

ACTS OF THE FIFTH CONGRESS

OF THE

UNITED STATES,

Passed at the first session, which was begun and held at the City of Philadelphia, in the state of Pennsylvania, on Monday, the fifteenth day of May, 1797, and ended on the eighth of July, 1797.

JOHN ADAMS, President; THOMAS JEFFERSON, Vice President of the United States, and President of the Senate; WILLIAM BRADFORD, President of the Senate pro tempore, from July 6th; JONATHAN DAYTON, Speaker of the House of Representatives.

STATUTE I.

June 14, 1797.

Repealed by Act of April 20, 1818, ch. 83, sec. 12.

Citizens fitting out ships, or concerned therein, how punished and fined.

1794, ch. 50.

CHAPTER I.—*An Act to prevent citizens of the United States from Privateering against nations in amity with, or against citizens of the United States.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That if any citizen or citizens of the United States shall, without the limits of the same, fit out and arm, or attempt to fit out and arm, or procure to be fitted out and armed, or shall knowingly aid or be concerned in the furnishing, fitting out or arming any private ship or vessel of war, with intent that such ship or vessel shall be employed to cruise or commit hostilities, upon the subjects, citizens or property of any prince or state with whom the United States are at peace, or upon the citizens of the United States, or their property, or shall take the command of, or enter on board of any such ship or vessel for the intent aforesaid, or shall purchase an interest in any vessel so fitted out and armed, with a view to share in the profits thereof, such person or persons so offending shall, on conviction thereof, be adjudged guilty of a high misdemeanor, and shall be punished by a fine not exceeding ten thousand dollars, and imprisonment not exceeding ten years: And the trial for such offence, if committed without the limits of the United States, shall be in the district where the offender shall be apprehended or first brought.

SEC. 2. *And be it further enacted,* That nothing in the foregoing act shall be construed to prevent the prosecution or punishment of treason, or any piracy defined by a treaty or other law of the United States.

APPROVED, June 14, 1797.

STATUTE I.

June 14, 1797.

[Expired.]

Exportation of cannon, &c. unlawful until March 3, 1798.

CHAP. II.—*An Act prohibiting, for a limited time, the Exportation of Arms and Ammunition, and for encouraging the Importation thereof.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall not be lawful to export from the United States any cannon, muskets, pistols, bayonets, swords, cutlasses, musket-balls, lead, bombs, grenadoes, gunpowder, sulphur or saltpetre, but the exportation of all the aforesaid articles is hereby prohibited, until to the end of the next session of Congress, and no longer.

SEC. 2. *And be it further enacted,* That any of the aforesaid articles, excepting such of them as may constitute a part of the equipment of

Vessels.

any vessel, which during the continuance of this prohibition shall be found on board of any vessel in any river, port, bay or harbour within the territory of the United States, put on board with an intent to be exported from the United States, shall be forfeited, and in case the value thereof shall amount to one hundred dollars, the vessel on board of which the same shall be seized, together with her tackle, apparel and furniture, shall also be forfeited. *Provided nevertheless*, that nothing in this act shall be construed to prohibit the removal or transportation of any of the articles aforesaid from one port to another port within the United States, in any vessel having a license as a coasting vessel, the master, agent or owner of which shall have given bond, with one or more sufficient sureties, to the collector of the district from which such vessel is about to depart, in a sum double the value of such vessel and of such of the said articles as may be laden on board her, that the said articles shall be re-landed and delivered in some port of the United States. Or to prevent the exportation of any of the above articles on public account, under the direction of the President of the United States.

SEC. 3. *And be it further enacted*, That if any of the articles aforesaid shall, contrary to the prohibitions of this act, be exported from the United States, the vessel in which the same shall have been exported, together with her tackle, apparel and furniture, shall be forfeited, and the captain or master of such vessel, knowingly offending in the premises, shall be liable to indictment, and upon conviction shall forfeit and pay a sum not exceeding one thousand dollars; which shall be distributed in like manner as is herein after provided as to other forfeitures incurred under this act.

SEC. 4. *And be it further enacted*, That it shall be the duty of the custom-house officers, and of all persons employed in the collection of the revenue, to attend to the execution of this law, and all forfeitures and penalties incurred under it and not otherwise directed to be prosecuted and recovered, shall be sued for, prosecuted, adjudged and distributed in like manner as is provided in the act, entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships and vessels."

SEC. 5. *And be it further enacted*, That all brass cannon, muskets and firelocks with bayonets suited to the same, pistols, swords, cutlasses, musket-ball, lead, and gunpowder, which shall be imported into the United States from any foreign country, within the term of one year, and all sulphur and saltpetre which shall be so imported within the term of two years from and after the passing of this act, shall be free of duty; any thing in any former law to the contrary notwithstanding.

APPROVED, June 14, 1797.

Vessels exporting the same to be forfeited.

Prohibition not to extend to removal of such articles from one part of the United States to another.

Master of vessel shall be liable to indictment for violating this act.

Duty of custom house officers herein.

Ante, p. 145.

Such articles may be imported free of duty.

STATUTE I.

CHAP. III.—*An Act to provide for the further Defence of the Ports and Harbors of the United States.*

June 23, 1797.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That for fortifying certain ports and harbors of the United States, there be appropriated a sum not exceeding one hundred and fifteen thousand dollars.

Appropriation of \$115,000 for fortifying ports;

Post, p. 554.

SEC. 2. *And be it further enacted*, That the said appropriation shall be paid and discharged out of the surplus of the revenue and income, beyond the appropriations heretofore charged thereon.

SEC. 3. *And be it further enacted*, That the President of the United States be, and he is hereby empowered to authorize any of the states which were found indebted to the United States in a settlement of the