

shall be allowed to proceed to final judgment, execution, satisfaction and settlement, as if the said two years had not expired.

APPROVED, March 2, 1838.

STATUTE II.

March 2, 1838.

Spring term of the Circuit Court to commence on 18th May, and the fall term on 18th November, in each year.

Terms of Dist. Court to commence on 12th May and 12th November, in each year.

Proviso.

All proceedings, &c., to be deemed returnable on the days hereinbefore prescribed, for holding said Courts.

STATUTE II.

March 10, 1838.

[Expired.]

Act of April 20, 1818, ch. 88. Collectors, &c. required to seize any vessel, &c. which may be provided for any military expedition against any foreign Prince, &c. conterminous and at peace with the U. S.

CHAP. XV.—*An Act to change the time of holding the terms of the Circuit Court of the United States for the eastern district of Virginia, and of the District Court of the United States for the eastern district of Virginia, directed by law to be held in the city of Richmond.* (a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, hereafter, the spring term of the circuit court of the United States for the eastern district of Virginia shall commence on the eighteenth day of May, and the fall term on the eighteenth of November, in each year, instead of the twenty-second of May and the twenty-second of November, as is now provided by law.

SEC. 2. *And be it further enacted,* That the terms of the district court of the United States for the eastern district of Virginia, which are now directed by law to commence on the fifteenth day of May and the fifteenth [day] of November, in each year, shall hereafter commence on the twelfth day of May and the twelfth day of November, in each year: *Provided, nevertheless,* That, whenever the day on which the terms of either of the said circuit or district court, as herein provided for, shall happen to be Sunday, then the term of said court shall commence on the following day.

SEC. 3. *And be it further enacted,* That all proceedings and process depending in or issuing out of either of the said courts, which are or may be made returnable to any other time appointed for holding the same than that above specified, shall be deemed legally returnable on the days hereinbefore prescribed, and not otherwise. And all suits and other proceedings in either of the said courts which stand continued to any other time than that above specified, shall be deemed continued to the time prescribed by this act, and no other.

APPROVED, March 2, 1838.

CHAP. XXXI.—*An Act supplementary to an act entitled "An act in addition to the act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned," approved twentieth of April, eighteen hundred and eighteen.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the several collectors, naval officers, surveyors, inspectors of customs, the marshals, and deputy marshals of the United States, and every other officer who may be specially empowered for the purpose by the President of the United States, shall be, and they are hereby respectively authorized and required to seize and detain any vessel or any arms or munitions of war which may be provided or prepared for any military expedition or enterprise against the territory or dominions of any foreign Prince or State, or of any colony, district or people conterminous with the United States, and with whom they are at peace, contrary to the sixth section of the act passed on the twentieth of April, eighteen hundred and eighteen, entitled "An act in addition to the act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned," and retain possession of the same until the decision of the President be had thereon, or until the same shall be released as herein-after directed.

(a) See notes of the acts relating to the District Court of Virginia, vol. 3, 479.

SEC. 2. *And be it further enacted*, That the several officers mentioned in the foregoing section shall be, and they are hereby respectively authorized and required to seize any vessel or vehicle, and all arms or munitions of war, about to pass the frontier of the United States for any place within any foreign State or colony, contiguous with the United States, where the character of the vessel or vehicle, and the quantity of arms and munitions, or other circumstances shall furnish probable cause to believe that the said vessel or vehicle, arms, or munitions of war are intended to be employed by the owner or owners thereof, or any other person or persons, with his or their privity, in carrying on any military expedition or operations within the territory or dominions of any foreign prince or State, or any colony, district, or people contiguous with the United States, and with whom the United States are at peace, and detain the same until the decision of the President be had for the restoration of the same, or until such property shall be discharged by the judgment of a court of competent jurisdiction: *Provided*, That nothing in this act contained shall be construed to extend to, or interfere with any trade in arms or munitions of war, conducted in vessels by sea, with any foreign port or place whatsoever, or with any other trade which might have been lawfully carried on before the passage of this act, under the law of nations and the provisions of the act hereby amended.

SEC. 3. *And be it further enacted*, That it shall be the duty of the officer making any seizure under this act, to make application, with due diligence, to the district judge of the district court of the United States within which such seizure may be made, for a warrant to justify the detention of the property so seized; which warrant shall be granted only on oath or affirmation, showing that there is probable cause to believe that the property so seized is intended to be used in a manner contrary to the provisions of this act; and if said judge shall refuse to issue such warrant, or application therefor shall not be made by the officer making such seizure within a reasonable time, not exceeding ten days thereafter, the said property shall forthwith be restored to the owner. But if the said judge shall be satisfied that the seizure was justified under the provisions of this act, and issue his warrant accordingly, then the same shall be detained by the officer so seizing said property, until the President shall order it to be restored to the owner or claimant, or until it shall be discharged in due course of law, on the petition of the claimant, as hereinafter provided.

SEC. 4. *And be it further enacted*, That the owner or claimant of any property seized under this act, may file his petition in the circuit or district court of the United States, in the district where such seizure was made, setting forth the facts in the case; and thereupon such court shall proceed, with all convenient despatch, after causing due notice to be given to the district attorney and officer making such seizure, to decide upon the said case, and order restoration of the property, unless it shall appear that the seizure was authorized by this act; and the circuit and district courts shall have jurisdiction, and are hereby vested with full power and authority, to try and determine all cases which may arise under this act; and all issues in fact arising under it, shall be decided by a jury, in the manner now provided by law.

SEC. 5. *And be it further enacted*, That whenever the officer making any seizure under this act shall have applied for and obtained a warrant for the detention of the property, or the claimant shall have filed a petition for its restoration, and failed to obtain it, and the property so seized shall have been in the custody of the officer for the term of three calendar months from the date of such seizure, it shall and may be lawful for the claimant or owner to file with the officer a bond to the amount of double the value of the property so seized and detained,

Said officers required to seize any vessel, &c. about to pass the frontier of the U. S. for any place within a foreign state, &c. contiguous with the U. S. where there is probable cause to believe that said vessel, &c. are intended to be employed in carrying on a military expedition, &c.

Proviso.

Officers making seizures under this act shall apply to the district judge for a warrant to justify the detention of the property seized; which warrant shall be granted on oath, &c.

The owner of property seized may file his petition in the circuit or dist. court U. S. in the dist. where the seizure was made.

The circuit and dist. courts invested with power to try all cases arising under this act, &c.

Whenever the officer shall have obtained a warrant for the detention of property seized, or the claimant shall not have obtained its restoration by pe-

tion, and it shall have been detained three months, the claimant may file a bond, &c.

Proviso.

Persons admitted to bail shall give additional security not to violate the provisions of the act hereby amended.

The President authorized to direct the judge, &c. to attend at such place within the district as he may designate, for the more speedy arrest and examination of persons charged, &c.

The President, &c. may employ the land or naval forces, &c. to prevent the violation, &c. of this act, &c.

This act limited to two years.

STATUTE II.
March 10, 1838.

[Obsolete.]

The following sums appropriated.

For Revolutionary pensioners.

For invalid pensioners.

For pensions to widows and orphans.

with at least two sureties, to be approved by the judge of the circuit or district court, with a condition that the property, when restored, shall not be used or employed by the owner or owners thereof, or by any other person or persons with his or their privity, in carrying on any military expedition or operations within the territory or dominions of any foreign prince or State, or any colony, district, or people, contiguous with the United States, with whom the United States are at peace; and thereupon the said officer shall restore such property to the owner or claimant thus giving bond: *Provided*, That such restoration shall not prevent seizure from being again made, in case there may exist fresh cause to apprehend a new violation of any of the provisions of this act.

SEC. 6. *And be it further enacted*, That every person apprehended and committed for trial, for any offence against the act hereby amended, shall, when admitted to bail for his appearance, give such additional security as the judge admitting him to bail may require, not to violate, nor to aid in violating, any of the provisions of the act hereby amended.

SEC. 7. *And be it further enacted*, That whenever the President of the United States shall have reason to believe that the provisions of this act have been, or are likely to be violated, that offences have been, or are likely to be, committed against the provisions of the act hereby amended, within any judicial district, it shall be lawful for him, in his discretion, to direct the judge, marshal, and district attorney, of such district, to attend at such place within the district, and for such time, as he may designate, for the purpose of the more speedy and convenient arrest and examination of persons charged with the violation of the act hereby amended; and it shall be the duty of every such judge, or other officer, when any such requisition shall be received by him, to attend at the place and for the time therein designated.

SEC. 8. *And be it further enacted*, That it shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as shall be necessary to prevent the violation, and to enforce the due execution, of this act, and the act hereby amended.

SEC. 9. *And be it further enacted*, That this act shall continue in force for the period of two years, and no longer.

APPROVED, March 10, 1838.

CHAP. XXXII.—*An Act making appropriations for the payment of the Revolutionary and other pensioners of the United States, for the year one thousand eight hundred and thirty-eight.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, in addition to former appropriations, to be paid out of any money in the Treasury not otherwise appropriated, for the pensioners of the United States, for the year one thousand eight hundred and thirty-eight:

For the Revolutionary pensioners, under the several acts, other than those of the fifteenth of May, one thousand eight hundred and twenty-eight; the seventh of June, one thousand eight hundred and thirty-two; and the fourth of July, one thousand eight hundred and thirty-six, four hundred and twenty-six thousand seven hundred and seventy-two dollars;

For the invalid pensioners, under various laws, one hundred and thirty-four thousand and seventy-five dollars and sixty-two cents;

For pensions to widows and orphans, under the act of the fourth of July, one thousand eight hundred and thirty-six, one million four hundred and ninety-two thousand six hundred and eighty-five dollars;