and maritime jurisdiction, as are allowed in the supreme or superior courts of the respective states.

Allowance to attendants on supreme, circuit or district courts how to be ascertained.

SEC. 5. *And be it further enacted,* That this act shall continue and be in force for the term of one year, and from thence until the end of the next session of Congress thereafter, and no longer.

Limitation of this act.

APPROVED March 1, 1793.

STATUTE II.

CHAP. XXI.—*An Act making an appropriation to defray the expense of a Treaty with the Indians northwest of the Ohio.*

March 2, 1793.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a sum not exceeding one hundred thousand dollars, arising from the surplus of former appropriations unexpended, shall be, and the same is hereby appropriated to defraying the expense of negotiating and treating with the hostile Indian tribes northwest of the river Ohio.

[Obsolete.]
Appropriation to defray expense of treaty with certain Indians.

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

Allowance to the commissioners, &c.

APPROVED, March 2, 1793.

STATUTE II.

CHAP. XXII.—*An Act in addition to the Act, entitled "An Act to establish the Judicial Courts of the United States."*

March 2, 1793.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the attendance of only one of the justices of the supreme court, at the several circuit courts of the United States, to be hereafter held, shall be sufficient, any law requiring the attendance of two of the said justices notwithstanding: *Provided,* That it shall be lawful for the supreme court, in cases where special circumstances shall, in their judgment, render the same necessary, to assign two of the said justices to attend the circuit court or courts, and it shall be the duty of the justices so assigned, to attend

[Obsolete.]
Attendance of one supreme judge at a circuit court deemed sufficient, except in certain cases.

1793, ch. 20.

accordingly. *And provided also*, That when only one judge of the supreme court shall attend any circuit court and the district judge shall be absent, or shall have been of counsel, or be concerned in interest in any cause, then pending, such circuit court may consist of the said judge of the supreme court alone.

1802, ch. 31.

Rule for giving judgment in circuit courts in certain cases.

SEC. 2. *And be it further enacted*, That if at any time only one judge of the supreme court, and the judge of the district shall sit in a circuit court, and upon a final hearing of a cause, or of a plea to the jurisdiction of the court, they shall be divided in opinion, it shall be continued to the succeeding court; and if upon the second hearing when a different judge of the supreme court shall be present, a like division shall take place, the district judge adhering to his former opinion, judgment shall be rendered in conformity to the opinion of the presiding judge.

Judges of supreme court may direct special sessions of circuit courts for trial of criminal causes.

SEC. 3. *And be it further enacted*, That the supreme court, or when the supreme court shall not be sitting, any one of the justices thereof together with the judge of the district within which a special session as hereafter authorized shall be holden, may direct special sessions of the circuit courts to be holden for the trial of criminal causes, at any convenient place within the district, nearer to the place where the offences may be said to be committed, than the place or places, appointed by law for the ordinary sessions: That the clerk of such circuit court shall, at least thirty days before the commencement of such special session, cause the time and place for holding the same, to be notified for at least three weeks successively, in one or more of the newspapers published nearest to the place where the session is to be holden: That all process, writs and recognizances of every kind, whether respecting juries, witnesses, bail or otherwise, which relate to the cases to be tried at the said special sessions, shall be considered as belonging to such sessions, in the same manner as if they had been issued or taken in reference thereto: That any special session may be adjourned to any time or times previous to the next stated meeting of the circuit court: That all business depending for trial at any special court, shall at the close thereof be considered as of course removed to the next stated term of the circuit court: And that the district courts of Maine and Kentucky, shall have like power to hold special sessions for the trial of criminal causes, as hath been heretofore given, or is hereby given to the circuit courts, subject to the like regulations and restrictions.

Duty of clerk in such cases;

Such sessions may be adjourned.

Privilege granted to district courts of Maine and Kentucky.

Bail for appearance by whom taken.

SEC. 4. *And be it further enacted*, That bail for appearance in any court of the United States, in any criminal cause in which bail is by law allowed, may be taken by any judge of the United States, any chancellor, judge of a supreme or superior court, or chief or first judge of a court of common pleas of any state, or mayor of a city in either of them, and by any person having authority from a circuit court, or the district courts of Maine or Kentucky to take bail; which authority, revocable at the discretion of such court, any circuit court or either of the district courts of Maine or Kentucky, may give to one or more discreet persons learned in the law in any district for which such court is holden, where, from the extent of the district, and remoteness of its parts from the usual residence of any of the before named officers, such provision shall, in the opinion of the court, be necessary.—*Provided*, That nothing herein shall be construed to extend to taking bail in any case where the punishment for the offence may be death; nor to abridge any power heretofore given by the laws of the United States, to any description of persons to take bail.

Writs of ne exeat by whom and when granted.

SEC. 5. *And be it further enacted*, That writs of ne exeat and of injunction may be granted by any judge of the supreme court in cases where they might be granted by the supreme or a circuit court;(a) but

(a) The district judges of the courts of the United States have no authority to issue writs of ne exeat. *Genron v. Boecaline*, 2 Wash. C. C. R. 130.

no writ of ne exeat shall be granted unless a suit in equity be commenced, and satisfactory proof shall be made to the court or judge granting the same, that the defendant designs quickly to depart from the United States; nor shall a writ of injunction be granted to stay proceedings in any court of a state; nor shall such writ be granted in any case without reasonable previous notice to the adverse party, or his attorney, of the time and place of moving for the same.

SEC. 6. *And be it further enacted*, That subpoenas for witnesses who may be required to attend a court of the United States, in any district thereof, may run into any other district: *Provided*, That in civil causes, the witnesses living out of the district in which the court is holden, do not live at a greater distance than one hundred miles from the place of holding the same.

Subpoenas for witnesses how far to extend.

SEC. 7. *And be it further enacted*, That it shall be lawful for the several courts of the United States, from time to time, as occasion may require, to make rules and orders for their respective courts directing the returning of writs and processes, the filing of declarations and other pleadings, the taking of rules, the entering and making up judgments by default, and other matters in the vacation and otherwise in a manner not repugnant to the laws of the United States, to regulate the practice of the said courts respectively, as shall be fit and necessary for the advancement of justice, and especially to that end to prevent delays in proceedings.

Courts to make rules for returning writs, &c.

SEC. 8. *And be it further enacted*, That where it is now required by the laws of any state, that goods taken in execution on a writ of fieri facias, shall be appraised, previous to the sale thereof, it shall be lawful for the appraisers appointed under the authority of the state, to appraise goods taken in execution, on a fieri facias issued out of any court of the United States, in the same manner as if such writ had issued out of a court held under the authority of the state; and it shall be the duty of the marshal, in whose custody such goods may be, to summon the appraisers, in like manner, as the sheriff is by the laws of the state required to summon them; and the appraisers shall be entitled to the like fees, as in cases of appraisements under the laws of the state; and if the appraisers, being duly summoned, shall fail to attend and perform the duties required of them, the marshal may proceed to sell such goods, without an appraisement.

Goods taken on writ of fieri facias how to be appraised.

APPROVED, March 2, 1793.

STATUTE II.

CHAP. XXIII.—*An Act to alter the times and places of holding the Circuit Courts, in the Eastern District, and in North Carolina, and for other purposes.*

March 2, 1793.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the spring circuit courts of the eastern district, instead of being held at the times and places now established by law for holding the same, shall from henceforth be held at the times and places following respectively, namely; for the district of New York, at New York, on the fifth day of April; for the district of Connecticut, at New Haven, on the twenty-fifth day of April; for the district of Vermont, at Windsor and Bennington alternately, beginning at the first, on the twelfth day of May; for the district of New Hampshire, at Portsmouth, on the twenty-seventh day of May; for the district of Massachusetts, at Boston, on the seventh day of June; and for the district of Rhode Island, at Newport, on the nineteenth day of June. And if any of the said days shall happen on a Sunday, the

[Obsolete.]

Times for holding spring circuits of eastern district and N. Carolina altered.

1790, ch. 17.
1797, ch. 27.
1806, ch. 13.

The affidavit upon which the writ will issue, must be positive to a debt, or to the belief of the plaintiff that a certain balance is due. *Ibid.*

The Circuit Court of the United States for the district of Pennsylvania awarded a writ of ne exeat on the proper affidavit being made. *Ibid.*

courts, respectively, shall commence and be holden on the day following. And all causes now pending in the said courts, and all appeals, processes and recognizances returned, or returnable to the same, and all officers, jurors, parties and witnesses, shall be conformable to this act.

1802, ch. 31.

N. Carolina
circuit court
after June
where to be
held.

SEC. 2. *And be it further enacted*, That from and after the expiration of the session of the circuit court of the state of North Carolina, which is to commence on the first day of June next (which session shall be held, any thing in this act notwithstanding, at Newbern) the stated sessions of the said court shall be held at Wake courthouse, either in the courthouse belonging to the said county, or in some convenient building contiguous thereto, until there shall be convenient accommodations for the said purpose in the city of Raleigh, in the said state; after which, and upon its being made so to appear to the said court, the said court is hereby authorized and directed at the close of the session then depending, to adjourn the said court to meet at its next stated session in the city of Raleigh; which said city of Raleigh shall thereafter be the place at which the stated sessions of the said court shall be constantly held.

District judge
of N. Carolina
how to have ju-
rymen sum-
moned for said
June term.

SEC. 3. *And be it further enacted*, Inasmuch as there was not a sufficient *quorum* of judges to hold the circuit court for the district of North Carolina, for the purpose of doing business, at November term one thousand seven hundred and ninety-two, that it shall and may be lawful for the district judge of the state of North Carolina to direct the clerk of the said court to issue such process for the purpose of having jurymen summoned to attend the said court at the term to commence on the first day of June next, as he had before issued for the like purpose, returnable to November term above mentioned; that the jurymen ordered by the said process to be summoned shall be ordered to be summoned in the same proportion, and from the same counties, as those jurymen who were ordered to be summoned by the process returnable at November term above mentioned: And the marshal is to execute the said process, and the jurymen legally summoned in consequence thereof, are to attend the said court, under the like penalties for disobedience as if the said process had been ordered to be issued as usual, by the said court; and the marshal and the jurymen who attend at the said court shall be entitled to the like allowance for their services respectively. And it is hereby declared, that all suits and proceedings of what nature or kind soever which have been commenced in the said court, and not finished, shall be proceeded on at the ensuing term in the same manner and to the same effect, as if the said circuit court had been regularly held at November term as aforesaid, and continuances had been regularly held of all such suits and proceedings, from the said last mentioned term to the ensuing term.

APPROVED, March 2, 1793.

STATUTE II.

March 2, 1793.

1790, ch. 35.
Repealed by
Act of March 2,
1799, ch. 22.

Hardwick in
Georgia estab-
lished a district.

One port of
entry therein
and a collector.

CHAP. XXIV.—*An Act supplementary to the act, entitled, "An act to provide more effectually for the collection of the Duties imposed by law on Goods, Wares and Merchandise, imported into the United States, and on the Tonnage of Ships or Vessels."*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there shall be in the state of Georgia, a district, to be called the district of Hardwick, to comprehend all the waters, shores, bays, harbors, creeks and rivers, between the south point of Ossabow island, and the south point of Warsaw island; that in the said district the town of Hardwick shall be the only port of entry, and a collector for said district shall be appointed to reside at Hardwick, and the said collector shall be entitled to

receive the like fees and the same yearly allowance, which is paid to the collector of the district of St. Mary's, in the said state.

SEC. 2. *And be it further enacted*, That so much of Lake Champlain, with the shores, bays and rivers connected therewith, as lieth within the state of New York, shall be one entire district, to be called the district of Champlain; and the President of the United States be, and hereby is authorized to appoint such place within said district to be the port of entry and delivery within the same as he may deem expedient; and a collector for the said district shall be appointed to reside at such place within said district as the President of the United States shall direct, who shall be allowed the same fees as are allowed the collector in the district of Vermont: *Provided nevertheless*, That the exception contained in the sixty-ninth section of the act above mentioned, relative to the district of Louisville, shall be, and hereby is extended to the district of Champlain.

Champlain in N. York established a district.

President to appoint port of entry and collector therein.

1790, ch. 35, sec. 69.

SEC. 3. *And be it further enacted*, That from and after the last day of June next, the collectors in the districts of Vermont and Champlain, in addition to the fees and emoluments which may accrue to them in the collection of the duties of impost and tonnage by the provisions already made, shall severally have and be entitled to receive the yearly sum of one hundred dollars each.

Allowance to collectors of Vermont and Champlain a ter June next.

SEC. 4. *And be it further enacted*, That from and after the last day of June next, the allowance of one half per centum to the collectors of the districts of Pennsylvania and of the city of New York, and the allowance of one per centum to the collectors of the districts of Boston and Charlestown, and of Baltimore, on the amount of all the monies by them respectively received, on amount of the duties of impost and tonnage shall cease, and instead thereof, from and after the said last day of June next, the collectors of the districts of Pennsylvania and of the city of New York, shall be entitled to three eighths of one per centum, and the collectors of the districts of Boston and Charlestown, and of Baltimore, shall be entitled to three fourths of one per centum, on all such monies by them respectively received.

And to the collectors of Penn^a, New York, Boston and Charlestown, and Baltimore.

SEC. 5. *And be it further enacted*, That from and after the first day of January next, no officer of the customs, or other person employed under the authority of the United States, in the collection of the duties imposed by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels, shall own, in whole or in part, any ship or vessel, or act as agent, attorney or consignee for the owner or owners of any ship or vessel, or of any cargo or lading on board the same: Nor shall any officer of the customs or other person employed in the collection of the duties as aforesaid, import, or be concerned directly or indirectly in the importation of any goods, wares or merchandise into the United States, on penalty that every person so offending and being thereof convicted, shall forfeit the sum of five hundred dollars.

Forfeiture on revenue officers owning any ship or vessel, &c. after 1st Jan. 1794.

SEC. 6. *And be it further enacted*, That so much of the twelfth section of an act, entitled "An act making alterations in the treasury and war departments," as restricted all officers of the United States employed in the collection of the duties imposed by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels, from buying or disposing of the funds or debts of the United States, or of any state, or of any public property of either, be and the same is hereby repealed; so far as the same prohibits them from disposing of their interest in the funds or debts of the United States, or of any of the said states.

And 12th sec. of certain act so far as affects the disposal of their interest in the funds repealed. 1792, ch. 37.

SEC. 7. *And be it further enacted*, That the President of the United States may, if he shall judge it conducive to the public interest, increase the complement of mariners to the several revenue cutters, so that the

President may increase mariners to the cutters.

Allowance of pay to the officers and men after 1st April.

number do not exceed seven mariners to each cutter; and that from and after the first day of April next, there be allowed, in lieu of the compensations now established, to the master of each revenue cutter, forty dollars per month, and the subsistence of a captain in the army of the United States; to a first mate, twenty-six dollars per month; to a second mate, twenty dollars per month; to a third mate, eighteen dollars per month; to every mate, the subsistence of a lieutenant of the said army; and to each mariner, not exceeding ten dollars per month, to be paid by the collectors of the revenue, who shall be designated for that purpose: And that the Secretary of the Treasury be, and he is hereby authorized to contract for the supply of rations for the officers and men of the said cutters, on such terms as shall, from time to time, appear reasonable.

APPROVED, March 2, 1793.

STATUTE II.

March 2, 1793.

CHAP. XXV.—*An Act providing for the payment of the First Instalment due on a Loan made of the Bank of the United States.*

[Obsolete.]
President may apply certain monies

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he hereby is authorized and empowered to apply two hundred thousand dollars, of the monies which may have been borrowed, in pursuance of the fourth section of the act, intituled "An act making provision for the reduction of the public debt," in payment of the first instalment, due to the Bank of the United States, upon a loan made of the said bank, in pursuance of the eleventh section of the act for incorporating the subscribers to the said bank.

to pay first instalment to Bank of U. S.

1790, ch. 47.

APPROVED, March 2, 1793.

STATUTE II.

March 2, 1793.

CHAP. XXVI.—*An Act for extending the time for receiving on loan that part of the Domestic Debt of the United States, which may not be subscribed, prior to the first day of March, one thousand seven hundred and ninety-three.*

[Obsolete.]
Domestic debt term for receiving on loan extended to June 1794.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the term for receiving on loan that part of the domestic debt of the United States, which shall not have been subscribed, in pursuance of the act, intituled "An act supplementary to the act making provision for the debt of the United States," be extended, from and after the first day of March, one thousand seven hundred and ninety-three, until the last day of June, one thousand seven hundred and ninety-four inclusively, on the same terms and conditions, as are contained in the act, intituled "An act making provision for the debt of the United States: Provided, That the books for receiving the said subscriptions shall be opened only at the treasury of the United States.*

1794, ch. 36.
Act of May 8, 1792, ch. 38.

Privilege of non-subscribing creditors.

SEC. 2. *And be it further enacted, That such of the creditors of the United States, as have not subscribed, and shall not subscribe to the said loan, shall nevertheless receive, during the year one thousand seven hundred and ninety-three, a rate per centum on the amount of such of their demands, as shall have been registered, conformable to the directions contained in the said act, on or before the last day of June, one thousand seven hundred and ninety-four, equal to the interest, which would be payable to them, as subscribing creditors.*

APPROVED, March 2, 1793.

STATUTE II.

March 2, 1793.

CHAP. XXVII.—*An Act supplementary to the act for the establishment and support of lighthouses, beacons, buoys, and public piers.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all expenses, which shall accrue from the first day of July next inclusively, for the necessary support, maintenance and repairs of all lighthouses, beacons, buoys, the stakeage of channels on the sea-coast, and public piers, shall continue to be defrayed by the United States, until the first day of July, in the year one thousand seven hundred and ninety-four, notwithstanding such lighthouses, beacons, or public piers, with the lands and tenements thereunto belonging, and the jurisdiction of the same shall not, in the mean time, be ceded to, or vested in the United States, by the state or states respectively, in which the same may be; and that the said time be further allowed to the states respectively, to make such cession.

Lighthouses, &c. expenses accruing on them to be defrayed by U. S. till 1st July 1794.

1791, ch. 24.
1792, ch. 17.
1795, ch. 40.
1796, ch. 4.

SEC. 2. *And be it further enacted,* That the Secretary of the Treasury be authorized and directed to cause a floating beacon or buoy to be provided and placed on Smith's Point shoal, in the Chesapeak bay, and a beacon or floating buoy at the southwest straddle on the Royal shoal, near Ocracoke inlet, in North Carolina.

Secretary of Treasury to place beacons in the Chesapeake and N. Carolina.

APPROVED, March 2, 1793.

STATUTE II.

March 2, 1793.

CHAP. XXX.—*An Act making certain Appropriations therein mentioned.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be appropriated to the purposes hereinafter mentioned, to be paid out of any monies, which shall come into the treasury of the United States, to the end of the present year, (not proceeding from the duties on imports and tonnage) and not heretofore appropriated, and out of the surplus of any of the duties of impost and tonnage, which may accrue, during the present year, the sum of fifty-nine thousand one hundred and seven dollars and forty-one cents:

[Obsolete.]
Appropriation of certain monies for defraying certain specific demands.

For purchasing two lots of ground, with the buildings thereon, and for erecting other buildings, and purchasing sundry materials and necessaries for the use of the mint, twelve thousand and seventy-nine dollars and seventy-eight cents:—for the salaries of the officers of the mint, from the first day of July to the thirty-first day of December, one thousand seven hundred and ninety-two, two thousand six hundred and ninety-four dollars and eighty-eight cents:—for the salary of the following officers of the mint, for the year one thousand seven hundred and ninety-three; the director, two thousand dollars;—the assayer fifteen hundred dollars;—the chief coiner, fifteen hundred dollars;—the engraver, twelve hundred dollars;—the treasurer, twelve hundred dollars;—three clerks, five hundred dollars each, fifteen hundred dollars:—for defraying the expenses of workmen, for the year one thousand seven hundred and ninety-three, a sum not exceeding two thousand six hundred dollars:—for defraying the expenses of bringing to the seat of government, the votes of the electors in the several states for President and Vice-President, a sum not exceeding one thousand four hundred and ninety-nine dollars:—for discharging the claim of Return Jonathan Meigs, and the legal representatives of Christopher Greene, the sum of four hundred dollars:—for the pay, subsistence and forage due to Winthrop Sargent, as adjutant-general to the troops late under the command of General St. Clair, five hundred and sixty-nine dollars and forty-five cents:—for paying Dunlap and Claypoole, for printing performed under the direction of a committee of the convention of the United States, four hundred and

Appropriations
for defraying
certain specific
demands.

twenty dollars:—for defraying certain extra expenses of the doorkeeper of the House of Representatives, and for clerk hire, and allowance to witnesses attending the late committee appointed to inquire into the failure of the expedition under General St. Clair, four hundred dollars:—for paying the principal clerk to the secretary of the Senate, for his services, from the first of July to the fourth of November, one thousand seven hundred and ninety-two, one hundred and twenty-seven days, at three dollars per day, three hundred and eighty-one dollars:—for paying the same clerk for his services, for six months, over and above his former allowance, five hundred and forty-seven dollars and fifty cents:—for six months additional pay to the engrossing clerk, three hundred and sixty-five dollars:—for extra services of the doorkeeper, during the present session, ninety-one dollars and fifty cents:—for defraying the expense attending the stating and printing the public accounts, in pursuance of the order of the House of Representatives, of the thirtieth of December, one thousand seven hundred and ninety-one, a sum not exceeding eight hundred dollars:—for paying the account of the trustees of Wilmington public grammar school and academy, two thousand five hundred and fifty-three dollars and sixty-four cents:—to make good so much deficient in the appropriation of the year one thousand seven hundred and ninety-one, for defraying the expenses of lighthouses, beacons, buoys and public piers, a sum not exceeding nine hundred and fifty-five dollars and sixty-six cents:—for building a lighthouse on Montok point, a sum not exceeding twenty thousand dollars:—for completing the lighthouse on Baldhead, at the mouth of Cape Fear river, two thousand dollars:—for the salaries of clerks, not exceeding three, to be employed in the office of the commissioner of the revenue, at the rate of five hundred dollars per annum, fifteen hundred dollars:—for defraying the expense of books and printing, incident to the acts for recording the registering of ships, or vessels, and enrolling and licensing vessels employed in the coasting trade, three hundred and fifty dollars.

APPROVED, March 2, 1793.

STATUTE II.

March 2, 1793.

CHAP. XXXI.—*An Act making addition to the Compensation of certain Public Officers.*

Additional
annual allow-
ance to certain
officers of the
Treasury.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be allowed to the Auditor of the Treasury, the sum of five hundred dollars; to the Commissioner of the Revenue, the sum of five hundred dollars; to the Comptroller of the Treasury, the sum of two hundred and fifty dollars, and to the Register of the Treasury, the sum of two hundred and fifty dollars per annum, in addition to the compensation already allowed to them respectively, to commence on the first day of April next, payable in like manner as the present compensations are payable.

APPROVED, March 2, 1793.

1799, ch. 38.
1792, ch. 37,
sec. 6, 10.