Statute II.

March 2, 1831.

Chap. XCVIII.—*An Act to regulate the foreign and coasting trade on the northern, north-eastern, and north-western frontiers of the United States, and for other purposes.* (*a*)

Custom-house fees on United States vessels.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, from, and after the first day of April next, no custom-house fees shall be levied or collected on any raft, flat, boat, or vessel, of the United States, entering otherwise than by sea, at any port of the United States on the rivers and lakes on our northern, north-eastern, and north-western frontiers.

Tonnage duties, &c. on British vessels.

Sec. 2. *And be it further enacted,* That, from and after the first day of April next, the same and no higher tonnage duties and custom-house charges of any kind shall be levied and collected on any British colonial raft, flat, boat, or vessel, entering otherwise than by sea at any port of the United States on the rivers and lakes on our northern, north-eastern and north-western frontiers, than may be levied and collected on any raft, flat, boat, or vessel, entering otherwise than by sea at any of the ports of the British possessions on our northern, north-eastern and north-western frontiers: and that, from and after the first day of April next, no higher discriminating duty shall be levied or collected on merchandise imported into the United States in the ports aforesaid, and otherwise than by sea, than may be levied and collected on merchandise when imported in like manner otherwise than by sea, into the British possessions on our northern, north-eastern and north-western frontiers from the United States.

License, &c. to United States vessels.

Sec. 3. *And be it further enacted,* That, from and after the passage of this act, any boat, sloop, or other vessel, of the United States, navigating the waters on our northern, north-eastern and north-western frontiers, otherwise than by sea, shall be enrolled and licensed in such form as may be prescribed by the Secretary of the Treasury; which enrolment and license shall authorize any such boat, sloop, or other vessel, to be employed either in the coasting or foreign trade; and no certificate of registry shall be required for vessels so employed on said frontiers; *Provided,* That such boat, sloop, or vessel, shall be in every other respect liable to the rules, regulations, and penalties, now in force, relating to registered vessels on our northern, north-eastern and north-western frontiers.

Proviso.

Compensation to collector.

Sec. 4. *And be it further enacted,* That in lieu of the fees, emoluments, salary, and commissions, now allowed by law to any collector or surveyor of any district on our northern, north-eastern and north-western lakes and rivers, each collector or surveyor, as aforesaid, shall receive, annually, in full compensation for these services, an amount equal to the entire compensation received by such officer during the past year.

Approved, March 2, 1831.

Statute II.

March 2, 1831.

Chap. XCIX.—*An Act declaratory of the law concerning contempts of court.* (*b*)

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the power of the several

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(*a*) See notes of the acts relating to the coasting trade, vol. iii. p. 492.

(*b*) The decisions of the courts of the United States on the law applicable to contempts of courts are,

The courts of the United States have no common law jurisdiction of crimes against the United States. But, independent of statutes, the courts of the United States have power to fine for contempts, and imprison for contumacy, and to enforce obedience to their orders, &c. The United States *v.* Hudson et al., 7 Cranch, 32; 2 Cond. Rep. 405.

The Supreme Court will not grant a habeas corpus, to bring before it the body of a person confined for a contempt of a circuit court of the United States. Nor, in such a case, will the court inquire into the cause of the commitment of such person. Ex parte Kearney, 7 Wheat. 38; 5 Cond. Rep. 225.

Where a court commits a person for a contempt, their adjudication is a conviction; and their commitment, in consequence, is execution. *Ibid.*

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Cases for summary proceedings.

courts of the United States to issue attachments and inflict summary punishments for contempts of court, shall not be construed to extend to any cases except the misbehaviour of any person or persons in the presence of the said courts, or so near thereto as to obstruct the administration of justice, the misbehaviour of any of the officers of the said courts in their official transactions, and the disobedience or resistance by any officer of the said courts, party, juror, witness, or any other person or persons, to any lawful writ, process, order, rule, decree, or command of the said courts.

Cases for indictment.

Sec. 2. *And be it further enacted*, That if any person or persons shall, corruptly, or by threats or force, endeavour to influence, intimidate, or impede any juror, witness, or officer, in any court of the United States, in the discharge of his duty, or shall, corruptly, or by threats or force, obstruct, or impede, or endeavour to obstruct or impede, the due administration of justice therein, every person or persons, so offending, shall be liable to prosecution therefor, by indictment, and shall, on conviction thereof, be punished, by fine not exceeding five hundred dollars, or by imprisonment, not exceeding three months, or both, according to the nature and aggravation of the offence.

Approved, March 2, 1831.

Statute II.

March 3, 1831.

[Obsolete.]

Chap. CIII.—*An Act making appropriations for building lighthouses, lightboats, beacons, and monuments, and placing buoys.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the following appropriations be, and the same are hereby, made, and directed to be paid out of any money in the treasury not otherwise appropriated, to enable the Secretary of the Treasury to provide, by contract, for building lighthouses, lightboats, beacons, and monuments, and placing buoys, to wit:

One who was not a Quaker, who refused to be sworn as a witness, on the ground of conscientious scruples, arising from a declaration formerly made, was committed, by the circuit court of Massachusetts for a contempt of the court; the liberty to affirm being strictly confined to Quakers, by the law and practice of Massachusetts. The United States *v.* Coolidge, 2 Gallis. C. C. R. 364.

That a counsellor, practising in the highest court of the state of New York, in which he resides, had been struck off from the roll of counsellors of the district court of the United States for the northern district of New York, by the order of the judge of that court for a contempt, does not authorize the Supreme Court to refuse his admission as a counsellor of the Supreme Court. Ex parte Tillinghast, 4 Peters, 108.

The Supreme Court does not consider the circumstances upon which the order of the district judge was given within its cognisance; or, that it is authorized to punish for a contempt, which may have been committed in the district court of the northern district of New York. *Ibid.*

If, from any collateral evidence, it should appear that there is reason to believe the respondent has perjured himself, the circuit court will recognise him to answer at the next term of the court, to such matters as may be found against him. United States *v.* Dodge, 2 Gallis. C. C. R. 313.

Unfair practices towards a witness who is to give testimony in court, or oppression under colour of its process, although those practices and that oppression were acted out of the district in which the court is sitting, may be punished by attachment, provided the person who has thus demeaned himself comes within the jurisdiction of the court. But, it is also believed that this mode of punishment ought not to be adopted, unless the deviation from law could be clearly attached to the person against whom the motion was made; and unless the deviation were intentional; or unless the course of judicial proceeding were or might be so affected by it as to to make a punishment in this mode obviously conducive to a fair administration of justice. 1 Burr's Trial, 355.

Any publication, pending a suit, reflecting upon the court, the jury, the parties, the officers of the court, the counsel, &c., in reference to the suit, or tending to influence the decision of the controversy, is a contempt of the court, and punishable by attachment. Hollingsworth *v.* Duane, Wallace's C. C. R. 77.

For contempts to inferior jurisdictions, not of record, nor having a general power to fine and imprison, unless committed in presence of the officer, and punished instanter, there is no other mode of punishment than by indictment. *Ibid.*

It is not a contempt to serve a party, while attending at the court as a party in the cause, or as a witness, with a summons. The privilege extends to exemption from arrest, but no further. Blight's Ex'rs *v.* Fisher et al., Peters' C. C. R. 41.

It is a contempt of court to serve process, either of summons or capias, in the actual or constructive presence of the court. *Ibid.*