

STATUTE II.

March 1, 1823.

CHAP. XXII.—*An Act to regulate the commercial intercourse between the United States and certain British colonial ports. (a)*

First, second, and third sections of the act concerning navigation, act of April 18, 1818, ch. 65, and the act of May 15, 1820, ch. 122, suspended as to certain British colonial ports.

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, the first, second, and third, sections of the "Act concerning navigation," approved on the eighteenth of April, one thousand eight hundred and eighteen, and the "Act supplementary to an act concerning navigation," approved on the fifteenth of May, one thousand eight hundred and twenty, shall be, and the same are hereby, suspended, for and during the continuance of this act, so far as any of the restrictions or prohibitions therein contained, limit or interdict the intercourse of navigation or commerce between the ports of the United States and the British colonial ports hereinafter mentioned, to wit:

Kingston, in Jamaica. Savannah Le Mar, do. Montego Bay, do. Santa Lucia, do. Antonia, do. Saint Ann, do. Falmouth, do. Maria, do. Morant Bay and Annotto Bay, do. Saint George, in Grenada. Roseau, in Dominica. Saint John's, in Antigua. San Josef, in Trinidad. Scarborough, in Tobago. Road Harbour, in Tortola. Nassau, in New Providence. Pitt's town, in Crooked Island. Kingston, in Saint Vincent. Port Saint George and Port Hamilton, in Bermuda. Any port where there is a custom-house, in Bahamas. Bridgetown, in Barbadoes. Saint John's and Saint Andrew's, in New Brunswick. Halifax, in Nova Scotia. Quebec, in Canada. Saint John's, in Newfoundland. Georgetown, in Demarara. New Amsterdam, in Berbice. Castries, in Saint Lucia. Basseterre, in Saint Kitts. Charlestown, in Nevis. Plymouth, in Montserrat.

The ports of the United States to be open to British vessels directly from such ports.

SEC. 2. *And be it further enacted,* That, from and after the said third day of March next, the ports of the United States shall be open to any British vessel coming directly from any of the British colonial ports above enumerated: and it shall be lawful to import in the said vessels, being navigated by a master and three-fourths, at least, of the mariners, British subjects, any articles of the growth, produce, or manufacture, of any of the said British colonies, the importation of the like articles to which, from elsewhere, is not, nor shall not be, prohibited by law, and which may be exported from any of the said enumerated British ports to the United States, on equal terms, in vessels belonging to the said states.

The President may, by proclamation, declare no higher duty to be levied upon British vessels and goods from these ports than upon United States vessels, on certain conditions.

SEC. 3. *And be it further enacted,* That, on proof being given to the President of the United States, satisfactory to him, that, upon the vessels of the United States admitted into the above enumerated British colonial ports, and upon any goods, wares, or merchandise, imported therein, in the said vessels, no other or higher duties of tonnage or impost, and no other charges of any kind, are levied or exacted than upon British vessels, or upon the like goods, wares, and merchandise, imported into the said colonial ports from elsewhere, it shall and may be lawful for the President of the United States to issue his proclamation, declaring that no other or higher duty of impost or tonnage and no other or higher duty or charge of any kind, upon any goods, wares or merchandise, imported from the above enumerated British colonial ports, in British vessels, shall be levied or exacted in any of the ports of the United States, (excepting the ports in the territory of Florida,) than upon the vessels of the United States, and upon the like goods, wares, or merchandise, imported

(a) An open boat is not a ship or vessel within the purview of the statutes of 1820, ch. 122, and 1823, ch. 22, which prohibit commercial intercourse with the British colonies. *United States v. An open boat and lading*, 5 Mason's C. C. R. 120.

It seems that notwithstanding those statutes, open British boats may visit the United States, if not destined for trade. *Ibid.*

British ships or vessels, excluded from the ports of the United States by those statutes, are such as are owned by British subjects having a British domicile, and sailing under the British flag, and not British ships or vessels owned by British subjects domiciled in the United States. *Ibid.*

into the ports of the United States in the same: *Provided always*, That until such proof shall be given, British vessels coming from the said British colonial ports, and the goods, wares, and merchandise, imported in the same into the United States, shall continue to pay the foreign tonnage duty, and the additional duties upon goods, wares, and merchandise, imported in foreign vessels prescribed by the "Act to regulate the duties on imports and tonnage," approved the twenty-seventh of April, one thousand eight hundred and sixteen.

SEC. 4. *And be it further enacted*, That no articles whatsoever, specie and bullion excepted, other than articles of the growth, produce, or manufacture, of the British colonies to which the said enumerated ports belong, shall be imported into the United States, in British vessels, coming from any of the said enumerated ports; and that no articles whatsoever, being of the growth, produce or manufacture, of the British colonies, to which the said enumerated ports belong, shall be imported into the United States, in any British vessel, other than a vessel coming directly from one of the said enumerated ports, on pain of forfeiting all such articles, together with the ship or vessel in which the same shall have been imported, and her guns, tackle, apparel, and furniture.

SEC. 5. *And be it further enacted*, That it shall be lawful to export from the United States, directly to any of the above enumerated British colonial ports, in any vessel of the United States, or in any British vessel, navigated as by the second section of this act is prescribed, and having come directly from any of the above enumerated British colonial ports, any article of the growth, produce, or manufacture, of the United States, or any other article legally imported therein, the exportation of which, elsewhere, shall not be prohibited by law; *Provided*, That when exported in any such British vessel, before the shipment of any such articles, security, by bond, shall be given to the United States, in a penalty equal to half the value of the said articles: such bond to be taken of the owner, consignee, or agent, by the collector of the port at which the said British vessel shall have entered, for the due landing of the said articles, at the port or ports, being of the British colonial ports herein above enumerated, for which the said vessel shall clear out, and for producing a certificate thereof, within twelve months from the date of said bond, under the hand and seal of the consul, or commercial agent of the United States, resident at the port where the said articles shall have been landed; or if there shall be no consul or commercial agent of the United States residing there, such certificate to be under the hand and seal of the chief officer of the customs at such port, or under the hand and seal of two known and reputable merchants residing at such port; but such bond may be discharged, by proof, on oath, by credible persons, that the said articles were taken by enemies, or perished in the seas. And it shall not be lawful to export, from the United States, any article whatsoever, to any of the above enumerated British colonial ports, in any British vessel, other than such as shall have come directly from one of the said ports to the United States; nor shall it be lawful to export from the United States any article whatsoever, in any British vessel, having come from any of the said enumerated ports, to any other port or place, whatsoever, than directly to one of the said ports. And in case any such articles shall be shipped or waterborne, for the purpose of being exported contrary to this act, the same shall be forfeited, and shall and may be seized and prosecuted, in like manner as for any other violation of the revenue laws of the United States.

SEC. 6. *And be it further enacted*, That this act, unless repealed, altered, or amended, by Congress, shall be and continue in force so long as the above enumerated British colonial ports shall be open to the admission of vessels of the United States, conformably to the provisions of the British

Proviso.

April 27, 1816,
ch. 107.

Articles of
the growth, pro-
duce, or manu-
facture of the
British colonies
only to be so
imported in
British vessels.

And said ves-
sels to come di-
rectly from said
ports.

Goods of the
United States
may be export-
ed to any of
said ports in
British vessels.

Proviso.

This act to
continue in
force so long as
the said ports
are open to ves-

vessels of the
United States.

Act of April
18, 1818, ch. 70.
Act of May
15, 1820, ch. 122.

Any other
British colonial
port being open
to vessels of the
United States,
shall have the
benefit of this
act.

Bond to be
prescribed by
the Secretary of
the Treasury.

Mitigation
and remission
of forfeitures,
&c.

act of Parliament of the 24th of June last, being the forty-fourth chapter of the acts of the third year of George the Fourth. But if at any time the trade and intercourse between the United States and all or any of the above enumerated British colonial ports, authorized by the said act of Parliament, should be prohibited by a British order in council, or by act of Parliament, then, from the day of the date of such order in council, or act of Parliament, or from the time that the same shall commence to be in force, proclamation to that effect having been made by the President of the United States, each and every provision of this act, so far as the same shall apply to the intercourse between the United States and the above enumerated British colonial ports, in British vessels, shall cease to operate in their favour; and each and every provision of the "Act concerning navigation," approved on the eighteenth of April, one thousand eight hundred and eighteen; and of the act supplementary thereto, approved on the fifteenth of May, one thousand eight hundred and twenty; shall revive and be in full force.

SEC. 7. *And be it further enacted*, That if any British colonial port in the American hemisphere, other than those hereinabove enumerated, should, by virtue of a British order in Council, be opened to vessels of the United States, conformably to the provisions of the said act of Parliament of the twenty-fourth of June last, each and every provision of this act shall extend to the same, from the time when it shall be so opened to the vessels of the United States.

SEC. 8. *And be it further enacted*, That the form of the bond aforesaid shall be prescribed by the Secretary of the Treasury; and all penalties and forfeitures, incurred under this act, shall be sued for, recovered, distributed, and accounted for, and the same may be mitigated or remitted, in the manner and according to the provisions of the revenue laws of the United States.

APPROVED, March 1, 1823.

STATUTE II.

March 1, 1823.

Terms of the
district court of
Kentucky altered.

CHAP. XXIII.—*An Act to alter the time of holding the district court of the United States for the district of Kentucky.* (a)

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, from and after the next term of the district court of the United States for the district of Kentucky, the said court shall hold its terms on the second Monday in April and October in each year.

APPROVED, March 1, 1823.

- (a) The acts establishing the sessions of the district courts of Kentucky are:
- An act to establish the judicial courts of the United States, September 24, 1789, ch. 20, sec. 2.
 - An act making certain alterations in the act for establishing the judicial courts, and altering the time and place of holding certain courts, June 9, 1794, ch. 64, sec. 8.
 - An act concerning the circuit courts of the United States, March 3, 1797, ch. 27, sec. 6.
 - An act for altering the times for holding the circuit court in the district of North Carolina, and for abolishing the July term of the Kentucky district court, Feb. 28, 1806, ch. 13, sec. 2.
 - An act establishing the circuit courts, and abridging the jurisdiction of the district courts of Kentucky, Tennessee, and Ohio, Feb. 24, 1807, ch. 16, sec. 4.
 - An act supplementary to the act entitled "An act to amend the act entitled 'An act establishing circuit courts and abridging the jurisdiction of the district courts of the districts of Kentucky, Tennessee, and Ohio,'" Feb. 4, 1809, ch. 14.
 - An act to alter the time of holding the district court of the United States for the district of Kentucky, March 1, 1823, ch. 22.
 - An act to change the terms of the district courts of the United States for the Kentucky district, March 24, 1824, ch. 30.