and certain parts of the island of St. Domingo,” passed on the twenty-
eighth day of February, one thousand eight hundred and six, be, and
the same hereby is continued in force until the end of the next session
of Congress, and no longer.

SEC. 2. And be it further enacted, That the prohibitions and provi-
sions of the aforesaid act shall be construed, and are hereby declared
to extend to Gonoeave and Tortuga, and to any other dependency of the
said island of St. Domingo, not in possession of, or under the acknow-
ledged government of France.

APPROVED, February 24, 1807.

CHAP. XVIII.—An act further supplementary to the act, intituled “An act con-
cerning the District of Columbia.”

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 additional to, and amendatory of an act, intituled An
act concerning the district of Columbia,” as directs that no capias ad sa-
satisfaciendum shall thereafter issue on any judgment rendered by a single
magistrate, or in any case where the judgment shall not exceed twenty
dollars, shall be, and the same is hereby repealed, and in all such cases
a writ or writs of capias ad satisfaciendum may hereafter issue, any thing
in the said recited act to the contrary notwithstanding.

SEC. 2. And be it further enacted, That such writs of capias ad sa-
satisfaciendum shall be issued, directed, and made returnable in like manner,
and the clerk and constable shall be entitled to the same fees therein, as
the said act herein before recited directs and allows in cases of execu-
tions against the goods and chattels of the debtor.

SEC. 3. And be it further enacted, That the eighth section of the
aforesaid act shall be, and the same is hereby also repealed.

APPROVED, February 24, 1807.

CHAP. XIX.—An act respecting seizures made under the authority of the United
States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United
States of America in Congress assembled, That when any prosecution
shall be commenced on account of the seizure of any ship or vessel,
goods, wares, or merchandise, made by any collector or other officer,
under any act of Congress authorizing such seizure, and judgment shall
be given for the claimant or claimants, if it shall appear to the court before
whom such prosecution shall be tried, that there was a reasonable cause
of seizure, the said court shall cause a proper certificate or entry to be
made thereof: and in such case the claimant or claimants shall not be
entitled to costs, nor shall the person who made the seizure, or the pro-
secutor, be liable to action, suit or judgment on account of such seizure
and prosecution: (a) Provided, that the ship or vessel, goods, wares, or

(a) Seizure. “Probable cause” means less than evidence which would justify condemnation. It im-
ports a seizure made under circumstances which warrant suspicion. Locke v. The United States, 7
A doubt concerning the construction of a law, may be a good ground for seizure, and authorize a cer-
If a collector justify the detention of a vessel under the 11th section of the embargo law of April 25,
1808, he need not show that his opinion was correct, nor that he used reasonable care and diligence in
ascertaining the facts upon which his opinion was founded. It is sufficient if he honestly entertained the
Where a seizure for a breach of the laws of the United States, is finally adjudged wrongful
and without probable cause by the courts, the party may proceed, at his election, by a suit at common law,
or in the instance court of the admiralty for the illegal act. But the common law remedy in such cases must
be sought in the state courts, the courts of the United States having no jurisdiction to decide on the con-
duct of their officers in the execution of their laws, in suits at common law, until the case shall have
passed through the state courts. Slocom v. Mayberry et al., 2 Wheat. 1; 4 Cond. Rep. 1.
merchandise be, after judgment, forthwith returned to such claimant or plaintiffs, his, her, or their agent or agents.

Sec. 2. And be it further enacted, That the accounting officers of the treasury be, and they are hereby authorized and directed to allow to the collector of New York, in the settlement of his accounts, the amount of damages and costs recovered from and paid by him, by virtue of judgments rendered in the supreme court of the state of New York, on account of the seizure of the ship Liberty, and of the ship Two Marys; which vessels had been seized and labelled for a presumed infraction of the provisions of the act, intituled "An act concerning the registering and recording of ships or vessels."

Approved, February 24, 1807.

CHAP. XX.—An Act to punish frauds committed on the Bank of the United States. (a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any person shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or willingly aid or assist in falsely making, forging or counterfeiting any bill or note in imitation of, or purporting to be a bill or note issued by order of the president, directors and company of the Bank of the United States, or any order or check on the said bank or corporation, or any cashier thereof, or shall falsely alter, or cause or procure to be falsely altered, or willingly aid or assist in falsely altering any bill or note issued by order of the president, directors and company of the Bank of the United States, or any order or check, on the said bank or corporation, or any cashier thereof, or shall pass, utter

If a suit be brought against the seizing officer for a supposed trespass in making a seizure of a vessel for a supposed forfeiture, while the suit is depending, the fact of such pendency may be pleaded in abatement, or as a temporary bar to the action; if after a decree of condemnation, then that fact may be pleaded as a bar; if after an acquittal without a certificate of probable cause, then the officer is without any justification for resisting him in the seizure, for he is not in the execution of his office. United States v. Gay, 2 Gallis. C. C. R. 399.

Seizures for breach of municipal laws, are made at the peril of the seizers. If made without probable cause, the seizers are liable for all the consequences; for the act is construed a tortious act, and his diligence for the preservation of the property, is no defence against losses occasioned by the superior force, or inevitable casualty. Burke v. Trevitt, 1 Mason's C. C. R. 96.

To justify a seizure there must be probable cause of seizure; and if an officer of the customs seize without probable cause, no indictment lies for resisting him in the seizure, for he is not in the execution of his office. United States v. Gay, 2 Gallis. C. C. R. 399.


Indictment in the circuit court of North Carolina, for the forging of, and an attempt to pass a certain paper writing in imitation of, and purporting to be, a bill or note issued by the president and directors of the Bank of the United States, provided in the 18th section of the act of 1816, establishing the Bank of the United States. The note was signed with the name of "John Huske," who had not been at any time president of the Bank of the United States; but was at the said date cashier of the said bank or corporation, or any cashier thereof, or shall pass, utter