

act of the second of April last, eight hundred and seventy-five dollars : for the salary of an additional clerk, and office rent, in the department of state, four hundred and eighty-four dollars, and seventy-eight cents : For the payment and subsistence of Captain John Inglis of the North Carolina line, one hundred and eight dollars, and ninety-one cents : To defray the farther contingent expenses of the House of Representatives authorized during the present session, one thousand dollars : For the service of the war department, in addition to the sums heretofore appropriated, the sums following, to wit : To defray the expense of a corps of artillerists and engineers established during the present session, sixty-six thousand four hundred and twenty-nine dollars and eighty-seven cents : For the further protection and defence of the southwestern frontier, two hundred thousand dollars : For the purposes of the act directing a detachment from the militia of the United States, two hundred thousand dollars : For the equipment of galleys or other vessels pursuant to an act of the present session, eighty thousand dollars : For the expense of additional clerk hire in the department of war, seven hundred and fifty dollars : For defraying the contingent expenses of government, to be applied, under the direction of the President of the United States, according to the regulations and provisions provided in respect of a sum of ten thousand dollars heretofore appropriated for the like purpose, twenty thousand dollars—amounting in the whole to one million two hundred and ninety-two thousand one hundred and thirty-seven dollars, and thirty-eight cents : which several sums shall be paid out of the proceeds of such revenues as shall have been provided during the present session of Congress.

SEC. 2. *And be it further enacted*, That the President of the United States be empowered to borrow, on behalf of the United States, of the Bank of the United States (which is hereby authorized to lend the same), or of any other body or bodies politic, person or persons, any sum not exceeding in the whole, one million of dollars, to be applied to the purposes aforesaid, and to be reimbursed, as well interest as principal, out of the proceeds of the said revenues.

SEC. 3. *Provided always, and be it further enacted*, That there shall be reserved out of the proceeds of the said revenues, a sum sufficient to pay the interest of whatever monies may be borrowed pursuant to the act, intituled "An act making further provision for the expenses attending the intercourse of the United States with foreign nations ; and further to continue in force the act, intituled "An act providing the means of intercourse between the United States and foreign nations ;" and such sum is hereby pledged and appropriated for that purpose, according to the terms of the contract or contracts which shall or may be made concerning the said monies. And the faith of the United States is hereby pledged to make such further provision therefor, as may be necessary.

APPROVED, June 9, 1794.

1794, ch. 46.

President of the United States to borrow a sum.

Not exceeding \$1,000,000.

Certain sum to be reserved.

1794, ch. 7.

STATUTE I.

CHAP. LXIV.—*An Act making certain alterations in the act for establishing the Judicial Courts, and altering the time and place of holding certain courts.*

June 9, 1794.

[Obsolete.]

District judge to appoint commissioners.

Before whom appraisers of vessels seized may be sworn.

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the district judges of the United States be authorized to appoint a commissioner or commissioners, before whom appraisers of ships or vessels, or goods, wares and merchandise, seized for breaches of any law of the United States, may be sworn or affirmed ; and that such qualifications made before such commissioner or commissioners, shall be, to all intents and purposes, as effectual, as if the same were taken before the said judges in open court.

Stated term of certain district courts, changed.

1802, ch. 31.

N. Carolina divided into three districts.

1797, ch. 27, sec. 2.

Process, &c. where returnable.

Duty of marshal of North Carolina herein.

Effect of process issuing out of either of said districts.

1797, ch. 27, sec. 2.

Process, &c. commenced, where tried.

1797, ch. 27.

Clerk of said district court, his duty herein.

Part of certain act requiring attendance of more than one marshal at supreme court, repealed.

Exception.

District court of Kentucky after 30th Sep.

SEC. 2. *And be it further enacted*, That the stated terms of the district courts of Massachusetts, Pennsylvania, and Georgia, be changed, and that, in future, the said courts in Massachusetts shall be held on the third Tuesday in March, the fourth Tuesday in June, the second Tuesday in September, and the first Tuesday in December; in Pennsylvania, on the third Mondays in February, May, August and November; and in Georgia, at the times and places following; in the city of Savannah, on the second Tuesdays in February, May and August, and in Augusta, on the second Tuesday in November; and that the circuit court of the district of Delaware hereafter commence on the second Monday in June, instead of the twenty-seventh day of April, any law to the contrary notwithstanding.

SEC. 3. *And be it further enacted*, That the state of North Carolina shall be divided into three districts, in which the district court of the said state shall be held at such times and places, as are already ascertained by law, that is to say; the district of Wilmington to include all the counties of the state districts of Morgan, Salisbury, Fayetteville and Wilmington:—the district of Newbern to include all the counties of the state districts of Hillsborough, Halifax and Newbern;—and Edenton to include all the counties of the district of Edenton; and that all process, pleas, actions, suits and other proceedings, originating in the districts, respectively, shall be returnable to the session of said court to be held at the place directed by law, within the same district, where the cause commenced, and there to be kept with the record thereof, until the final end and determination of the same. And to the end that suitors, witnesses and all others concerned, may have notice of this alteration in the said courts, the marshal of the said district of North Carolina is hereby required to make the same known by proclamation, on or before the first day of August next.

SEC. 4. *And be it further enacted*, That any person living within either of the districts aforesaid, who hereafter shall be arrested, by virtue of process issuing out of the court of either of the said districts, other than that in which he shall so reside, shall be discharged therefrom, on his entering his appearance, and giving bail to the action, in the court of the district in which he shall so reside, in like manner, and to the like effect, as if the said process had originally been issued out of the court within the said last mentioned district.

SEC. 5. *And be it further enacted*, That all process, actions, pleas, suits and other proceedings, which have been commenced and returned to the separate several sessions of the district court, at such places appointed by law for holding thereof, shall be tried at the place in each district, where the same were first made returnable.

SEC. 6. *And be it further enacted*, That the clerk of said district court shall, at each of the places aforesaid, keep a distinct docket and record of such business, returnable as aforesaid, or which may be returned to the session to be held at the said places, respectively, at which places of return, the said business shall be finally heard and determined as aforesaid.

SEC. 7. *And be it further enacted*, That so much of the act to establish the judicial courts of the United States, as is, or may be construed to require the attendance of the marshals of all the districts, at the supreme court, shall be, and the same is hereby repealed; and that the said court shall be attended, during its session, by the marshal of the district only, in which the court shall sit, unless the attendance of the marshals of other districts shall be required by special order of the said court.

SEC. 8. *And be it further enacted*, That from and after the last day of September next the district court for the state of Kentucky, shall be

held in the town of Frankfort, any thing in any former act to the contrary notwithstanding.

APPROVED June 9, 1794.

tember, to be held at Frankfort.

STATUTE I.

CHAP. LXV.—*An Act laying duties on property sold at Auction.*

June 9, 1794.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the thirtieth day of September next, there shall be levied, collected and paid, for the use of the United States, upon all sales by way of auction, as herein after described, which shall be made within the United States, the respective rates and duties following, to wit: The sum of one fourth part of a dollar for every hundred dollars of the purchase money arising by sale at auction, of any interest, right or estate in any lands, tenements or hereditaments, and of any utensils in husbandry, and farming stock, ships and vessels, and the sum of one half of a dollar, for every hundred dollars of the purchase money, arising by sale at auction, of all other goods, chattels, rights and credits whatsoever, and at the same rate for any greater or lesser sum, except as herein after excepted: The said respective rates and duties to be paid by the auctioneer or person making such sales at auction, out of the monies arising from each and every such sale. *Provided always,* That nothing in this act contained shall extend to any sale or sales by auction, of estates, goods or effects, made pursuant to, or in execution of any rule, order, decree, sentence or judgment of any court of the United States or of either of them; or made in virtue, or by force of any distress for rent, or other cause, for which a distress is allowed by law; or made in consequence of any bankruptcy or insolvency, pursuant to any law concerning bankruptcies or insolvencies; or made in consequence of any general assignment of property and effects, for the benefit of creditors; or made by or on behalf of executors or administrators; or made of the produce of the land, upon the land where such produce was raised; or made of any farming utensils, stock or household furniture, by persons removing from the place of their former residence, where the amount of each sale of such farming utensils, stock or household furniture shall not exceed two hundred dollars; or made pursuant to the directions of any law of the United States, or of either of them, touching the collection of any tax or duty; or disposal by auction of public property of the United States or of any state; nor to any such sale or sales by auction, of ships, their tackle, apparel and furniture, or the cargoes thereof, which shall be wrecked or stranded within the United States, and sold for the benefit of the insurers or proprietors thereof.

Repealed by Act of April 6, 1802, ch. 19.

Duties on certain sales at auction after 30th September next.

Exceptions.

1800, ch. 19.

SEC. 2. *And be it further enacted,* That no person, after the said thirtieth day of September next, shall exercise the trade or business of an auctioneer, by the selling of any estates, goods or effects whatsoever by auction, or any other mode of sale, whereby the best or highest bidder is deemed to be the purchaser, unless such person shall have a license or other special authority, continuing in force pursuant to some law of a state, or issued pursuant to the directions of this act, on pain of forfeiting, for every such sale at auction, the sum of four hundred dollars, together with the sums or duties payable by this act upon the estates, goods or effects so sold: *Provided however,* That nothing herein contained, shall be construed to require a license for the sale at auction of any estate, goods, chattels, or other thing, which by this act are exempted from duty.

Auctioneers prohibited without license.

Exception.

SEC. 3. *And be it further enacted,* That every person, who before the said thirtieth day of September next, shall have a license or special authority, pursuant to any law of any state, for exercising the said trade

Duty of auctioneers holding license under any state.