

STATUTE I.

March 26, 1804.

Act of March 16, 1802, ch. 9.
 Act of March 3, 1815, ch. 78.
 Act of April 24, 1816, ch. 69.
 Act of April 14, 1818, ch. 56.
 Act of May 12, 1820, ch. 96.
 Act of March 2, 1821, ch. 12.

More surgeon's mates may be appointed.

An equivalent in malt liquors or low wines for whiskey, &c.

STATUTE I.

March 26, 1804.

Act of April 30, 1790, ch. 9.
 Punishment to a person other than the owner who shall cast away, &c. a vessel at sea.

Punishment to the owner for the like offence.

Persons may be tried and punished for crimes under the revenue laws in five years from

CHAP. XXXIX.—*An Act, in addition to "An act for fixing the military peace establishment of the United States."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be appointed, in addition to the surgeon's mates, provided for by the "act fixing the military peace establishment of the United States," as many surgeon's mates, not exceeding six, as the President of the United States may judge necessary, to be attached to garrisons or posts, agreeably to the provision of the said act.

SEC. 2. *And be it further enacted,* That an equivalent in malt liquor or low wines, may be supplied the troops of the United States, instead of the rum, whiskey or brandy which, by the said act, is made a component part of a ration, at such posts and garrisons, and at such seasons of the year, as, in the opinion of the President of the United States, may be necessary to the preservation of their health.

APPROVED, March 26, 1804.

CHAP. XL.—*An Act in addition to the act intituled "An act for the punishment of certain crimes against the United States."*(a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person, not being an owner, who shall, on the high seas, wilfully and corruptly cast away, burn, or otherwise destroy any ship or other vessel unto which he belongeth, being the property of any citizen or citizens of the United States, or procure the same to be done, and being thereof lawfully convicted, shall suffer death.

SEC. 2. *Be it further enacted,* That if any person shall, on the high seas, wilfully and corruptly cast away, burn, or otherwise destroy any ship or vessel of which he is owner, in part or in whole, or in any wise direct or procure the same to be done, with intent or design to prejudice any person or persons that hath underwritten, or shall underwrite any policy or policies of insurance thereon, or if any merchant or merchants that shall load goods thereon, or of any other owner or owners of such ship or vessel, the person or persons offending therein being thereof lawfully convicted, shall be deemed and adjudged guilty of felony, and shall suffer death.

SEC. 3. *And be it further enacted,* That any person or persons guilty of any crime arising under the revenue laws of the United States, or incurring any fine or forfeiture by breaches of the said laws, may be prosecuted, tried and punished, provided the indictment or information be found at any time within five years after committing the offence or

(a) Destroying a vessel at sea to the injury of the underwriters. Under the second section of the act of March 26th, 1804, chap. 40, on an indictment for destroying a vessel with intent to prejudice the underwriters, it is sufficient to show the existence of an association actually carrying on the business of insurance, by whose known officers, de facto, the policy was executed, and to prejudice whom the vessel was destroyed; without proving the existence of a legal corporation authorized to insure, or a compliance on the part of such corporation with the terms of its charter, or the validity of the policy of insurance. *United States v. Amedy*, 11 Wheat. 392; 6 Cond. Rep. 362.

The law not making it an offence in the owner to destroy his vessel to the prejudice of the underwriters or the cargo, no evidence can be given to establish charges against the defendant for such destruction, to the prejudice of the underwriters on the cargo, even if the indictment contained such a charge. Evidence of the value of the property insured may be given to show inducements to destroy or preserve it. *The United States v. Richard Johns*, 1 Wash. C. C. R. 363.

It is necessary in the indictment to state that the intent was to prejudice the underwriters. *Ibid.*

The prosecutor on an indictment for destroying a vessel, must show that the insurance is a valid insurance, and if made by an incorporated insurance company, the act of incorporation must be shown, and the contract of insurance must be shown to have been executed. *Ibid.*

The legal meaning of the term "destroy" by the act of Congress is to unfit the vessel for service beyond the hope of ordinary means. This, as to the extent of the injury, is synonymous with "cast away." Both mean, such an act as causes the vessel to perish and to be lost, or to be irrecoverable by ordinary means. *Ibid.*

incurring the fine or forfeiture, any law or provision to the contrary notwithstanding.

APPROVED, March 26, 1804.

CHAP. XLIII.—*An Act to make further appropriations for the purpose of extinguishing the Indian claims.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a sum not exceeding fifteen thousand dollars, be appropriated to defray the expense of such treaty or treaties as the President of the United States shall deem it expedient to hold with the Indians, south of the river Ohio, for the purpose of extinguishing Indian claims to any lands lying within the limits of the United States; and that the compensation to be allowed to any of the commissioners who may be appointed for negotiating such treaty or treaties, shall not exceed, exclusive of travelling expenses, the rate of six dollars per day, during the time of actual service of such commissioner.

SEC. 2. *And be it further enacted,* That the sum aforesaid shall be paid out of any monies in the treasury of the United States, not otherwise appropriated.

APPROVED, March 26, 1804.

CHAP. XLIV.—*An Act to authorize the adjournment of District Courts by Marshals, in certain cases.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in case of the inability of the judge of any district court to attend on the day appointed for holding a special or an adjourned district court, such court may, by virtue of a written order from the judge thereof, directed to the marshal of the district, be adjourned by the marshal to the next stated term of said court, or to such day prior thereto, as in the said order shall be appointed.

APPROVED, March 26, 1804.

CHAP. XLVI.—*An Act further to protect the commerce and seamen of the United States against the Barbary powers.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of defraying the expenses of equipping, officering, manning, and employing such of the armed vessels of the United States, as may be deemed requisite by the President of the United States, for protecting the commerce and seamen thereof, and for carrying on warlike operations against the regecy of Tripoli, or any other of the Barbary powers, which may commit hostilities against the United States, and for the purpose also of defraying any other expenses incidental to the intercourse with the Barbary powers, or which are authorized by this act: a duty of two and an half per centum ad valorem, in addition to the duties now imposed by law, shall be laid, levied, and collected upon all goods, wares and merchandise, paying a duty ad valorem, which shall, after the thirtieth day of June next, be imported into the United States from any foreign port or place: and an addition of ten per centum shall be made to the said additional duty in respect to all goods, wares and merchandise imported in ships or vessels not of the United States: and the duties imposed by this act shall be levied and collected in the same manner, and under the same regulations and allowances as to drawbacks, mode of security and time of payment

the time of commission.

Act of March 2, 1799, ch. 110.

STATUTE I.

March 26, 1804.

[Obsolete.]

Appropriation.

STATUTE I.

March 26, 1804.

Act of Sept. 24, 1789, ch. 20.

In case of the inability of the judge of any district court to attend, the marshal may adjourn the court.

STATUTE I.

March 26, 1804.

[Expired.]

Act of April 21, 1806, ch. 38.

Act of Feb. 27, 1813, ch. 40.

1807, ch. 30.

1808, ch. 11.

An additional ad valorem duty of two and a half per cent. imposed for defraying expenses in relation to the Barbary States.

Upon goods imported after the 30th June next.

The first section of this act continued in force by acts of 1806 and 1813.