

Rates of the ships of war to be procured or accepted.

Ante, p. 552.

SEC. 2. *And be it further enacted*, That the vessels authorized by the act, intituled "An act to provide an additional armament for the further protection of the trade of the United States, and for other purposes," and those which shall be authorized by this act, shall be procured and accepted according to the following rates, as nearly as may be; that is to say—six of them not exceeding eighteen guns each, and twelve of them not less than twenty, or exceeding twenty-four guns each, and six not less than thirty-two guns each; and the guns for each vessel, to be of such caliber and weight of metal, as the President of the United States shall approve; any thing in the said former act, to the contrary hereof, notwithstanding.

The President may accept of vessels given to the use of the U. States.

SEC. 3. *And be it further enacted*, That the President of the United States may, at his discretion, accept of any vessel armed and equipped, or suitable to be armed, of a model, size and force proper for the public service, which any state, body politic or corporate, citizen or citizens of the United States, shall voluntarily offer and give, for the use of the United States, to increase the naval armament.

The President may regulate the rank, pay, &c. of officers, and number of men to be employed, &c.

SEC. 4. *And be it further enacted*, That the President of the United States shall be, and he is hereby authorized to determine and direct, according to the rate of each vessel which shall be furnished or accepted in pursuance of this act, the rank, pay, and subsistence of the commissioned and warrant officers, who shall be appointed thereto; and the number of men to be engaged, and the pay to be allowed them, not exceeding the proportionable grades and allowances which are or shall be authorized by law, for the navy of the United States. And all officers of the said navy, according to their respective ranks, shall be appointed in the manner prescribed by the act, intituled "An act to provide a naval armament."

1794, ch. 12.

The President may vary the quotas of seamen, landsmen, &c.

SEC. 5. *And be it further enacted*, That the President of the United States may, at his discretion, increase or vary the quotas of seamen, landsmen and marines, to be employed on board the frigates, and may permit a proportion of boys for them, and the other vessels of the navy of the United States, according to the exigencies of the public service.

APPROVED, June 30, 1798.

STATUTE II.

July 6, 1798.

CHAP. LXV.—*An Act providing Arms for the Militia throughout the United States.*

30,000 stands of arms to be provided, and sold to the state governments, and

Act of April 23, 1808, ch. 55.

those remaining unsold may be delivered to the militia, when called into service.

Amount of sales to be paid into the Treasury.

Appropriation.

SECTION 1. *Be it enacted by the Senote and House of Representatives of the United States of America in Congress assembled*, That there shall be provided, at the charge and expense of the government of the United States, thirty thousand stand of arms, which shall be deposited by order of the President of the United States, at suitable places; for the purpose of being sold to the governments of the respective States, or the militia thereof, under such regulations, and at such prices as the President of the United States shall prescribe.

SEC. 2. *And be it further enacted*, That the President of the United States be, and he is hereby authorized to cause all or any part of the arms herein directed to be provided and deposited for sale, which shall, at any time, remain unsold, to be delivered to the militia, when called into the service of the United States, proper receipts and security being given for the return of the same.

SEC. 3. *And be it further enacted*, That the monies arising from such sales shall be paid into the treasury of the United States, and the amount received shall be annually reported to Congress.

SEC. 4. *And be it further enacted*, That for the purpose of carrying this act into effect, the President of the United States shall be, and he is hereby authorized to draw from the treasury of the United States, a

sum not exceeding four hundred thousand dollars, to be paid out of any money in the treasury not otherwise appropriated.

APPROVED, July 6, 1798.

CHAP. LXVI.—*An Act respecting Alien Enemies.*(a)

STATUTE II.

July 6, 1798.

[Expired.]

In case of war, or actual threatened invasion, the President shall make a proclamation.

Act of July 6, 1812, ch. 130.

Alien enemies how to be treated.

If not chargeable with crimes against the public safety, time shall be allowed for their departure.

All courts of criminal jurisdiction—and also the judges of the courts of the U. States may receive and hear complaints against alien enemies, and make an order thereon.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whenever there shall be a declared war between the United States and any foreign nation or government, or any invasion or predatory incursion shall be perpetrated, attempted, or threatened against the territory of the United States, by any foreign nation or government, and the President of the United States shall make public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being males of the age of fourteen years and upwards, who shall be within the United States, and not actually naturalized, shall be liable to be apprehended, restrained, secured and removed, as alien enemies. And the President of the United States shall be, and he is hereby authorized, in any event, as aforesaid, by his proclamation thereof, or other public act, to direct the conduct to be observed, on the part of the United States, towards the aliens who shall become liable, as aforesaid; the manner and degree of the restraint to which they shall be subject, and in what cases, and upon what security their residence shall be permitted, and to provide for the removal of those, who, not being permitted to reside within the United States, shall refuse or neglect to depart therefrom; and to establish any other regulations which shall be found necessary in the premises and for the public safety: Provided, that aliens resident within the United States, who shall become liable as enemies, in the manner aforesaid, and who shall not be chargeable with actual hostility, or other crime against the public safety, shall be allowed, for the recovery, disposal, and removal of their goods and effects, and for their departure, the full time which is, or shall be stipulated by any treaty, where any shall have been between the United States, and the hostile nation or government, of which they shall be natives, citizens, denizens or subjects: and where no such treaty shall have existed, the President of the United States may ascertain and declare such reasonable time as may be consistent with the public safety, and according to the dictates of humanity and national hospitality.

SEC. 2. *And be it further enacted,* That after any proclamation shall be made as aforesaid, it shall be the duty of the several courts of the United States, and of each state, having criminal jurisdiction, and of the several judges and justices of the courts of the United States, and they shall be, and are hereby respectively, authorized upon complaint, against any alien or alien enemies, as aforesaid, who shall be resident and at large within such jurisdiction or district, to the danger of the public peace or safety, and contrary to the tenor or intent of such proclamation, or other regulations which the President of the United States shall and may establish in the premises, to cause such alien or aliens to be duly apprehended and convened before such court, judge or justice; and after a full examination and hearing on such complaint, and suffi-

(a) Alien enemy. The fact that the commander of a private armed vessel was an alien enemy at the time of the capture, does not invalidate such capture. *The Mary and Susan*, 1 Wheat. 46; 3 Cond. Rep. 480.

Admitting it to have any operation, all that could result from it would be the condemnation of his interest to the government, as a droit of the admiralty; but his national character can in no case affect the rights of the owners and crew of the privateer. *Ibid.*

An alien enemy cannot be permitted to make the declaration required by law, preparatory to the naturalization of aliens. *Ex parte Newman*, 2 Gallis' C. C. R. 11.

An alien enemy cannot sustain a suit in a prize court, nor can a citizen claim the property of an alien enemy in a prize court, upon an alleged sale since the war. *The Emulous*, 1 Gallis. C. C. R. 563.