

An additional advance to be made to recruits.

SEC. 4. *And be it further enacted*, That in order to complete the present military establishment to the full number authorized by law, with the greatest possible despatch, there shall be paid to each effective able bodied man, who shall be duly enlisted into the service of the United States, after the first day of February next, to serve for the term of five years, or during the war, an advance of twenty-four dollars, on account of his pay, in addition to the existing bounty, one half of such advance to be paid at the enlistment of the recruit, and the other half when he shall be mustered and have joined some military corps of the United States, for service; and a bounty of one hundred and sixty acres of land, as heretofore established by law.

Bounty of 160 acres.

Additional premium to recruiting officers.

SEC. 5. *And be it further enacted*, That the commissioned officers who shall be employed in the recruiting service, shall be entitled to receive for every effective able bodied man, who shall be duly enlisted after the first day of February next, by them, for the term of five years or during the war, and mustered, and between the ages of eighteen and forty-five years, the sum of four dollars: *Provided nevertheless*, that this regulation, so far as respects the age of the recruit, shall not extend to musicians, or to those soldiers who may re-enlist into the service: *And provided also*, that no person under the age of twenty-one years, shall be enlisted by any officer, or held in the service of the United States, without the consent, in writing, of his parent, guardian, or master, first had and obtained, if any he have; and if any officer shall enlist any person contrary to the true intent and meaning of this act, for every such offence he shall forfeit and pay the amount of the bounty and clothing which the person so recruited may have received from the public, to be deducted out of the pay and emoluments of such officer.

Proviso.

Proviso.

Persons performing a tour of militia duty may be absolved from the balance of their term of service by enlisting in the army.

SEC. 6. *And be it further enacted*, That it shall be lawful for any person during the time he may be performing a tour of militia duty to enlist in the regular army of the United States, and the recruiting officers are hereby authorized to enlist any such person in the same manner, and under the same regulations, as if he were not performing such militia duty; and every person who shall enlist, while performing a tour of militia duty as aforesaid, shall be thereby exonerated from serving the remainder of said tour; and the state to which he may belong shall not be required to furnish any other person to serve in his stead.

APPROVED, January 20, 1813.

STATUTE II.

Jan. 27, 1813.

CHAP. XIII.—*An Act in addition to the act concerning letters of marque, prizes, and prize goods.*(a)

Prize made by private armed ships to be sold by marshals of the districts wherein they are condemned.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all prizes of vessels and property, captured by private armed ships, commissioned under the authority of the United States, which may be condemned in any district or circuit court of the United States, shall be sold at public auction, by the marshal of the district, in which the same shall be condemned, within sixty days after the condemnation thereof, sufficient notice of the time and place, and conditions of sale being first given, on such day or days, on such terms of credit, and in such lots or proportions as may be designated by the owner or owners, or agent of the owner or owners of the privateer which may have captured the same: *Provided*, that the term of such credit shall not exceed ninety days; and the said marshal is hereby directed, to take and receive, from the purchaser or purchasers of such prize vessel and property, the money therefor, or his, her, or their promissory notes with endorsers, to be approved by the owner or owners of the privateer, to the amount of the purchase, payable according to the terms thereof.

Proviso.

(a) See notes to act of June 26, 1812, chap. 107.

SEC. 2. *And be it further enacted*, That upon all duties, costs, and charges, being paid according to law, the said marshal shall, on demand, deliver and pay over to the owner or owners of the privateer, or to the agent of such owner or owners of the privateer, which may have captured such prize vessel and property, a just and equal proportion of the funds received on account of the sale thereof, and of the promissory notes directed to be taken as aforesaid, to which the said owner or owners may be entitled, according to the articles of agreement between the said owner or owners, and the officers and crew of the said privateer: and a just and equal proportion of the proceeds of the sale as aforesaid, shall, on demand, be also paid over, by the said marshal, to the officers and crew of the said privateer, or to their agent or agents. And if there be no written agreement, it shall be the duty of the marshal to pay over, in manner as aforesaid, one moiety of the proceeds of the sale of such prize vessel and property, to the owner or owners, agent or agents of the owner or owners of the privateer, which may have captured the same; and the other moiety of the said proceeds to the agent or agents of the officers and crew of the said privateer, to be distributed according to law, or to any agreement by them made: *Provided*, the said officers and crew, or their agent or agents, shall have first refunded, to the owner or owners, or to the agent of the owner or owners of the privateer aforesaid, the full amount of advances which shall have been made by the owner or owners of the privateer, to the officers and crew thereof.

Marshals to pay over the proceeds, &c. &c.

If no written agreement, how proceeds of prizes are to be paid over by the marshal.

Proviso.

SEC. 3. *And be it further enacted*, That for the selling prize property, and receiving and paying over the proceeds as aforesaid, the marshal shall be entitled to a commission of one per cent. and no more, first deducting all duties, costs, and charges, which may have accrued on said property: *Provided*, that on no case of condemnation and sale of any one prize vessel and cargo, shall the commissions of the marshal exceed two hundred and fifty dollars.

Commission to the marshals for this service.

Proviso.

SEC. 4. *And be it further enacted*, That it shall be the duty of the marshal, within fifteen days after any sale of prize property, to file in the office of the clerk of the district court, of the district wherein such sale may be made, a just and true account of the sales of such prize property, and of all duties and charges thereon, together with a statement thereto annexed of the promissory notes taken on account thereof, which account shall be verified by the oath of the said marshal; and if the said marshal shall wilfully neglect, or refuse to file such account, he shall forfeit and pay the sum of five hundred dollars, for each omission or refusal as aforesaid, to be recovered in an action of debt by any person interested in such sale, and suing for the said penalty, on account of the party or parties interested in the prize vessel or property sold as aforesaid, in any court having cognizance thereof.

Marshals to file accounts of sales, &c. &c. in the clerk's office.

Penalties for not doing so.

SEC. 5. *And be it further enacted*, That the owner or owners of any private armed vessel or vessels, or their agent or agents, may, at any time before a libel shall be filed against any captured vessel or her cargo, remove the same from any port into which such prize vessel or property may be first brought, to any other port in the United States, to be designated at the time of the removal as aforesaid, subject to the same restrictions and complying with the same regulations with respect to the payment of duties, which are provided by law, in relation to other vessels arriving in port with cargoes subject to the payment of duties: *Provided*, that before such removal, the said captured property shall not have been attached at the suit of any adverse claimant, or a claim against the same have been interposed in behalf of the United States.

Captured vessels before libels filed may be removed.

Proviso.

APPROVED, January 27, 1813.