

ACTS OF THE FIFTH CONGRESS

OF THE

UNITED STATES,

Passed at the second session, which was begun and held at the City of Philadelphia, in the state of Pennsylvania, on Monday, the thirteenth day of November, 1797, and ended on the sixteenth day of July, 1798.

JOHN ADAMS, President; THOMAS JEFFERSON, Vice President of the United States, and President of the Senate; THEODORE SEDGWICK, President of the Senate pro tempore, from June 27th; JONATHAN DAYTON, Speaker of the House of Representatives.

STATUTE II.

Dec. 15, 1797.

[Obsolete.]

July 6, 1797,

ch. 11.

Commence-
ment of the du-
ties postponed
until after 30th
June, 1798.

CHAPTER I.—*An Act to postpone, for a limited time, the commencement of the duties imposed by the act intituled "An act laying duties on stamped vellum, parchment and paper."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the act, intituled "An act laying duties on stamped vellum, parchment and paper," as directs that the duties imposed by that act shall be levied, collected and paid "from and after the thirty-first day of December next," shall be, and the same hereby is repealed; and that the duties aforesaid shall be levied, collected and paid, from and after the thirtieth day of June next, and not sooner; to which last mentioned day, all notices, certificates and other matters or things, directed by the said act and having respect to the commencement or collection of the said duties, or any of them, shall relate.

APPROVED, December 15, 1797.

STATUTE II.

Jan. 15, 1798.

[Obsolete.]

Appropriations
relative to the
War Depart-
ment.

CHAP. II.—*An Act making certain partial appropriations for the year one thousand seven hundred and ninety-eight.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the sum of one hundred thousand dollars shall be, and the same hereby is appropriated towards defraying the expenses during the year one thousand seven hundred and ninety-eight, of the quartermaster's, and Indian departments, of the defensive protection of the frontiers, of bounties; and of the contingent charges of the war department; and a like sum towards defraying the expenses, during the said year, of the subsistence of the officers, non-commissioned officers, and privates of the army of the United States.

SEC. 2. *And be it further enacted,* That the sum of fifty-two thousand dollars be, and the same hereby is appropriated for paying and discharging such awards as have been, or may be made, pursuant to the seventh article of the Treaty of Amity, Commerce, and Navigation between the United States and Great Britain, in favour of British subjects, whose property has been captured within the jurisdiction of the United States, or by vessels armed or fitted out therein.

For awards in
favour of British
subjects under
seventh article
of the treaty of
amity, &c.

SEC. 3. *And be it further enacted*, That the aforesaid sums shall be paid and discharged out of any monies in the treasury of the United States, not otherwise appropriated. How to be paid.

APPROVED, January 15, 1798.

STATUTE II.

CHAP. VI.—*An Act for allowing a compensation to the Doorkeeper of the Senate, and his assistant, for their services during the late Session of Congress.*

Jan. 20, 1798.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be allowed to James Mathers, the doorkeeper of the Senate, two hundred dollars, and to Cornelius Maxwell, his assistant, one hundred and eighty dollars, as a compensation for their services during the late session of Congress.

APPROVED, January 20, 1798.

STATUTE II.

CHAP. VIII.—*An Act to prescribe the mode of taking Evidence in cases of contested Elections for Members of the House of Representatives of the United States, and to compel the attendance of Witnesses.*

Jan. 23, 1798.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That where any person, from and after the passing of this act, shall intend to contest an election for any member or members of the House of Representatives of the United States, or to support any such election so intended to be contested, and shall be desirous of obtaining testimony respecting such election, it shall be lawful for such person to make application to any judge of the courts of the United States, or to any chancellor, justice, or judge of a superior or county court, or court of common pleas of any state, or to any mayor, recorder or intendant of a town or city, who shall, thereupon, issue his warrant of summons, directed to all such witnesses as shall be named to him by such applicant, or his agent duly authorized for that purpose, and requiring the attendance of such witnesses, before him, at some convenient time and place, to be expressed in the warrant, in order to be then and there examined, in the manner herein after provided, touching the subject matter of the aforesaid application.

Chancellor, justice or judge of Superior or County Court, &c. to issue summons to witnesses.

Act of April 22, 1800, ch. 28.

SEC. 2. *And be it further enacted*, That every such witness, as is above-mentioned, shall be duly served with such warrant, by a copy thereof being delivered to him or her, or left at his or her usual place of abode; and that such service shall be made a convenient time before the day on which the attendance of such witness is required, which time the magistrate issuing the warrant is hereby authorized and required to fix, for each witness, at the time of issuing it, having respect to the circumstances of such witness, and the distance of his or her residence from the place of attendance.

Manner of serving summons on witnesses.

SEC. 3. *And be it further enacted*, That any person, being summoned in the manner above directed, and refusing or neglecting to attend, pursuant to such summons, unless in case of sickness, or other unavoidable accident, shall forfeit and pay the sum of twenty dollars, to be recovered with costs of suit, by the party at whose instance the warrant of summons was issued, and for his use, by action of debt in any court, or before any other tribunal of the United States, or any state, having jurisdiction to the amount of such penalty.

Penalty on not attending in pursuance of summons.

SEC. 4. *And be it further enacted*, That the magistrate issuing the aforesaid warrant of summons, shall, at the time of issuing it, cause to be made out, under his hand, and delivered to the said applicant, or his agent authorized as aforesaid, a notification directed to the opposite party, and stating the time and object of the aforesaid application, the name of the applicant, and the time and place fixed for the examination

Notification to the opposite party.