

STATUTE II.

March 1, 1809.

[Expired.]

Act of June 28, 1809, ch. 9.

Entrance of the ports and harbors of the U. States forbidden to the public vessels of England and France, after March 1, 1809.

President may cause eventual measures to be taken by the naval forces and militia.

Intercourse with such vessels forbidden, or to supply them with necessaries.

Penalties, from 100 to 10,000 dollars.

CHAP. XXIV.—*An Act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies; and for other purposes.* (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 passing of this act, the entrance of the harbors and waters of the United States and of the territories thereof, be, and the same is hereby interdicted to all public ships and vessels belonging to Great Britain or France, excepting vessels only which may be forced in by distress, or which are charged with despatches or business from the government to which they belong, and also packets having no cargo nor merchandise on board. And if any public ship or vessel as aforesaid, not being included in the exception above mentioned, shall enter any harbor or waters within the jurisdiction of the United States, or of the territories thereof, it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land and naval forces, or of the militia of the United States, or the territories thereof, as he shall deem necessary, to compel such ship or vessel to depart.

SEC. 2. *And be it further enacted,* That it shall not be lawful for any citizen or citizens of the United States or the territories thereof, nor for any person or persons residing or being in the same, to have any intercourse with, or to afford any aid or supplies to any public ship or vessel as aforesaid, which shall, contrary to the provisions of this act, have entered any harbor or waters within the jurisdiction of the United States or the territories thereof; and if any person shall, contrary to the provisions of this act, have any intercourse with such ship or vessel, or shall afford any aid to such ship or vessel, either in repairing the said vessel or in furnishing her, her officers or crew with supplies of any kind or in any manner whatever, or if any pilot or other person shall assist in navigating or piloting such ship or vessel, unless it be for the purpose of carrying her beyond the limits and jurisdiction of the United States, every person so offending, shall forfeit and pay a sum not less than one hundred dollars, nor exceeding ten thousand dollars; and shall

(a) Cases decided on the non-intercourse laws:—

Upon an indictment under the non-intercourse laws, for putting goods on board a carriage, with intent to transport them out of the United States, contrary to the act of January 9, 1809, the punishment of which offence is a fine of four times the value of the goods, it is not necessary that the jury should find the value of the goods. *United States v. John Tyler*, 7 Cranch, 285; 2 Cond. Rep. 492.

Under the non-intercourse law, a vessel in March, 1811, had no right to come into the waters of the United States, to inquire whether she might land her cargo. *The Brig Penobscot v. The United States*, 7 Cranch, 356; 2 Cond. Rep. 528.

Wines, the produce of France, imported into the United States before the non-intercourse act; re-exported to a Danish island, and there sold to a merchant of that place; and thence exported to New Orleans, during the operation of the non-intercourse law, were liable to forfeiture under that law. *The schooner Hoppet v. The United States*, 7 Cranch, 389; 2 Cond. Rep. 542.

The non-intercourse act of March 1, 1809, was in force between the 2d of February and the 2d of March, 1811, by virtue of the President's proclamation of November 2, 1810. *The schooner Anne v. The United States*, 7 Cranch, 570.

The non-intercourse act of 28th June, 1809, which requires a vessel bound to a permitted port, to give bond in double the amount of vessel and cargo, not to go to a prohibited port, is applicable to a vessel sailing in ballast. *The ship Richmond v. The United States*, 9 Cranch, 102; 3 Cond. Rep. 294.

Under the non-intercourse act of 1809, a vessel from Great Britain had a right to lay off the coast of the United States, to receive instructions from her owners in New York; and if necessary, to drop anchor; and in case of a storm to make a harbor; and if prevented by a mutiny of her crew from putting to sea again, she might wait in the waters of the United States for orders. *The cargo of the ship Fanny*, 9 Cranch, 181; 3 Cond. Rep. 347.

Under the 3d section of the act of 28th June, 1809, every vessel bound to a foreign permitted port, was obliged to give a bond, with a condition not to proceed to any port with which commercial intercourse was not permitted, nor to trade with such port. *The Edward, Scott claimant*, 1 Wheat. 261; 3 Cond. Rep. 565.

The obvious intention of the legislature of the United States, by the non-intercourse laws, was to prohibit the American citizens and property from a commerce with foreign nations. *The Sally and cargo*, 1 Gallis. C. C. R. 58.

At no time was it illegal for a foreign vessel to depart from the United States in ballast. *Ibid.*

also be imprisoned for a term not less than one month, nor more than one year.

SEC. 3. *And be it further enacted*, That from and after the twentieth day of May next, the entrance of the harbors and waters of the United States and the territories thereof be, and the same is hereby interdicted to all ships or vessels sailing under the flag of Great Britain or France, or owned in whole or in part by any citizen or subject of either; vessels hired, chartered or employed by the government of either country, for the sole purpose of carrying letters or despatches, and also vessels forced in by distress or by the dangers of the sea, only excepted. And if any ship or vessel sailing under the flag of Great Britain or France, or owned in whole or in part by any citizen or subject of either, and not excepted as aforesaid, shall after the said twentieth day of May next, arrive either with or without a cargo, within the limits of the United States or of the territories thereof, such ship or vessel, together with the cargo, if any, which may be found on board, shall be forfeited, and may be seized and condemned in any court of the United States or the territories thereof, having competent jurisdiction, and all and every act and acts heretofore passed, which shall be within the purview of this act, shall be, and the same are hereby repealed.

SEC. 4. *And be it further enacted*, That from and after the twentieth day of May next, it shall not be lawful to import into the United States or the territories thereof, any goods, wares or merchandise whatever, from any port or place situated in Great Britain or Ireland, or in any of the colonies or dependencies of Great Britain, nor from any port or place situated in France, or in any of her colonies or dependencies, nor from any port or place in the actual possession of either Great Britain or France. Nor shall it be lawful to import into the United States, or the territories thereof, from any foreign port or place whatever, any goods, wares or merchandise whatever, being of the growth, produce or manufacture of France, or of any of her colonies or dependencies, or being of the growth, produce or manufacture of Great Britain or Ireland, or of any of the colonies or dependencies of Great Britain, or being of the growth, produce or manufacture of any place or country in the actual possession of either France or Great Britain: *Provided*, that nothing herein contained shall be construed to affect the cargoes of ships or vessels wholly owned by a citizen or citizens of the United States, which had cleared for any port beyond the Cape of Good Hope, prior to the twenty-second day of December, one thousand eight hundred and seven, or which had departed for such port by permission of the President, under the acts supplementary to the act laying an embargo on all ships and vessels in the ports and harbors of the United States.

SEC. 5. *And be it further enacted*, That whenever any article or articles, the importation of which is prohibited by this act, shall, after the twentieth of May, be imported into the United States, or the territories thereof, contrary to the true intent and meaning of this act, or shall, after the said twentieth of May, be put on board of any ship or vessel, boat, raft or carriage, with intention of importing the same into the United States, or the territories thereof, all such articles, as well as all other articles on board the same ship or vessel, boat, raft or carriage, belonging to the owner of such prohibited articles, shall be forfeited; and the owner thereof shall moreover forfeit and pay treble the value of such articles.

SEC. 6. *And be it further enacted*, That if any article or articles, the importation of which is prohibited by this act, shall, after the twentieth of May, be put on board of any ship or vessel, boat, raft or carriage, with intention to import the same into the United States, or the territories thereof, contrary to the true intent and meaning of this act, and with the knowledge of the owner or master of such ship or vessel, boat,

After the 20th May, all vessels under the flag of Great Britain or France interdicted.

Any vessel under the flag of Great Britain or France shall be forfeited, and if with a cargo, the same to be forfeited.

Importation of goods, &c. &c. from England and France and their dependencies forbidden.

Vessels excepted which cleared for any port beyond the Cape of Good Hope prior to December 22, 1807.

Forfeiture of prohibited articles, &c. &c.

With treble damages.

Articles prohibited to be forfeited if put into vessels, &c. &c. destined for the U. States after 20th May, 1809.

Treble the value of articles.

Prohibited articles not contained in manifest, or included in entry to be forfeited arriving after 20th May, 1809.

Powers of the collector, &c. &c. with respect to seizures.

Persons concealing goods liable to forfeiture.

Additions to the oaths on importation.

Oaths and affirmations to be taken by importers, &c.

Form of oath or affirmation.

President may cause by proclamation a renewal of intercourse.

raft or carriage, such ship or vessel, boat, raft or carriage shall be forfeited, and the owner and master thereof shall moreover each forfeit and pay treble the value of such articles.

Sec. 7. *And be it further enacted*, That if any article or articles, the importation of which is prohibited by this act, and which shall nevertheless be on board of any ship or vessel, boat, raft or carriage, arriving after the said twentieth of May next, in the United States, or the territories thereof, shall be omitted in the manifest, report or entry of the master, or the person having the charge or command of such ship or vessel, boat, raft or carriage, or shall be omitted in the entry of the goods owned by the owner or consigned to the consignee of such articles, or shall be imported, or landed, or attempted to be imported or landed without a permit, the same penalties, fines, and forfeitures, shall be incurred, and may be recovered, as in the case of similar omission or omissions, landing, importation, or attempt to land or import in relation to articles liable to duties on their importation into the United States.

Sec. 8. *And be it further enacted*, That every collector, naval officer, surveyor, or other officer of the customs, shall have the like power and authority to seize goods, wares and merchandise imported contrary to the intent and meaning of this act, to keep the same in custody until it shall have been ascertained whether the same have been forfeited or not, and to enter any ship or vessel, dwelling-house, store, building or other place, for the purpose of searching for and seizing any such goods, wares and merchandise which he or they now have by law in relation to goods, wares and merchandise subject to duty; and if any person or persons shall conceal or buy any goods, wares or merchandise, knowing them to be liable to seizure by this act, such person or persons shall, on conviction thereof, forfeit and pay a sum double the amount or value of the goods, wares and merchandise so concealed or purchased.

Sec. 9. *And be it further enacted*, That the following additions shall be made to the oath or affirmation taken by the masters or persons having the charge or command of any ship or vessel arriving at any port of the United States, or the territories thereof, after the twentieth of May, viz: "I further swear (or affirm) that there are not, to the best of my knowledge and belief, on board, (*insert the denomination and name of the vessel*) any goods, wares or merchandise, the importation of which into the United States, or the territories thereof, is prohibited by law: and I do further swear (or affirm) that if I shall hereafter discover or know of any such goods, wares or merchandise, on board the said vessel, or which shall have been imported in the same, I will immediately, and without delay, make due report thereof to the collector of the port of this district."

Sec. 10. *And be it further enacted*, That the following addition be made, after the twentieth of May, to the oath or affirmation taken by importers, consignees, or agents, at the time of entering goods imported into the United States, or the territories thereof, viz. "I also swear, (or affirm) that there are not, to the best of my knowledge and belief, amongst the said goods, wares and merchandise, imported or consigned as aforesaid, any goods, wares or merchandise, the importation of which into the United States, or the territories thereof, is prohibited by law; and I do further swear (or affirm) that if I shall hereafter discover or know of any such goods, wares or merchandise, amongst the said goods, wares and merchandise, imported or consigned as aforesaid, I will immediately and without delay report the same to the collector of this district."

Sec. 11. *And be it further enacted*, That the President of the United States be, and he hereby is authorized, in case either France or Great Britain shall so revoke or modify her edicts, as that they shall cease to violate the neutral commerce of the United States, to declare the same by proclamation; after which the trade of the United States, suspended

by this act, and by the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto, may be renewed with the nation so doing: *Provided*, that all penalties and forfeitures which shall have been previously incurred, by virtue of this or of any other act, the operation of which shall so cease and determine, shall be recovered and distributed, in like manner as if the same had continued in full force and virtue: and vessels bound thereafter to any foreign port or place, with which commercial intercourse shall by virtue of this section be again permitted, shall give bond to the United States, with approved security, in double the value of the vessel and cargo, that they shall not proceed to any foreign port, nor trade with any country other than those with which commercial intercourse shall have been or may be permitted by this act.

SEC. 12. *And be it further enacted*, That so much of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and of the several acts supplementary thereto, as forbids the departure of vessels owned by citizens of the United States, and the exportation of domestic and foreign merchandise to any foreign port or place, be, and the same is hereby repealed, after the fifteenth day of March, one thousand eight hundred and nine, except so far as they relate to Great Britain or France, or their colonies or dependencies, or places in the actual possession of either: *Provided*, that all penalties and forfeitures which shall have been previously incurred by virtue of so much of the said acts as is repealed by this act, or which have been or may hereafter be incurred by virtue of the said acts, on account of any infraction of so much of the said acts as is not repealed by this act, shall be recovered and distributed in like manner as if the said acts had continued in full force and virtue.

SEC. 13. *And be it further enacted*, That during the continuance of so much of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and of the several acts supplementary thereto, as is not repealed by this act, no ship or vessel bound to a foreign port, with which commercial intercourse shall, by virtue of this act, be again permitted, shall be allowed to depart for such port, unless the owner or owners, consignee or factor of such ship or vessel shall, with the master, have given bond with one or more sureties to the United States, in a sum double the value of the vessel and cargo, if the vessel is wholly owned by a citizen or citizens of the United States; and in a sum four times the value, if the vessel is owned in part or in whole by any foreigner or foreigners, that the vessel shall not leave the port without a clearance, nor shall, when leaving the port, proceed to any port or place in Great Britain or France, or in the colonies or dependencies of either, or in the actual possession of either, nor be directly or indirectly engaged during the voyage in any trade with such port, nor shall put any article on board of any other vessel; nor unless every other requisite and provision of the second section of the act, intituled "An act to enforce and make more effectual an act, intituled An act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto," shall have been complied with. And the party or parties to the above mentioned bond shall, within a reasonable time after the date of the same, to be expressed in the said bond, produce to the collector of the district, from which the vessel shall have been cleared, a certificate of the landing of the same, in the same manner as is provided by law for the landing of goods exported with the privilege of drawback; on failure whereof, the bond shall be put in suit; and in every such suit judgment shall be given against the defendant or defendants, unless proof shall be produced of such relanding, or of loss at sea.

SEC. 14. *And be it further enacted*, That so much of the act laying

All penalties and forfeitures incurred to be collected.

Vessels bound to foreign ports not to trade with prohibited ports.

Embargo raised, except as to England and France, after March 15, 1809.

Act of Dec.

22, 1807, ch. 5.

Act of Jan. 8,

1808, ch. 6.

Proviso, that the repeal of these acts shall not release from penalties and forfeitures incurred.

Bonds to be given when vessels are bound to permitted ports, that the cargoes shall not be landed in any other places, &c. &c.

Act of Jan. 9, 1809, ch. 5.

Certain restrictions with respect to coasting vessels taken off.

No coasting vessel to depart without producing bond.

Distribution of penalties.

Regulations respecting coasting vessels bound to foreign ports.

Proviso, in favour of vessels whose employment has been confined to rivers.

Penalties, &c. Vessels departing without giving bond.

Non-importation acts repealed.

Act of April 18, 1806, repealed. Proviso.

Penalties and forfeitures.

an embargo on all ships and vessels in the ports and harbors of the United States, and of the several acts supplementary thereto, as compels vessels owned by citizens of the United States, bound to another port of the said States, or vessels licensed for the coasting trade, or boats, either not masted or not decked, to give bond, and to load under the inspection of a revenue officer, or renders them liable to detention, merely on account of the nature of their cargo, (such provisions excepted as relate to collection districts adjacent to the territories, colonies or provinces of a foreign nation, or to vessels belonging or bound to such districts) be, and the same is hereby repealed, from and after the fifteenth day of March, one thousand eight hundred and nine: *Provided however*, that all penalties and forfeitures which shall have been previously incurred by any of the said acts, or which may hereafter be incurred by virtue of the said acts, on account of any infraction of so much of the said acts, as is not repealed by this act, shall be recovered and distributed in like manner as if the same had continued in full force and virtue.

SEC. 15. *And be it further enacted*, That during the continuance of so much of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and of the several acts supplementary thereto, as is not repealed by this act, no vessel owned by citizens of the United States, bound to another port of the said States or licensed for the coasting trade, shall be allowed to depart from any port of the United States, or shall receive a clearance, nor shall it be lawful to put on board any such vessel any specie or goods, wares, or merchandise, unless a permit shall have been previously obtained from the proper collector, or from a revenue officer, authorized by the collector to grant such permits; nor unless the owner, consignee, agent, or factor shall, with the master, give bond with one or more sureties, to the United States, in a sum double the value of the vessel and cargo, that the vessel shall not proceed to any foreign port or place, and that the cargo shall be relanded in some port of the United States: *Provided*, that it shall be lawful and sufficient in the case of any such vessel, whose employment has been uniformly confined to rivers, bays and sounds within the jurisdiction of the United States, to give bond in an amount equal to one hundred and fifty dollars, for each ton of said vessel, with condition that such vessel shall not, during the time limited in the condition of the bond, proceed to any foreign port or place, or put any article on board of any other vessel, or be employed in any foreign trade.

SEC. 16. *And be it further enacted*, That if any ship or vessel shall, during the continuance of so much of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and of the several acts supplementary thereto, as is not repealed by this act, depart from any port of the United States without a clearance or permit, or having given bond in the manner provided by law, such ship or vessel, together with her cargo, shall be wholly forfeited; and the owner or owners, agent, freighter or factors, master or commander of such ship or vessel shall, moreover, severally forfeit and pay a sum equal to the value of the ship or vessel, and of the cargo put on board the same.

SEC. 17. *And be it further enacted*, That the act to prohibit the importation of certain goods, wares and merchandise, passed the eighteenth of April, one thousand eight hundred and six, and the act supplementary thereto, be, and the same are hereby repealed, from and after the said twentieth day of May next: *Provided*, that all penalties and forfeitures which shall have been previously incurred by virtue of the said acts shall be recovered and distributed in like manner as if the said acts had continued in full force and virtue.

SEC. 18. *And be it further enacted*, That all penalties and forfeitures arising under or incurred by virtue of this act, may be sued for,

prosecuted and recovered, with costs of suit, by action of debt, in the name of the United States of America, or by indictment or information, in any court having competent jurisdiction to try the same; and shall be distributed and accounted for in the manner prescribed by the act, intituled "An act to regulate the collection of duties on imports and tonnage," passed the second day of March, one thousand seven hundred and ninety-nine; and such penalties and forfeitures may be examined, mitigated or remitted, in like manner, and under the like conditions, regulations and restrictions, as are prescribed, authorized and directed by the act, intituled "An act to provide for mitigating or remitting the forfeitures, penalties and disabilities, accruing in certain cases therein mentioned," passed the third day of March, one thousand seven hundred and ninety-seven, and made perpetual by an act passed the eleventh day of February, one thousand eight hundred.

SEC. 19. *And be it further enacted*, That this act shall continue and be in force until the end of the next session of Congress, and no longer; and that the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto, shall be, and the same are hereby repealed from and after the end of the next session of Congress.

APPROVED, March 1, 1809.

Recovery and mitigation of.

Act of March 2, 1799, ch. 22.

Act of March 3 1797, ch. 13.

1800, ch. 6.

Continuance of this act.

Repeal of the embargo acts.

STATUTE II.

CHAP. XXV.—*An Act making provision for the further accommodation of the household of the President of the United States.*

March 2, 1809.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after the third day of March next, the President of the United States be, and he is hereby authorized and empowered, to cause to be sold, such articles furnished by the United States, for the President's household, as may be decayed, out of repair, or unfit for use; and that the proceeds of such sale, and so much of a sum not exceeding fourteen thousand dollars in addition thereto, out of any money in the treasury not otherwise appropriated, as the President of the United States may judge necessary, be, and hereby are appropriated for the accommodation of the household of the President, to be laid out and expended for such articles of furniture as he shall direct.

Fourteen thousand dollars appropriated.

APPROVED, March 2, 1809.

STATUTE II.

CHAP. XXVI.—*An Act to extend the time for making payment for the public lands of the United States.*

March 2, 1809.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every person who hath heretofore purchased any of the public lands of the United States, at any of the land-offices established for the disposal of the said lands, whether such purchase was made at public or private sale (sales by virtue of a pre-emption right only excepted), and whose lands have not already been actually sold or reverted to the United States, for non-payment of part of the purchase money, and the time for making the last payment on account of such purchase according to former laws, may have expired, or shall expire, on or before the first day of January next, shall be allowed a further term of two years for the payment of the residue of the principal due on account of such purchase; which further term of two years shall be calculated to commence from the expiration of one year from and after the day on which the last payment on account of such purchase should, according to former laws, have become due, and shall be allowed only on the following conditions; that is to

Act of April 30, 1810, ch. 33.
Further time allowed for completing payments to those who purchased lands.