treaty, in addition to the sum appropriated for that purpose, by the act of the sixth of May, one thousand seven hundred and ninety-six.

Sec. 3. *And be it further enacted*, That the said several sums shall be paid and discharged out of any monies arising from the revenues of the United States, beyond the appropriations heretofore charged thereupon, to the end of the year one thousand seven hundred and ninety-seven.

Approved, March 3, 1797.

Statute II.

March 3, 1797.

Chap. XIII.—*An Act to provide for mitigating or remitting the Forfeitures, Penalties and Disabilities accruing in certain cases therein mentioned.*(a)

[Obsolete.]

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That whenever any person or persons, who shall have incurred any fine, penalty, forfeiture or disability, or shall have been interested in any vessel, goods, wares or merchandise, which shall have been subject to any seizure, forfeiture, or disability, by force of any present or future law of the United States, for the laying, levying or collecting any duties or taxes, or by force of any present or future act, concerning the registering and recording of ships or vessels, or any act concerning the enrolling and licensing ships or vessels employed in the coasting trade or fisheries, and for regulating the same, shall prefer his petition to the judge of the district, in which such fine, penalty, forfeiture, or disability shall have accrued, truly and particularly setting forth the circumstances of his case; and shall pray, that the same may be mitigated or remitted, the said judge shall inquire, in a summary manner into the circumstances of the case; first, causing reasonable notice to be given to the person or persons claiming such fine, penalty, or forfeiture, and to the attorney of the United States, for such district, that each may have an opportunity of showing cause against the mitigation or remission thereof; and shall cause the facts which shall appear upon such inquiry, to be stated and annexed to the petition, and direct their transmission to the Secretary of the Treasury of the United States, who shall thereupon, have power to mitigate or remit such fine, forfeiture, or penalty, or remove such disability, or any part thereof, if, in his opinion, the same shall have been incurred without wilful negligence, or any intention of fraud in the person or persons incurring the same; and to direct the prosecution, if any shall have been instituted for the recovery thereof, to cease and be discontinued, upon such terms or conditions as he may deem reasonable and just.

1814, ch. 14.

Courts of the states have the same power as district courts.

Sec. 2. *And be it further enacted*, That the judicial courts of the several states, to whom, by any of the said acts, a jurisdiction is given, shall and may exercise all and every power in the cases cognizable before them, for the purpose of obtaining a mitigation, or remission of any fine, penalty or forfeiture, which may be exercised by the judges of the district courts, in cases depending before them.

Rights of individuals not to be affected in cases where a prosecution shall have been

Sec. 3. *Provided always, and be it further enacted*, That nothing herein contained, shall be construed to affect the right or claim of any person, to that part of any fine, penalty, or forfeiture, incurred by the breach of any of the laws aforesaid, which such person shall, or may be entitled to, by virtue of the said laws in cases where a prosecution has been commenced, or information has been given, before the passing of

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(a) The remission of a forfeiture or penalty by the Secretary of the Treasury, accruing under the revenue laws, under the remission act of March 3, 1797, before the final judgment, and until the actual payment over to the collector for distribution of the money arising from such forfeiture, extends to the shares of the forfeiture or penalty to which the officers of the customs are entitled, as well as to the interests of the United States. United States *v.* Morris, 10 Wheat. 246; 6 Cond. Rep. 90. United States *v.* Lancaster, 4 Wash. C. C. R. 64. M'Lane *v.* The United States, 6 Peters, 404.

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this act, or any other act relative to the mitigation or remission of such fines, penalties, or forfeitures; the amount of which right and claim shall be assessed and valued by the proper judge, or court, in a summary manner.

commenced or information given.

Sec. 4. *And be it further enacted*, That this act shall continue in force for the term of two years, and from thence to the end of the next session of Congress, and no longer.

Limitation. Repealed 1800, ch. 6.

Approved, March 3, 1797.

Statute II.

Chap. XIV.—*An Act to authorize the receipt of evidences of the Public Debt, in payment for the Lands of the United States.*

March 3, 1797.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the evidences of the public debt of the United States, shall be receivable in payment for any of the lands which may be hereafter sold in conformity to the act, intituled "An act providing for the sale of the lands of the United States, in the territory northwest of the river Ohio, and above the mouth of Kentucky river," at the following rates, viz.: the present foreign debt of the United States, and such debt, or stock, as, at the time of payment, shall bear an interest of six per centum per annum, shall be received at their nominal value; and the other species of debt, or stock, of the United States, shall be received at a rate bearing the same proportion to their respective market price, at the seat of government, at the time of payment, as the nominal value of the above mentioned six per centum stock shall, at the same time, bear to its market price at the same place; the Secretary of the Treasury, in all cases, determining what such market price is.

Stock of the United States received in payment for western lands.

Ante, p. 464.

Approved, March 3, 1797.

Statute II.

Chap. XV.—*An Act to alter the time for the next meeting of Congress.*

March 3, 1797.

[Obsolete.]

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

Approved, March 3, 1797.

Statute II.

Chap. XVI.—*An Act to amend and repeal, in part, the Act intituled "An Act to ascertain and fix the Military Establishment of the United States."*

March 3, 1797.

[Repealed.]

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the third section of the act, passed the thirtieth of May, one thousand seven hundred and ninety-six, intituled "An act to ascertain and fix the military establishment of the United States," together with all other parts thereof which relate to provision made for the major general and his staff, be repealed; and that all such parts of the said act, together with so much of the twenty-third section, as may be construed to affect the Brigadier, and the whole of the eleventh section of the said act be, and are hereby repealed.

Act of May 30, 1796, ch. 39. Certain sections repealed.

Sec. 2. *And be it further enacted*, That there shall be one brigadier general, who may choose his brigade major and inspector, from the captains and subalterns in the line, (to each of whom there shall be allowed the monthly pay of twenty-five dollars, in addition to his pay in the line, and two rations extraordinary per day; and whenever forage shall not be furnished by the public, to ten dollars per month in lieu thereof.) That there shall be one judge advocate, who shall be taken from the

Brigadier General. Inspector.

See p. 557, post.