

county, in conformity with the provisions of the act entitled "An act concerning the district of Columbia," to take the defendant into custody, on his failure to pay the debt and costs in such *capias ad satisfaciendum* mentioned, forthwith, upon the application of the plaintiff, to deliver into the prison of the said county such defendant, to be held in the said prison by the marshal of the district of Columbia until he shall be released by due course of law.

Act of May 27, 1801, ch. 79. Debtors may be imprisoned for small debts.

SEC. 14. *And be it further enacted*, That the said marshal shall be entitled to the same fee for commitment and releasement of said debtor committed as aforesaid, and the same allowance for his maintenance, and to be paid in the same manner, as are already provided by law.

Marshal entitled to fee.

SEC. 15. *And be it further enacted*, That upon a *feri facias* issuing out of the office of the clerk of the county of Washington, upon the judgment of a magistrate, the plaintiff upon such *feri facias* shall be entitled to have his execution against the goods and chattels, lands and tenements, rights and credits of the defendant.

Execution upon *feri facias*.

SEC. 16. *And be it further enacted*, That this act shall commence and be in force from and after the first day of September next.

Act to commence September 1st, 1812.

APPROVED, June 24, 1812.

STATUTE I.

June 26, 1812.

CHAP. CVII.—*An Act concerning Letters of Marque, Prizes, and Prize Goods.*

[Obsolete.]

Act of Jan. 27, 1813, ch. 13.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States shall be, and he is hereby authorized and empowered to revoke and annul at pleasure all letters of marque and reprisal which he shall or may at any time grant pursuant to an act entitled "An act declaring war between the United Kingdom of Great Britain and Ireland and the dependencies thereof, and the United States of America and their territories."

President authorized to revoke letters of marque, &c.

1812, ch. 102.

SEC. 2. *And be it further enacted*, That all persons applying for letters of marque and reprisal, pursuant to the act aforesaid, shall state in writing the name and a suitable description of the tonnage and force of the vessel; and the name and place of residence of each owner concerned therein, and the intended number of the crew; which statement shall be signed by the person or persons making such application, and filed with the Secretary of State, or shall be delivered to any other officer or person who shall be employed to deliver out such commissions, to be by him transmitted to the Secretary of State.

Formalities required from persons applying for letters of marque, &c.

SEC. 3. *And be it further enacted*, That before any commission of letters of marque and reprisal shall be issued as aforesaid, the owner or owners of the ship or vessel for which the same shall be requested, and the commander thereof, for the time being, shall give bond to the United States, with at least two responsible sureties, not interested in such vessel, in the penal sum of five thousand dollars; or if such vessel be provided with more than one hundred and fifty men, then in the penal sum of ten thousand dollars; with condition that the owners, officers, and crew, who shall be employed on board such commissioned vessel, shall and will observe the treaties and laws of the United States, and the instructions which shall be given them according to law for the regulation of their conduct; and will satisfy all damages and injuries which shall be done or committed contrary to the tenor thereof by such vessel, during her commission, and to deliver up the same when revoked by the President of the United States.

Bonds to be given with surety.

Condition.

SEC. 4. *And be it further enacted*, That all captures and prizes of vessels and property, shall be forfeited and shall accrue to the owners, officers and crews of the vessels by whom such captures and prizes shall

Captured property to be forfeited.

Distribution of prize money, &c.

be made; and on due condemnation had, shall be distributed according to any written agreement which shall be made between them; and if there be no such agreement, then one moiety to the owners, and the other moiety to the officers and crew, to be distributed between the officers and crew as nearly as may be, according to the rules prescribed for the distribution of prize money, by the act entitled "An act for the better government of the navy of the United States," passed the twenty-third day of July, one thousand eight hundred. (a)

1800, ch. 33.
Recaptures of property of citizens, &c. to be restored on payment of salvage.

Sec. 5. *And be it further enacted*, That all vessels, goods and effects, the property of any citizen of the United States, or of persons resident within and under the protection of the United States, or of persons permanently resident within and under the protection of any foreign prince, government or state, in amity with the United States, which shall have been captured by the enemy and which shall be recaptured by vessels commissioned as aforesaid, shall be restored to the lawful owners, upon payment by them respectively, of a just and reasonable salvage, to be determined by the mutual agreement of the parties concerned, or by the decree of any court having competent jurisdiction, according to the nature of each case, agreeably to the provisions heretofore established by law. And such salvage shall be distributed among the owners, officers and crews of the vessels commissioned as aforesaid, and making such recaptures according to any written agreement which shall be between them; and in case of no such agreement, then in the same manner and upon the principles herein before provided in case of capture. (b)

Distribution of salvage.

(a) The prize act of June 26th, 1812, chap. 107, operates as a grant from the United States to the captors, of all property rightfully captured by commissioned privateers, as prize of war. *The Sally*, 8 Cranch, 382; 3 Cond. Rep. 177.

Prize money must be distributed according to some written agreement of the parties, otherwise it is distributable according to the 4th sec. of the prize act of the 26th of June, 1812, chap. 107. A parol agreement as to distribution is void. *The Dash*, 1 Mason's C. C. R. 4.

If the shipping articles omit to state the shares, to which some of the officers and crew are entitled, they are still entitled to claim their shares under the prize act. *Ibid.*

A parol assignment of a share in prizes is void. *Ibid.*

All captures, made by non-commissioned captors, are made for the government: and since the provisions in the prize acts as to the distribution of prize proceeds, are confined to public and private armed vessels, cruising under regular commissions; the only claim which can be sustained by such non-commissioned captors must be in the nature of salvage, for bringing in and preserving the property. *The Dos Hermanos*, 10 Wheat. 306; 6 Cond. Rep. 109.

The commander of a squadron, to whose command a ship of war is attached, and under whose orders she sails, is entitled to the flag-twentieth of all prizes made by such ship, although the other part of the squadron may never have sailed on the cruise, in consequence of a blockade by a superior force. *Decatur v. Chew*, 1 Gallis. C. C. R. 506.

To deprive such commander of his flag-twentieth, on account of his having left his station, under the sixth section of the act of April 23d, 1800, chap. 33, it is indispensable that some local station should have been assigned him. *Ibid.*

Where no grant is made, all captures made under the authority of the executive, inure to the use of the government. *The Emulous*, 1 Gallis. C. C. R. 563.

As between public ships, the rule for the distribution of prizes is settled by the seventh article of the sixth section in the act of April 23d, 1800, chap. 33, which provides that, in cases of joint capture, the capturing ships shall share "according to the number of men and guns on board each ship in sight." *The Despatch*, 2 Gallis. C. C. R. 1.

As to privateers, no statute regulation exists, and therefore their claims are settled by the general law of relative strength, which is to be measured by the number of men on board each ship. *Ibid.*

(b) *Salvage in Prize Causes*.—On a recapture of a vessel by a neutral vessel, no claim for salvage can arise, for the recapture was a hostile act, not justified by the situation of the nation to which the recapturing vessel belongs, in relation to that from the possession of which the vessel recaptured was taken. The degree of service rendered in such a case, is precisely the same as if it had been rendered by a belligerent; yet, the rights accruing from the recapture are different, because no right can accrue from an act which was unlawful. *Talbot v. Seeman*, 1 Cranch, 1; 1 Cond. Rep. 229.

When a belligerent permits her cruisers to capture neutral vessels, and carry them in for adjudication, and thus subjects such vessels to perils, almost equal to those of absolute capture, salvage for a recapture of such a neutral vessel will be allowed. *Ibid.*

American property recaptured, was restored on payment of salvage; the libel having prayed a condemnation as prize, and no salvage having been claimed. The question of salvage is incident to the question of prize. *The Adeline*, 9 Cranch, 244; 3 Cond. Rep. 397.

A merchant ship, the property of subjects of the king of Great Britain, was captured on the high seas by a French squadron, a prize master and crew put on board of her, and she remained in company with the captors upwards of twenty-four hours, when she was left by the prize master and the crew; frequent

SEC. 6. *And be it further enacted,* That before breaking bulk of any vessel which shall be captured as aforesaid, or other disposal or conversion thereof, or of any articles which shall be found on board the same, such captured vessel, goods or effects, shall be brought into some port of the United States, or into some port of a nation in amity with the United States, and shall be proceeded against, before a competent tribunal; and after condemnation and forfeiture thereof, shall belong to the owners and captors thereof, and be distributed as aforesaid: and in the case of all captured vessels, goods and effects which shall be brought within the jurisdiction of the United States, the district courts of the United States shall have exclusive original cognizance thereof, as in civil causes of admiralty and maritime jurisdiction; and the said courts, or the courts, being courts of the United States, into which such cases shall be removed, and in which they shall be finally decided, shall and may decree restitution, in whole or in part, when the capture shall have been made without just cause. And if made without probable cause, or otherwise unreasonably, may order and decree damages and costs to the party injured, and for which the owners and commanders of the vessels making such captures, and also the vessels, shall be liable.

Prizes to be brought in for adjudication.

Into ports of the U. States or a friendly nation.

District courts of the United States to have original exclusive jurisdiction of prizes brought into the United States.

SEC. 7. *And be it further enacted,* That all prisoners found on board any captured vessels, or on board any recaptured vessel, shall be reported to the collector of the port in the United States in which they shall first arrive, and shall be delivered into the custody of the marshal of the district or some civil or military officer of the United States, or of any state in or near such port, who shall take charge of their safe keeping and support, at the expense of the United States.

Regulations concerning prisoners found on board prize vessels.

SEC. 8. *And be it further enacted,* That the President of the United States shall be, and he is hereby authorized to establish and order suitable instructions for the better governing and directing the conduct of the vessels, so commissioned, their officers and crews, copies of which shall be delivered, by the collector of the customs, to the commanders when they shall give bond as aforesaid.

President to prescribe instructions for privateers.

SEC. 9. *And be it further enacted,* That a bounty shall be paid by the United States of twenty dollars for each person on board any armed ship or vessel, belonging to the enemy, at the commencement of an engagement, which shall be burnt, sunk or destroyed, by any vessel commissioned as aforesaid, which shall be of equal or inferior force, the same to be divided as in other cases of prize money.

Bounty for destroying enemy vessels.

Act of August 2, 1813, ch. 55.
Act of March 19, 1814, ch. 27.

SEC. 10. *And be it further enacted,* That the commanding officer of every vessel having a commission, or letters of marque and reprisal,

Commanding officers of pri-

ineffectual attempts having been made to set her on fire. She was found deserted and abandoned, by an American vessel, bound on a European voyage, and by the mate and part of the crew brought into Boston. A claim was made to her by the British consul for the original owners, and by the French consul for the captors. Salvage, amounting to one third of the gross proceeds of the sales of the ship and cargo, were decreed to the owners, masters and crew of the American ship; and the residue of the proceeds were ordered to be paid to the French republic, or those concerned in the capture. *M'Donough v. Danery*, and the *Ship Mary Ford*, 3 Dall. 188; 1 Cond. Rep. 94.

One half of the whole value of an American vessel and cargo, recaptured by a vessel of war of the United States, after she had been captured by a French privateer, on the 31st of March, 1799, was allowed as salvage. *Bas, Plaintiff in Error v. Tingy*, 4 Dall. 37; 1 Cond. Rep. 221.

An American vessel was captured by the enemy, and after condemnation and sale to a subject of the enemy, was recaptured by an American privateer. Held, that the original owner was not entitled to restitution on payment of salvage, under the salvage act of the 3d of March, 1800, chap. 14, and the prize act of 26th June, 1812, chap. 107. *The Star*, 3 Wheat. 78; 4 Cond. Rep. 198.

In order to entitle to salvage, as upon a recapture or rescue, the property must have been in the possession, either actual or constructive, of the enemy. *The Ann Green*, 1 Gallis. C. C. R. 274, 289.

Salvage allowed upon a recapture of a ransomed ship, the ransom bill declaring that the sum agreed upon therein, should be payable only upon the arrival of the vessel at her port of destination, which she never reached. *The Harriet*, Bee's D. C. R. 128.

In case of a recapture by a public vessel of war, the salvage can be ascertained only by a sale of the property, unless both parties consent to an appraisement. *The Dolphin*, Bee's D. C. R. 152.

Salvage is not due for rescuing the vessel of the hands of a belligerent, who has taken possession for a supposed violation of a treaty or of the law of nations. *The Antelope*, Bee's D. C. R. 233.

vateers to keep journals.

Journals to be reported to the collectors, &c.

Commanding officers of privateers to exhibit their journals, &c. &c. to public vessels of the U. States.

Penalties for neglecting to keep journals, or keeping untrue ones.

during the present hostilities between the United States and Great Britain, shall keep a regular journal, containing a true and exact account of his daily transactions and proceedings with such vessel and the crew thereof; the ports and places he shall put into or cast anchor in; the time of his stay there and the cause thereof; the prizes he shall take; the nature and probable value of such prizes; the times and places, when and where taken, and how and in what manner he shall dispose of the same; the ships or vessels he shall fall in with; the times and places, when and where he shall meet with them, and his observations and remarks thereon; also, of whatever else shall occur to him or any of his officers or mariners, or be discovered and found out by examination or conference with any mariners or passengers of, or in any other ships and vessels, or by any other ways or means whatsoever, touching or concerning the fleets, vessels and forces of the enemy, their posts and places of station and destination, strength, numbers, intents and designs: and such commanding officer shall, immediately on his arrival in any port of the United States or the territories thereof, from or during the continuance of any voyage or cruise, produce his commission for such vessel, and deliver up such journal so kept as aforesaid, signed with his proper name and handwriting, to the collector or other chief officer of the customs, at or nearest to such port; the truth of which journal shall be verified by the oath of the commanding officer for the time being, and such collector or other chief officer of the customs shall, immediately on the arrival of such vessel, order the proper officer of the customs to go on board and take an account of the officers and men, the number and nature of the guns, and whatever else shall occur to him, on examination, material to be known; and no such vessel shall be permitted to sail out of port again, after such arrival, until such journal shall have been delivered up, and a certificate obtained under the hand of such collector or other chief officer of the customs, that she is manned and armed according to her commission; and upon delivery of such certificate, any former certificate of a like nature, which shall have been obtained by the commander of such vessel, shall be delivered up.

SEC. 11. *And be it further enacted*, That captains and commanders of vessels having letters of marque and reprisal, in case of falling in with any of the vessels of war or revenue of the United States, shall produce to the commanding officer of such vessels their journals, commissions and certificates as aforesaid; and the commanding officers of such ships of war or revenue, shall make, respectively, a memorandum in such journal of the day on which it was so produced to him, and shall subscribe his name to it: and in case such vessel, having letters of marque as aforesaid, shall put into any foreign port where there is an American consul or other public agent of the United States, the commander shall produce his journal, commission and certificate aforesaid; to such consul or agent, who may go on board and number the officers and crew and examine the guns, and if the same shall not correspond with the commission and certificate respectively, such consul or agent shall forthwith communicate the same to the Secretary of the Navy.

SEC. 12. *And be it further enacted*, That the commanders of vessels having letters of marque and reprisal as aforesaid, neglecting to keep a journal as aforesaid, or wilfully making fraudulent entries therein, or obliterating any material transactions therein, where the interest of the United States is in any manner concerned, or refusing to produce such journal, commission or certificate, pursuant to the preceding section of this act, then and in such cases, the commissions or letters of marque and reprisal of such vessels, shall be liable to be revoked; and such commanders, respectively shall forfeit for every such offence the sum of one thousand dollars, one moiety thereof to the use of the United States, and the other to the informer.

SEC. 13. *And be it further enacted,* That the owners or commanders of vessels having letters of marque and reprisal as aforesaid, who shall violate any of the acts of Congress for the collection of the revenue of the United States and for the prevention of smuggling, shall forfeit the commission or letters of marque and reprisal, and they and the vessels owned or commanded by them, shall be liable to all the penalties and forfeitures attaching to merchant vessels in like cases.

Owners of privateers, how punishable for violating revenue laws of the United States.

SEC. 14. *And be it further enacted,* That so much of any act or acts as prohibits the importation of goods, wares and merchandise, of the growth, produce and manufacture of the dominions, colonies and dependencies of the United Kingdom of Great Britain and Ireland, or of goods, wares and merchandise imported from the dominions, colonies, and dependencies of the United Kingdom of Great Britain and Ireland, be, and the same is hereby repealed, so far as the same may prohibit the importation or introduction into the United States and their territories of such goods, wares and merchandise as may be captured from the enemy and made good and lawful prize of war, either by vessels having letters of marque and reprisal or by the vessels of war and revenue of the United States. And all such goods, wares and merchandise, when imported or brought into the United States or their territories, shall pay the same duties, to be secured and collected in the same manner and under the same regulations, as the like goods, wares and merchandise, if imported in vessels of the United States from any foreign port or place, in the ordinary course of trade, are now or may at the time be liable to pay.

Non-importation law, so far as it concerns prize goods, dispensed with.

Act of August 2, 1813, ch. 49.

SEC. 15. *And be it further enacted,* That all offences committed by any officer or seaman on board any such vessel, having letters of marque and reprisal, during the present hostilities against Great Britain, shall be tried and punished in such manner as the like offences are or may be tried and punished when committed by any person belonging to the public ships of war of the United States: *Provided always,* that all offenders who shall be accused of such crimes as are cognizable by a court martial, shall be confined on board the vessel in which such offence is alleged to have been committed, until her arrival at some port in the United States or their territories; or until she shall meet with one or more of the public armed vessels of the United States abroad, the officers whereof shall be sufficient to make a court martial for the trial of the accused; and upon application made, by the commander of such vessel, on board of which the offence is alleged to have been committed, to the Secretary of the Navy, or to the commander or senior officer of the ship or ships of war of the United States abroad as aforesaid, the Secretary of the Navy, or such commander or officer, is hereby authorized to order a court martial of the officers of the navy of the United States, for the trial of the accused, who shall be tried by the said court.

Offences on board private armed vessels, how punishable.

Proviso.

SEC. 16. *And be it further enacted,* That an act, entitled "An act laying an embargo on all the ships and vessels in the ports and harbors of the United States for a limited time," passed the fourth day of April, one thousand eight hundred and twelve; and an act, entitled "An act to prohibit the exportation of specie, goods, wares and merchandise, for a limited time," passed April fourteenth, one thousand eight hundred and twelve, so far as they relate to ships and vessels having commissions or letters of marque and reprisal, or sailing under the same, be, and they hereby are respectively repealed.

Parts of embargo and non-exportation laws repealed, so far as they relate to private armed vessels.

Act of April 4, 1812, ch. 49.

Act of April 14, 1812, ch. 56.

SEC. 17. *And be it further enacted,* That two per centum on the net amount (after deducting all charges and expenditures) of the prize money arising from captured vessels and cargoes, and on the net amount of the salvage of vessels and cargoes recaptured by the private armed vessels of the United States, shall be secured and paid over to the collector or other chief officer of the customs at the port or place in the United

Commissions to the collectors and consuls upon prize goods: to what uses to be applied.

States, at which such captured or recaptured vessels may arrive; or to the consul or other public agent of the United States residing at the port or place, not within the United States, at which such captured or recaptured vessels may arrive. And the monies arising therefrom, shall be held and hereby is pledged by the government of the United States as a fund for the support and maintenance of the widows and orphans of such persons as may be slain; and for the support and maintenance of such persons as may be wounded and disabled on board of the private armed vessels of the United States, in any engagement with the enemy, to be assigned and distributed in such manner as shall hereafter by law be provided.

APPROVED, June 26, 1812.

STATUTE I.

June 26, 1812.

[Obsolete.]

Act of March 3, 1815, ch. 78.
Organization of the army.

Infantry to consist of twenty-five regiments.

What each company is to consist of.

Act of Jan. 11, 1812, ch. 14.
Riding master.

Act of April 12, 1808, ch. 43.
Surgeon's mate.

What each troop of cavalry, &c. shall consist of, &c.

Several military establishments incorporated.

Act of April 12, 1808, ch. 43.

CHAP. CVIII.—*An Act for the more perfect organization of the Army of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the infantry of the army of the United States shall consist of twenty-five regiments, and that a regiment shall consist of one colonel, one lieutenant-colonel, one major, one adjutant, one paymaster, one quartermaster, one surgeon, two surgeon's mates, one sergeant major, one quartermaster's sergeant, two principal musicians, and ten companies.

SEC. 2. *And be it further enacted,* That each company shall consist of one captain, one first lieutenant, one second lieutenant, one ensign, four sergeants, six corporals, two musicians, and ninety privates.

SEC. 3. *And be it further enacted,* That to the regiment of cavalry, authorized by the act passed January eleventh, one thousand eight hundred and twelve, entitled "An act to raise an additional military force," there shall be added one riding master; and to the regiment of light dragoons, authorized by the act passed April twelfth, one thousand eight hundred and eight, entitled "An act to raise, for a limited time, an additional military force," one surgeon's mate.

SEC. 4. *And be it further enacted,* That each troop of cavalry or light dragoons shall consist of one captain, one first lieutenant, one second lieutenant, one cornet, four sergeants, six corporals, two musicians, one master of the sword, one saddler, one farrier, one blacksmith, and sixty-four privates, and the pay and emolument of a master of the sword shall be the same as those of a riding master, and the pay and emolument of a blacksmith shall be the same as those of a farrier.

SEC. 5. *And be it further enacted,* That the military establishment authorized by law previous to the twelfth day of April, one thousand eight hundred and eight, and the additional military force raised by virtue of the act of the twelfth of April, one thousand eight hundred and eight, be and the same are hereby incorporated, and that from and after the passing of this act the promotions shall be made through the lines of artillerists, light artillery, dragoons, riflemen and infantry respectively, according to established rule.

APPROVED, June 26, 1812.

STATUTE I.

June 26, 1812.

President of the U. States and the state of Virginia to appoint commissioners, &c.

CHAP. CIX.—*An Act to ascertain the western boundary of the tract reserved for satisfying the military bounties allowed to the officers and soldiers of the Virginia Line on Continental Establishment.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States shall be, and he is hereby authorized by and with the advice and consent of the Senate, to appoint three commissioners on the