For invalid pensioners, eighty thousand two hundred and thirty-nine dollars, and fifty-five cents: For fortifying certain ports and harbors of the United States, and purchasing the lands necessary for the erection of the same, seventy-six thousand dollars: For the purchase of cannon, implements and shot, ninety-six thousand dollars.

SEC. 2. And be it further enacted, That the several appropriations herein before made, shall be paid and discharged out of the funds following, to wit: First, the surplus of the sum of six hundred thousand dollars, reserved by the act "making provision for the debt of the United States," and which will accrue during the year one thousand seven hundred and ninety-four: Secondly, the surplus of revenue and income, beyond the appropriations heretofore charged thereupon, to the end of the year one thousand seven hundred and ninety-four: And thirdly, the surplus which may remain unexpended, of the monies appropriated for the use of the war department, in the year one thousand seven hundred and ninety-three.

Approved, March 21, 1794.

CHAP. XI.—An Act to prohibit the carrying on the Slave Trade from the United States to any foreign place or country. (a)

SECTION 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no citizen or citizens of the United States, or foreigner, or any other person con-

(a) The acts prohibiting and punishing the Slave trade, are: An act to prohibit the carrying on the slave trade from the United States to any foreign place or country, March 22, 1794, chap. 11; an act in addition to the act entitled, "An act to prohibit the carrying on the slave trade from the United States to any foreign place or country," May 10, 1800; an act to prevent the introduction of certain persons into certain states, where by the laws thereof their admission is prohibited, February 28, 1803, chap. 10; an act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States from and after the first of January one thousand eight hundred and eight, March 2, 1807, chap. 22; an act in addition to an act entitled, "An act to prohibit the importation of slaves within the jurisdiction of the United States from and after the first day of January one thousand eight hundred and eight," April 20, 1818, chap. 86; an act to continue in force "an act to prohibit the commerce of the United States, and punish the crime of piracy," and also to make further provision for punishing the crime of piracy, May 15, 1820, ch. 112, sec. 4, 5.

Decisions of the Courts of the United States on the acts prohibiting and punishing the Slave Trade.—A libel or information under the 9th section of the slave trade act of March 2, 1797, alleging that the ves-

Out of what funds payable.

1790, ch. 34.

Forfeiture of ship, &c. concerned in slave trade.

March 22, 1794.

STATUTE I.

SEC. 2. That no citizen or citizens of the United States, or foreigner, or any other person con-

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Decisions of the Courts of the United States on the acts prohibiting and punishing the Slave Trade.—A libel or information under the 9th section of the slave trade act of March 2, 1797, alleging that the ves-

Under the slave trade act of 1794, sec. 1, it is not necessary, in order to incur the forfeiture, that the ves-


The prohibitions in the slave trade acts of May 10, 1800, and April 20, 1818, extend as well to carry-

In general it is sufficient to charge the offence in the words directing the forfeiture. But if the words are general, embracing a whole class of individual subjects, they must necessarily be so construed as to em-

Ibid.

Ibid.

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Under the slave trade act of 1794, sec. 1, it is not necessary, in order to incur the forfeiture, that the ves-

The African slave trade is a trade which has been authorized and protected by the laws of all com-

The African slave trade is a trade which has been authorized and protected by the laws of all com-

If the slave trade is not contrary to the laws of nations, it cannot be piracy, unless so declared by statute; and the obligations of such statute cannot exceed the power of the state which has enacted it.

Ibid.
ing into, or residing within the same, shall, for himself or any other person whatsoever, either as master, factor or owner, build, fit, equip, load or otherwise prepare any ship or vessel, within any port or place of the said United States, nor shall cause any ship or vessel to sail from

A foreign vessel engaged in the slave trade, captured on the high seas, in time of peace, by an American cruiser, and brought in for adjudication, will be restored, even where the vessel belongs to a nation which has prohibited the trade. *Ibid.*

The right of visitation and search does not exist in time of peace. A vessel engaged in the slave trade in time of peace, even if belonging to a nation which has prohibited the trade, cannot, for that cause alone, be seized on the high seas, and brought in for adjudication in the courts of another country. But if the laws of that other country be violated, or the proceeding be authorized by treaty, the capture is not illegal. *Ibid.*

Africans who are first captured by a belligerent privateer, fitted out in violation of our neutrality, or by a pirate, and then recaptured and brought into the ports of the United States, under a reasonable suspicion that a violation of the slave trade acts was intended, are not to be restored without full proof of the proprietary interests; for in such a case the capture is lawful. And whether in such a case restitution ought to be decreed or not, was a question on which the court was equally divided. *Ibid.*

The District Courts have jurisdiction under the slave trade acts, to determine who are the actual captors, under a state law made in pursuance of the 4th section of the slave trade act of 1807; and directing the proceeds of the negroes to be paid, "one moiety for the use of the commanding officer of the captured vessel." *E. & C. The Josephine Segunda, 10 Wheat. 212; 5 Cond. Rep. 111.*

Under the 7th section of the slave trade act of 1807, the entire proceeds of the vessel are forfeited to the use of the United States; unless the seizure be made by armed vessels of the navy, or by revenue cutters; in which case distribution is to be made in the same manner as prizes taken from the enemy. *Ibid.*

Upon an indictment under the slave trade act of April 20, 1818, against the owner of the ship, testimony of the declarations of the master, being a part of the res gestae, connected with acts in furtherance of the voyage and within the scope of his authority as the agent of the owner, in the conduct of the guilty enterprise, is admissible. Upon such an indictment against the owner, charging him with fitting out the ship, with an intent to employ her in the illegal voyage, evidence is admissible that her commander authorized, and directed the fitting out through the instrumentality of his agent, without being personally present. The *United States v. Gooding, 12 Wheat. 460; 6 Cond. Rep. 572.*

It is not essential to constitute the fitting out, under the acts of Congress, that every equipment necessary for a slave voyage, or any equipment peculiarly adapted to such a voyage, should be taken on board. It is sufficient if the vessel is actually fitted out with intent to be employed in the illegal voyage. The offence may be laid in the words of the statute. *Ibid.*

Nor is it necessary that there should be some principal offender, to whom the defendant might be charged and abet. Those terms in the statute do not refer to the relation of principal and accessory in cases of felony, but to the actor; and they who aid and abet the act, are considered as principals. The offence must be alleged to have been committed within the United States. *Ibid.*

Under the act of March 22, 1794, prohibiting the slave trade, if the original object and equipment of the voyage from the United States, was to carry on the African slave trade, the forfeiture attaches, whether the vessel was then owned by American citizens or by foreigners. It is equally unimportant if the act was done by the party, suo jure, or for the benefit of another. The *Margaret, 9 Wheat. 421; 5 Cond. Rep. 638.*

Even if the equipments are innocent, and adapted to ordinary voyages, if there is positive proof of a guilty intention, forfeiture will attach; or if it necessary that the equipments shall have been completed. It is sufficient if any preparations have been made for the unlawful voyage. *Ibid.*

Under the 2d and 3d sections of the act of April, 1818, the offence of sailing from a port to engage in the slave trade, is not committed unless the vessel sails out of the port. *United States v. La Coste, 2 Mason's C. R. 129.*

If a foreign claimant of a vessel seized for being engaged in the slave trade, sets up a title derived from an American owner, he must prove affirmatively that the case has no admixture of American ownership. The *United States v. La Jeune Eugenia, 2 Mason's C. R. 409.*

The 1st section of the slave trade act of May 10, 1800, prohibits not only the transportation of slaves, but the being employed on the business of the slave trade; and therefore a vessel caught in such trade, though before she has taken on board any slaves, is liable to forfeiture. The *Alexander, 3 Mason's C. R. 175.*

The offence against the law of the United States, under the 7th section of the act of March 2, 1807, is not that of importing or bringing into the United States persons of colour, with intent to hold or sell those persons as slaves, but that of hovering on the coast of the United States with such intent; and although it forfeits the vessel and any goods or effects found on board, it is silent as to disposing of any proceeds of the negroes to be paid, "one moiety for the use of the commanding officer of the captured vessel." *E. & C. The Tryphemea, 1 Wash. C. C. R. 522.*

The act of May 10, 1800, extends the prohibitions to citizens of the United States, in any manner con-
any port or place within the same, for the purpose of carrying on any trade or traffic in slaves, to any foreign country; or for the purpose of procuring, from any foreign kingdom, place or country, the inhabitants of such kingdom, place or country, to be transported to any foreign country, port, or place whatever, to be sold or disposed of, as slaves: And if any ship or vessel shall be so fitted out, as aforesaid, for the said purposes, or shall be caused to sail, as aforesaid, every such ship or vessel, her tackle, furniture, apparel and other appurtenances, shall be forfeited to the United States; and shall be liable to be seized, prosecuted and condemned, in any of the circuit courts, or district court for the district where the said ship or vessel may be found and seized.

SEC. 2. And be it further enacted, That all and every person, so building, fitting out, equipping, loading, or otherwise preparing, or sending away, any ship or vessel, knowing or intending that the same shall be employed in such trade or business, contrary to the true intent and meaning of this act, or any ways aiding or abetting therein, shall severally forfeit and pay the sum of two thousand dollars, one moiety thereof to the use of the United States, and the other moiety thereof to the use of him or her who shall sue for and prosecute the same.

SEC. 3. And be it further enacted, That the owner, master or factor of each and every foreign ship or vessel, clearing out for any of the coasts or kingdoms of Africa, or suspected to be intended for the slave trade, and the suspicion being declared to the officer of the customs, by any citizen, on oath or affirmation, and such information being to the satisfaction of the said officer, shall first give bond with sufficient sureties, to the treasurer of the United States, that none of the natives of Africa, or any other foreign country or place, shall be taken on board the said ship or vessel, to be transported, or sold as slaves, in any other foreign port or place whatever, within nine months thereafter.

SEC. 4. And be it further enacted, That if any citizen or citizens of the United States shall, contrary to the true intent and meaning of this act, take on board, receive or transport any such persons, as above described, in this act, for the purpose of selling them as slaves, as aforesaid, he or they shall forfeit and pay, for each and every person, so received on board, transported, or sold as aforesaid, the sum of two hundred dollars, to be recovered in any court of the United States proper to try the same; the one moiety thereof to the use of the United States, and the other moiety to the use of such person or persons, who shall sue for and prosecute the same.

APPROVED, March 22, 1794.