

respectively, as are already prescribed by law in relation to the duties now in force on the articles on which the said additional duty is laid by this act.

Distinct account of the duties imposed by this act: proceeds to be called the "Mediterranean fund:" when the duties cease.

Proviso, that the additional duties shall be collected on all goods imported before the act ceases.

President authorized to employ a naval force in the Mediterranean.

President may purchase or build two additional vessels of war.

An additional sum appropriated, not to exceed one million of dollars.

President authorized to borrow this sum.

Bank of the U. States authorized to lend.

See acts of 1809, ch. 7, 1810, ch. 5, 1813, ch. 40.

Accounts to be laid before Congress.

SEC. 2. *And be it further enacted*, That a distinct account shall be kept of the duties imposed by this act, and the proceeds thereof shall constitute a fund, to be denominated "The Mediterranean Fund," and shall be applied solely to the purposes designated by this act: and the said additional duty shall cease and be discontinued at the expiration of three months after the ratification by the President of the United States, of a treaty of peace with the regency of Tripoli; unless the United States should then be at war with any other of the Barbary powers, in which case the said additional duty shall cease and be discontinued at the expiration of three months after the ratification by the President of the United States of a treaty of peace with such power: *Provided however*, that the said additional duty shall be collected on all such goods, wares, and merchandise, liable to pay the same, as shall have been imported previous to the day on which the said duty is to cease.

SEC. 3. *And be it further enacted*, That the President of the United States, if he shall deem it necessary, shall be, and he is hereby authorized to cause to be purchased or built, officered, manned and equipped, two vessels of war, to carry not more than sixteen guns each, and likewise to hire or accept on loan in the Mediterranean sea, as many gun boats as he may think proper.

SEC. 4. *And be it further enacted*, That a sum not exceeding one million of dollars, to be paid out of any money in the treasury not otherwise appropriated, shall be, and the same is hereby appropriated (in addition to the sum heretofore appropriated for the same objects) for the purpose of defraying any of the expenses authorized by this act, which may be incurred during the present year: or if necessary the President of the United States is hereby authorized to borrow the said sum, or such part thereof as he may think proper, at a rate of interest not exceeding six per centum per annum, from the Bank of the United States, which is hereby empowered to lend the same, or from any other body or bodies politic or corporate, or from any person or persons; and so much of the proceeds of the duties laid by this act, as may be necessary, shall be and is hereby pledged for replacing in the treasury, the said sum of one million of dollars, or so much thereof as shall have been thus expended, and for paying the principal and interest of the said sum, or so much thereof as may be borrowed, pursuant to the authority given in this section: and an account of the several expenditures made under this act, shall be laid before Congress during their next session.

APPROVED, March 26, 1804.

STATUTE I.

March 26, 1804.

CHAP. XLVII.—*An Act in addition to an act intituled "An act to establish an uniform rule of naturalization, and to repeal the acts heretofore passed on that subject."*(a)

Certain aliens permitted to become citizens of the U. States who resided in the U. States between the 18th June, 1798, and 14th April, 1802.

Act of April 14, 1802, ch. 28.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any alien, being a free white person, who was residing within the limits and under the jurisdiction of the United States, at any time between the eighteenth day of June, one thousand seven hundred and ninety-eight, and the fourteenth day of April, one thousand eight hundred and two, and who has continued to reside within the same, may be admitted to become a citizen of the United States, without a compliance with the first condition specified in the first section of the act, intituled "An act to establish an

(a) See notes to act of March 26, 1790, chap. 3, vol. i. 103, 104.

uniform rule of naturalization; and to repeal the acts heretofore passed on that subject."

SEC. 2. *And be it further enacted*, That when any alien who shall have complied with the first condition specified in the first section of the said original act, and who shall have pursued the directions prescribed in the second section of the said act, may die, before he is actually naturalized, the widow and the children of such alien shall be considered as citizens of the United States, and shall be entitled to all rights and privileges as such, upon taking the oaths prescribed by law.

APPROVED, March 26, 1804.

After an alien shall have complied with certain directions his widow and children made citizens of the U. States.

STATUTE I.

March 26, 1804.

CHAP. XLVIII.—*An Act in relation to the Navy Pension Fund.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the money accruing or which has already accrued to the United States, from the capture of prizes authorized by law, and which has not already been paid to the Secretary of the Navy, the Secretary of the Treasury, and the Secretary of War, as commissioners of the navy pension fund, shall be paid to the treasurer of the United States.

Act of March 2, 1799, ch. 24, sec. 9, 10. Act of April 23, 1800, ch. 33, sec. 9, 10. Act of April 16, 1816, ch. 58, Act of March 3, 1817, ch. 60. Act of March 3, 1819, ch. 79.

SEC. 2. *And be it further enacted*, That it shall be the duty of the treasurer of the United States, to receive all the money so accruing, and to disburse the same pursuant to warrants from the Secretary of the Navy, countersigned by the accountant of the navy; and a distinct quarterly account of the monies thus received and disbursed shall be rendered by the said treasurer to the accounting officers of the treasury, in the same manner as is provided for other public monies received by him.

Money arising from captures, not already paid over, to be paid to the treasurer.

How the money is to be disbursed by the treasurer.

SEC. 3. *And be it further enacted*, That it shall be the duty of the accountant of the navy to receive and settle all accounts whatever, in relation to the navy pension fund, and report from time to time, all such settlements, as shall have been made by him, for the inspection and revision of the accounting officers of the treasury, in the same manner as in other cases of public accounts.

A distinct quarterly account of it to be rendered.

Accountant of the navy to receive and settle all navy pension accounts, and report the same.

SEC. 4. *And be it further enacted*, That the comptroller of the treasury shall be fully authorized and empowered to direct suits for the recovery of any sums now due, or which may hereafter be due to the United States, for prizes as aforesaid, and to prosecute the same in the name of the United States, in the same manner as in other cases for the recovery of monies due to the United States.

Comptroller authorized to institute suits for prize money.

Commissioners of the navy pension fund may appoint a secretary. His duties and emoluments.

SEC. 5. *And be it further enacted*, That the commissioners of the navy pension fund be, and they are hereby authorized to appoint a secretary, who shall perform all such duties in relation to the fund, as they shall require of him; and shall receive for his services, a salary not exceeding two hundred and fifty dollars per annum, to be paid quarterly at the treasury of the United States, and charged to the same fund.(a)

(a) See note to chapter 53, *post*, page 297, Navy Pension Fund. By an act passed 10th July, 1832, Congress authorized the appointment of a separate and permanent navy agent at Washington, and directed the performance of the duties, "not only for the navy yard in the City of Washington, but from the navy department, under the direction of the Secretary of the Navy, in the payment of such accounts and claims as the secretary may direct." These duties would not have been so specially stated in this act, if they had been considered by Congress as coming within the ordinary duties of an agent of the navy yard at Washington, under the act of 1804. But independent of this consideration, it is enough to know, that the duties in question were discharged by the defendant, under the construction given to the law by the Secretary of the Navy. *United States v. Macdaniel*, 7 Peters, 1.

The United States instituted a suit to recover a balance charged on the books of the treasury department, against the defendant, who was a clerk in the navy department, upon a fixed annual salary, and acted as agent for the payment of moneys due to the navy pensioners, the privateer pensioners, and for navy disbursements, for the payment of which, funds were placed in his hands by government. He claimed these commissions at the treasury, and the claim had been there rejected by the accounting offi-