

ACTS OF THE FIFTH CONGRESS

OF THE

UNITED STATES,

Passed at the third session, which was begun and held at the City of Philadelphia, in the state of Pennsylvania, on Monday, the third day of December, 1798, and ended on the third day of March, 1799.

JOHN ADAMS, President; THOMAS JEFFERSON, Vice President of the United States, and President of the Senate; JAMES ROSS, President of the Senate pro tempore, from March 2d, 1799; JONATHAN DAYTON, Speaker of the House of Representatives.

STATUTE III.

CHAPTER I.—*An Act for the punishment of certain Crimes therein specified.*

Jan. 30, 1799.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any person, being a citizen of the United States, whether he be actually resident, or abiding within the United States, or in any foreign country, shall, without the permission or authority of the government of the United States, directly or indirectly, commence, or carry on, any verbal or written correspondence or intercourse with any foreign government, or any officer or agent thereof, with an intent to influence the measures or conduct of any foreign government, or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or defeat the measures of the government of the United States; or if any person, being a citizen of, or resident within the United States, and not duly authorized, shall counsel, advise, aid or assist in any such correspondence, with intent, as aforesaid, he or they shall be deemed guilty of a high misdemeanor, and on conviction before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding five thousand dollars, and by imprisonment during a term not less than six months, nor exceeding three years: *Provided always,* that nothing in this act contained shall be construed to abridge the right of individual citizens of the United States to apply, by themselves, or their lawful agents, to any foreign government, or the agents thereof, for the redress of any injuries in relation to person or property which such individuals may have sustained from such government, or any of its agents, citizens or subjects.

Penalty on a citizen of the United States for holding correspondence with a foreign government or its agents, with intent to influence the measures of such government in relation to disputes or controversies with the United States. Aiders and abettors.

Proviso.

APPROVED, January 30, 1799.

STATUTE III.

CHAP. II.—*An Act further to suspend the Commercial Intercourse between the United States and France, and the dependencies thereof.*

Feb. 9, 1799.

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the third day of March next, no ship or vessel owned, hired or employed, wholly, or in part, by any person resident within the United States, and which shall depart therefrom, shall be allowed to proceed directly, or from any intermediate port or place, to any port or place within the territory of the French Republic, or the dependencies thereof,

[Expired.] After 3d of March, vessels not to go to French ports; nor to be employed in certain traffic. Act of Feb. 27, 1800, ch. 10.

Vessels contravening to be forfeited, together with their cargoes.

Bond to be given on clearing for a foreign voyage.

Sureties not to be answerable beyond \$10,000.

French vessels and certain others, not to be allowed to enter or remain within the U. States except in the case of distress.

or to any place in the West Indies, or elsewhere, under the acknowledged government of France, or shall be employed in any traffic or commerce with or for any person resident within the jurisdiction, or under the authority of the French Republic. And if any ship or vessel, in any voyage thereafter commencing, and before her return within the United States, shall be voluntarily carried or suffered to proceed to any French port or place, as aforesaid, or shall be employed, as aforesaid, contrary to the intent hereof, every such ship or vessel, together with her cargo, shall be forfeited; and shall accrue, the one half to the use of the United States, and the other half to the use of any person or persons, citizens of the United States, who will inform and prosecute for the same; and shall be liable to be seized, and may be prosecuted and condemned, in any circuit or district court of the United States, which shall be holden within or for the district where the seizure shall be made.

SEC. 2. *And be it further enacted*, That from and after the passing of this act, no clearance for a foreign voyage shall be granted to any ship or vessel, owned, hired or employed, wholly or in part, by any person resident within the United States, until a bond shall be given, to the use of the United States, wherein the owner or employer, if usually resident or present where the clearance shall be required, and otherwise his agent or factor, and the master or captain of such ship or vessel, for the intended voyage, shall be parties, in a sum equal to the value of the ship or vessel, and to one third of the value of her cargo, and shall find sufficient surety or sureties to the amount of one half of the principal sum, with condition that the same shall not, during her intended voyage, or before her return within the United States, proceed or be carried, directly or indirectly, to any port or place within the territory of the French Republic, or the dependencies thereof, or any place in the West Indies, or elsewhere, under the acknowledged government of France, unless by actual force and violence, to be fully proved and manifested before the acquittance of such bond, and that such vessel is not, and shall not be employed, during her intended voyage, or before her return, as aforesaid, in any traffic or commerce, with or for any person resident within the territory of that Republic, or in any of the dependencies thereof: *Provided*, that in no case, the surety or sureties shall be answerable for more than ten thousand dollars.

SEC. 3. *And be it further enacted*, That from and after the said third day of March, no French ship or vessel, armed or unarmed, commissioned by or for, or under the authority of the French Republic, or owned, fitted, hired or employed by any person resident within the territory of that Republic, or any of the dependencies thereof, or sailing or coming therefrom, (excepting as is herein after excepted) shall be allowed an entry, or to remain within the territory of the United States, unless driven thither by distress of weather, or in want of provisions. And if, contrary to the intent hereof, any such ship or vessel shall be found within the jurisdictional limits of the United States, not being liable to seizure for any other cause, the company having charge thereof, shall be required to depart and carry away the same, avoiding all unnecessary delay; and if they shall, notwithstanding, remain, it shall be the duty of the collector of the district wherein, or nearest to which, such ship or vessel shall be, to seize and detain the same, at the expense of the United States: *Provided*, that in the case of vessels hereby prohibited, which shall be driven by distress of weather, or want of provisions, into any port or place of the United States, they may be suffered to remain under the custody of the collector there, or nearest thereto, until suitable repairs or supplies can be obtained; and as soon as may be thereafter, shall be required and suffered to depart; but no part of the lading of such vessel shall be taken out, or disposed of, unless by the

special permit of such collector, to defray the unavoidable expense of such repairs or supplies.

SEC. 4. *Provided, and be it further enacted*, That at any time after the passing of this act, it shall be lawful for the President of the United States, if he shall deem it expedient and consistent with the interest of the United States, by his order, to remit and discontinue, for the time being, the restraints and prohibitions aforesaid, either with respect to the French Republic, or to any island, port or place belonging to the said Republic, with which a commercial intercourse may safely be renewed; and also to revoke such order, whenever, in his opinion, the interest of the United States shall require; and he shall be, and hereby is authorized to make proclamation thereof accordingly.

President may order these restraints and prohibitions to be discontinued; and again revoke such order

SEC. 5. *And be it further enacted*, That it shall be lawful for the President of the United States, to give instructions to the commanders of the public armed ships of the United States, to stop and examine any ship or vessel of the United States on the high sea, which there may be reason to suspect to be engaged in any traffic or commerce contrary to the true tenor hereof; and if, upon examination, it shall appear that such ship or vessel is bound or sailing to any port or place within the territory of the French Republic, or her dependencies, contrary to the intent of this act, it shall be the duty of the commander of such public armed vessel, to seize every ship or vessel engaged in such illicit commerce, and send the same to the nearest port in the United States; and every such ship or vessel, thus bound or sailing to any such port or place, shall, upon due proof thereof, be liable to the like penalties and forfeitures, as are provided in and by the first section of this act.

He may instruct the public armed ships to stop and examine suspected vessels, and send them into port.

SEC. 6. *And be it further enacted*, That whenever any ship or vessel, owned wholly or in part, or employed by any citizen or citizens of the United States, and coming from any port or place within the territory of the French Republic, or the dependencies thereof, which has arrived within any port or place of the United States since the first day of December last past, or which shall hereafter arrive, hath been or hereafter shall be seized and detained by virtue of this act, or of an act, intituled "An act to suspend the commercial intercourse between the United States and France, and the dependencies thereof," it shall be lawful for any person claiming such ship or vessel, to prefer his petition to the judge of the district in which such seizure shall be made, setting forth the circumstances of his case, and to pray that the same ship or vessel, and her cargo, may be restored; and the said judge shall thereupon inquire, in a summary manner, into the circumstances of the case, first causing reasonable notice to be given to the attorney of the United States for such district, and to the collector of the district by whom such seizure or detention hath been or shall be made, that each may have an opportunity of showing cause against the prayer of such petition; and shall cause the facts which shall appear upon such inquiry, to be stated and annexed to the petition, and direct their transmission to the Secretary of the Treasury; and if it shall appear to his satisfaction, that such ship or vessel was captured or driven into such port or place by distress of weather, or want of provisions, or was unavoidably detained and delayed by some embargo, arrest, capture, contrary winds, or other unavoidable casualty, without any fault, wilful negligence, or intention to evade the provisions of the act before mentioned, or of this act, in any such claimant, the Secretary of the Treasury shall order the restoration of said vessel and cargo to such claimant, upon such terms and conditions as he may deem reasonable and just; otherwise, and in all cases wherein such petition shall not be presented, every ship or vessel that has arrived since the said first day of December, from any port or place in the French Republic, or the dependencies thereof, or which shall hereafter arrive within any port or place of the United States, unless driven by stress of

Mode of obtaining relief in certain cases of seizure under this and the former act.

weather or want of provisions, shall be liable to be prosecuted and condemned in the same manner and to the same uses as are provided in and by the first section of this act; and like proceedings shall also be had and like forfeitures incurred, as are herein provided with respect to vessels coming from France, and the dependencies thereof, in all cases when any ship or vessel shall arrive in any port or place of the United States, from any port or place, with which all commercial intercourse shall be prohibited by proclamation, according to the intent of this act.

President may grant permission to enter or clear in special cases.

SEC. 7. *Provided, and be it further enacted*, That nothing in this act contained shall extend to any ship or vessel to which the President of the United States shall grant a permission to enter or to clear; which permission he is hereby authorized to grant to vessels which shall be solely employed in any purpose of political or national intercourse, or to aid the departure of any French persons, with their goods and effects, who shall have been resident within the United States, when he may think requisite.

Limitation of this act.

SEC. 8. *And be it further enacted*, That this act shall continue and be in force until the third day of March, in the year one thousand eight hundred.

APPROVED, February 9, 1799.

STATUTE III.

Feb. 15, 1799.

CHAP. III.—*An Act respecting Balances reported against certain States, by the Commissioners appointed to settle the Accounts between the United States and the several States.*

[Expired.]

Debtor states assuming to pay or to expend in fortifications a sum in money or in stock, equal to their debts, may obtain a discharge, &c.

Ante, p. 49.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That if any state, against which a balance was reported by the commissioners appointed to settle the accounts between the United States and the several states, shall, on or before the first day of April, one thousand eight hundred, by a legislative act, engage to pay into the treasury of the United States within five years after passing such legislative act, or to expend, within the time last mentioned, in erecting, enlarging or completing any fortifications for the defence of the United States at such place or places the jurisdiction whereof, having been, previously to such expenditure, ceded by such state to the United States, with reservation that process civil and criminal issuing under authority of such state, may be served and executed therein, and according to such plan or plans as shall be approved by the President of the United States, a sum in money, or in stock of the United States, equal to the balance reported as aforesaid, against such state, or to the sum assumed by the United States in the debt of such state, such payment or expenditure, when so made, shall be accepted by the United States as a full discharge of all demands on account of said balance; and the President of the United States shall be, and hereby is authorized to cause credit to be given to such state on the books of the treasury of the United States accordingly: *Provided however*, that no more than one third part of the whole payment or expenditure that may be made by any such state shall be made in three per cent stock, nor more than one third part of the remaining two thirds shall be made in deferred stock: *And provided also*, that any such state may obtain a full discharge, as aforesaid, by the payment or expenditure of a sum of money, sufficient in the opinion of the Secretary of the Treasury, to purchase, at market price, the different species of stock, the payment or expenditure of which would be accepted as a full discharge, as aforesaid.

Ante, p. 554.

Limitation of the descriptions of stock to be paid or expended.

Such state may obtain a discharge by the payment or expenditure of a sum of money, &c.

Provision including expenditures on fortifications before their cession to the U. States.

SEC. 2. *Provided always, and be it further enacted*, That if any such state as is aforesaid shall have expended, since the establishment of the present government of the United States, any sum of money in fortifying any place since ceded by such state to the United States, or