

STATUTE I.

March 26, 1804.

CHAP. L.—*An Act supplementary to the act intituled "An act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President, in case of vacancies in the offices both of President and Vice President."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the amendment proposed during the present session of Congress, to the constitution of the United States, respecting the manner of voting for President and Vice President of the United States, shall have been ratified by the legislatures of three fourths of the several states, 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, in which the laws of the United States are annually published.(a) The executive authority of each state shall cause a transcript of the said notification to be delivered to the electors appointed for that purpose, who shall first thereafter meet in such state, for the election of a President and Vice President of the United States: and whenever the said electors shall have received the said transcript of notification, or whenever they shall meet more than five days subsequent to the publication of the ratification of the above-mentioned amendment, in one of the newspapers of the state, by the Secretary of State, they shall vote for President and Vice President of the United States, respectively, in the manner directed by the above-mentioned amendment, and having made and signed three certificates of all the votes given by them, each of which certificate shall contain two distinct lists, one, of the votes given for President, and the other, of the votes given for Vice President: they shall seal up the said certificates, certifying on each, that lists of all the votes of such state given for President, and of all the votes given for Vice President, is contained therein, and shall cause the said certificates to be transmitted and disposed of, and in every other respect act in conformity with the provisions of the act to which this is a supplement. And every other provision of the act to which this is a supplement, and which is not virtually repealed by this act, shall extend and apply to every election of a President and Vice President of the United States, made in conformity to the above-mentioned amendment to the constitution of the United States.

And whereas, the above-mentioned amendment may be ratified by the legislatures of three fourths of the states, and thereupon become immediately valid, to all intents and purposes, as part of the constitution, on a day so near the day fixed by law for the meeting of the electors in the several states, that the electors shall not in every state be apprised of the said ratification, and may vote in a manner no longer conformable with the constitution, as amended, whereby several states might be deprived of their vote in the election of a President and Vice President: for remedy whereof,

SEC. 2. *Be it further enacted,* That the electors who shall be appointed in each state for the election of a President and Vice President of the United States, shall at every such election, unless they shall have received a transcript of the notification of the ratification of the above-mentioned amendment to the constitution, or unless they shall meet more than five days subsequent to the publication of the said ratification by the Secretary of State, in one of the newspapers of the state, vote for President and Vice President of the United States, in the following manner, that is to say: they shall vote for two persons as President and Vice President, in conformity with the first section of the second article of the constitution. And in other respects act in conformity with the

Twelfth amendment to the constitution of the U. States, 22.

Act of March 1, 1792, ch. 8, vol. i. 239.

The secretary of state to notify the executives of the proposed amendment when ratified and to have it published.

Transcripts of the notification to be delivered to the electors; who are to give their votes conformably with the amendment.

How certificates of their votes are to be made, and forwarded.

Provisions of a former, not inconsistent with this act extended to all future elections.

Act of March 1, 1792, ch. 8, vol. i. 239.

Electors to vote by distinct ballots for President and Vice President, according to the 1st sec. of the 2d art. of the constitution, and according to the proposed amendment: if they be uninformed at the time of the fate of the amendment:—

(a) The amendment was proposed in October 1803, and was ratified before September 1804.

And to make returns accordingly.

Which of these are to be opened and inspected.

In case of a vote under the constitution of the U. States, as it now stands, and one according to the amendment proposed, lists of the electors to be given to the electors, and one of these lists forwarded.

provisions of the act to which this act is a supplement; and they shall likewise vote for one person as President, and for one person as Vice President, in conformity with the above-mentioned amendment of the constitution; and in other respects act in conformity with the provisions of the first section of this act. But those certificates only, of votes given for President and Vice President of the United States, shall be opened by the president of the Senate, for the purpose of being counted, which shall contain the list or lists of votes given in conformity with the constitution, as in force on the day fixed by law for the meeting of the electors, by whom the said votes shall have been given.

SEC. 3. *And be it further enacted*, That whenever, by the provisions of the second section of this act, it shall be the duty of the electors for any state, to vote in conformity, both with the constitution, and of the proposed amendment thereto, the executive authority of such state shall cause six lists of the names of the electors for the state, to be made and certified, and to be delivered to the said electors, on or before the day fixed by law for them to meet and vote for President and Vice President; and the said electors shall enclose one of the said lists in each of the certificates by them made and sealed, in conformity with the provisions of this act, and of the act to which this is a supplement.

APPROVED, March 26, 1804.

STATUTE I.

March 27, 1804.

Act of April 14, 1792, ch. 24.

Act of Feb. 28, 1803, ch. 9.

Repeal of part of a former act. Act of March 3, 1817, ch. 40.

Powers of attorney for the transfer of stock and receipt of interest, in other respects formal, not to be affected by the want of consular certificates.

CHAP. LI.—*An Act to repeal a part of the act intituled "An act supplementary to the act concerning Consuls and Vice Consuls, and for the further protection of American seamen."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the ninth section of the act, intituled "An act supplementary to the act concerning consuls and vice consuls, and for the further protection of American seamen," passed the twenty-eighth of February, one thousand eight hundred and three, be, and the same is hereby repealed.

SEC. 2. *And be it further enacted*, That all powers of attorney for the transfer of any stock of the United States, or for the receipt of interest thereon, executed in a foreign country, since the thirtieth day of June one thousand eight hundred and three, according to the forms in use at the treasury of the United States prior to the said thirtieth day of June, one thousand eight hundred and three, shall be valid to all intents and purposes: any provision in the aforesaid section hereby repealed to the contrary notwithstanding.

APPROVED, March 27, 1804.

STATUTE I.

March 27, 1804.

Act of Dec. 31, 1792, ch. 1.

No ship or vessel to be registered as a vessel of the U. States, if owned by persons residing in foreign countries a certain length of time.

CHAP. LII.—*An Act to amend the act intituled "An act concerning the registering and recording of ships and vessels."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no ship or vessel shall be entitled to be registered as a ship or vessel of the United States, or if registered, to the benefits thereof, if owned in whole or in part by any person naturalized in the United States, and residing for more than one year in the country from which he originated, or for more than two years in any foreign country, unless such person be in the capacity of a consul or other public agent of the United States: (a) *Provided*, that

(a) A naturalized citizen, who in time of peace, returns to his native country for the purposes of trade, but with the intention of returning again to his adopted country, continuing in the former country a year after the commencement of hostilities, for the purpose of winding up his business, engaging in no new commercial transactions with the enemy, and then returning to his adopted country, has gained a domicile in his native country, and his goods are subject to capture and condemnation. The Frances, 8 Cranch, 335; 3 Cond. Rep. 154. See also the Dos Hermanos, 2 Wheat. 76; 4 Cond. Rep. 39.