

STATUTE I.

March 26, 1804.

Act of March 16, 1802, ch. 9.
 Act of March 3, 1815, ch. 78.
 Act of April 24, 1816, ch. 69.
 Act of April 14, 1818, ch. 56.
 Act of May 12, 1820, ch. 96.
 Act of March 2, 1821, ch. 12.

More surgeon's mates may be appointed.

An equivalent in malt liquors or low wines for whiskey, &c.

STATUTE I.

March 26, 1804.

Act of April 30, 1790, ch. 9.
 Punishment to a person other than the owner who shall cast away, &c. a vessel at sea.

Punishment to the owner for the like offence.

Persons may be tried and punished for crimes under the revenue laws in five years from

CHAP. XXXIX.—*An Act, in addition to "An act for fixing the military peace establishment of the United States."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be appointed, in addition to the surgeon's mates, provided for by the "act fixing the military peace establishment of the United States," as many surgeon's mates, not exceeding six, as the President of the United States may judge necessary, to be attached to garrisons or posts, agreeably to the provision of the said act.

SEC. 2. *And be it further enacted,* That an equivalent in malt liquor or low wines, may be supplied the troops of the United States, instead of the rum, whiskey or brandy which, by the said act, is made a component part of a ration, at such posts and garrisons, and at such seasons of the year, as, in the opinion of the President of the United States, may be necessary to the preservation of their health.

APPROVED, March 26, 1804.

CHAP. XL.—*An Act in addition to the act intituled "An act for the punishment of certain crimes against the United States." (a)*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person, not being an owner, who shall, on the high seas, wilfully and corruptly cast away, burn, or otherwise destroy any ship or other vessel unto which he belongeth, being the property of any citizen or citizens of the United States, or procure the same to be done, and being thereof lawfully convicted, shall suffer death.

SEC. 2. *Be it further enacted,* That if any person shall, on the high seas, wilfully and corruptly cast away, burn, or otherwise destroy any ship or vessel of which he is owner, in part or in whole, or in any wise direct or procure the same to be done, with intent or design to prejudice any person or persons that hath underwritten, or shall underwrite any policy or policies of insurance thereon, or if any merchant or merchants that shall load goods thereon, or of any other owner or owners of such ship or vessel, the person or persons offending therein being thereof lawfully convicted, shall be deemed and adjudged guilty of felony, and shall suffer death.

SEC. 3. *And be it further enacted,* That any person or persons guilty of any crime arising under the revenue laws of the United States, or incurring any fine or forfeiture by breaches of the said laws, may be prosecuted, tried and punished, provided the indictment or information be found at any time within five years after committing the offence or

(a) Destroying a vessel at sea to the injury of the underwriters. Under the second section of the act of March 26th, 1804, chap. 40, on an indictment for destroying a vessel with intent to prejudice the underwriters, it is sufficient to show the existence of an association actually carrying on the business of insurance, by whose known officers, de facto, the policy was executed, and to prejudice whom the vessel was destroyed; without proving the existence of a legal corporation authorized to insure, or a compliance on the part of such corporation with the terms of its charter, or the validity of the policy of insurance. *United States v. Amedy*, 11 Wheat. 392; 6 Cond. Rep. 362.

The law not making it an offence in the owner to destroy his vessel to the prejudice of the underwriters or the cargo, no evidence can be given to establish charges against the defendant for such destruction, to the prejudice of the underwriters on the cargo, even if the indictment contained such a charge. Evidence of the value of the property insured may be given to show inducements to destroy or preserve it. *The United States v. Richard Johns*, 1 Wash. C. C. R. 363.

It is necessary in the indictment to state that the intent was to prejudice the underwriters. *Ibid.*

The prosecutor on an indictment for destroying a vessel, must show that the insurance is a valid insurance, and if made by an incorporated insurance company, the act of incorporation must be shown, and the contract of insurance must be shown to have been executed. *Ibid.*

The legal meaning of the term "destroy" by the act of Congress is to unfit the vessel for service beyond the hope of ordinary means. This, as to the extent of the injury, is synonymous with "cast away." Both mean, such an act as causes the vessel to perish and to be lost, or to be irrecoverable by ordinary means. *Ibid.*