of the United States, and at such time or times, as he may judge necessary, to wit: Portland in the district of Maine; Portsmouth in the state of New Hampshire; Gloucester, Salem, Marblehead and Boston, in the state of Massachusetts; Newport in the state of Rhode Island; New London in the state of Connecticut; New York; Philadelphia; Wilmington in the state of Delaware; Baltimore in the state of Maryland; Norfolk and Alexandria in the state of Virginia; Cape Fear river and Ocracock inlet in the state of North Carolina; Charleston and Georgetown in the state of South Carolina; and Savannah and Saint Mary's in the state of Georgia.

Act of May 9, 1794, authorizes the fortification of the city of Annapolis.

President of U. S. may employ, as garrisons, troops on military establishment.

Cause cannon to be purchased.

Sec. 2. *And be it further enacted*, That it shall be lawful for the President of the United States to employ, as garrisons in the said fortifications, or any of them, such of the troops on the military establishment of the United States, as he may judge necessary; and to cause to be provided one hundred cannon, of a caliber each to carry a ball of thirty-two pounds weight, and one hundred other cannon, of a caliber each to carry a ball of twenty-four pounds weight, together with the carriages and implements necessary for the same, and carriages with the necessary implements for one hundred and fifty other cannon, with two hundred and fifty tons of cannon-shot.

And receive cessions of certain lands.

Sec. 3. *And be it further enacted*, That it shall be lawful for the President of the United States to receive from any state (in behalf of the United States) a cession of the lands, on which any of the fortifications aforesaid, with the necessary buildings, may be erected, or intended to be erected; or where such cessions shall not be made, to purchase such lands, on behalf of the United States: *Provided*, that no purchase shall be made, where such lands are the property of a state.

Approved, March 20, 1794.

Statute I.

March 21, 1794.

Chap. X.—*An Act making appropriations for the support of the Military establishment of the United States, for the year one thousand seven hundred and ninety-four.*

[Obsolete.]

Specific appropriations for military establishment for 1794.

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That for the support of the military establishment of the United States, for the year one thousand seven hundred and ninety-four; for repairs and articles directed to be made and purchased by the President of the United States; for invalid pensioners; for fortifying certain ports and harbors; and for the purchase of cannon, implements and shot, there be appropriated a sum of money, not exceeding one million, six hundred and twenty-nine thousand, nine hundred and thirty-six dollars, and one cent; that is to say: For the pay of the legion of the United States, three hundred and three thousand, six hundred and eighty-four dollars: For subsistence, three hundred and twelve thousand, five hundred and sixty-seven dollars, and seventy-five cents: For forage, thirty-one thousand six hundred and thirty-two dollars: For clothing, one hundred and twelve thousand dollars: For equipments for the cavalry, seven thousand three hundred and fourteen dollars, and five cents: For horses for the cavalry, sixteen thousand dollars: For bounty to the soldiers, five thousand dollars: For the hospital department, twenty thousand dollars: For the ordnance department, six thousand seven hundred and fifteen dollars, and thirty-two cents: For defensive protection of the frontiers, one hundred and thirty thousand dollars: For the Indian department, fifty thousand dollars: For the quartermaster's department, one hundred and fifty thousand dollars: For contingencies of the war department, thirty thousand dollars: For repairs and articles directed to be made and purchased by the President of the United States, two hundred and two thousand seven hundred and eighty-three dollars, and thirty-four cents:

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For invalid pensioners, eighty thousand two hundred and thirty-nine dollars, and fifty-five cents: For fortifying certain ports and harbors of the United States, and purchasing the lands necessary for the erection of the same, seventy-six thousand dollars: For the purchase of cannon, implements and shot, ninety-six thousand dollars.

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: First, the surplus of the sum of six hundred thousand dollars, reserved by the act "making provision for the debt of the United States," and which will accrue during the year one thousand seven hundred and ninety-four: Secondly, the surplus of revenue and income, beyond the appropriations heretofore charged thereupon, to the end of the year one thousand seven hundred and ninety-four: And thirdly, the surplus which may remain unexpended, of the monies appropriated for the use of the war department, in the year one thousand seven hundred and ninety-three.

1790, ch. 34.

Approved, March 21, 1794.

Statute I.

March 22, 1794.

Chap. XI.—*An Act to prohibit the carrying on the Slave Trade from the United States to any foreign place or country.*(a)

Forfeiture of ship, &c. concerned in slave trade.

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That no citizen or citizens of the United States, or foreigner, or any other person com-

(a) The acts prohibiting and punishing the Slave trade, are: An act to prohibit the carrying on the slave trade from the United States to any foreign place or country, March 22, 1794, chap. 11; an act in addition to the act entitled, "An act to prohibit the carrying on the slave trade from the United States to any foreign place or country," May 10, 1800; an act to prevent the introduction of certain persons into certain states, where by the laws thereof their admission is prohibited, February 28, 1803, chap. 10; an act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States from and after the first of January one thousand eight hundred and eight, March 2, 1807, chap. 22; an act in addition to an act entitled, "An act to prohibit the importation of slaves within the jurisdiction of the United States from and after the first day of January one thousand eight hundred and eight," April 20, 1818, chap. 86; an act to continue in force "an act to protect the commerce of the United States, and punish the crime of piracy," and also to make further provision for punishing the crime of piracy, May 15, 1820, chap. 112, sec. 4, 5.

Decisions of the Courts of the United States on the acts prohibiting and punishing the Slave Trade.—A libel or information under the 9th section of the slave trade act of March 2, 1797, alleging that the vessel sailed from the port of New York and Perth Amboy, without the captain having delivered the manifest required by law, to the collector or surveyor of the port of New York and Perth Amboy, is defective; the act requiring the manifest to be delivered to the collector or surveyor of a single port. The Mary Ann, 8 Wheat. 380; 5 Cond. Rep. 471.

Under the same section, the libel must charge the vessel to be of the burthen of forty tons or more. In general it is sufficient to charge the offence in the words directing the forfeiture. But if the words are general, embracing a whole class of individual subjects, they must necessarily be so construed as to embrace only a subdivision of that class; the allegation must conform to the legislative sense and meaning. *Ibid.*

The prohibitions in the slave trade acts of May 10, 1800, and April 20, 1818, extend as well to carrying slaves on freight, as to cases where the persons transported are the property of the United States; and the carrying of them from one port to another of the same foreign empire, as well as from one foreign country to another. The Merino, 9 Wheat. 391; 5 Cond. Rep. 623.

Under the 4th section of the act of May 10, 1800, the owner of the slaves transported contrary to the provisions of that act, cannot claim the same in a court of the United States, although, according to the laws of his own country, they may be held in servitude. But if at the time of capture by a commissioned vessel, the offending ship was in the possession of a non-commissioned captor, who had made a seizure for the same offence, the owner of the slaves may claim them; the section only applying to persons interested in the enterprise or voyage in which the ship was employed, at the time of such capture. *Ibid.*

Under the slave trade act of 1794, sec. 1, it is not necessary, in order to incur the forfeiture, that the vessel shall be completely fitted and ready for sea. As soon as the preparations have proceeded so far as clearly to manifest the intention, the right of seizure attaches. The Emily and Caroline, 9 Wheat. 381; 5 Cond. Rep. 623.

The African slave trade is a trade which has been authorized and protected by the laws of all commercial nations. The right to carry it on has been claimed by each, and exercised by each; and it therefore cannot be considered as contrary to the laws of nations. The slave trade remains lawful to those nations which have not forbidden it. The Antelope, 10 Wheat. 66; 6 Cond. Rep. 30.

If the slave trade is not contrary to the laws of nations, it cannot be piracy, unless so declared by statute; and the obligations of such statute cannot exceed the power of the state which has enacted it. *Ibid.*