

duty on tonnage.

year one thousand eight hundred and five, intituled "An act to empower the board of wardens, for the port of Philadelphia, to collect a certain duty on tonnage, for the purposes therein mentioned," so far as to enable the state of Pennsylvania to collect a duty of four cents per ton, on all vessels which shall clear out from the port of Philadelphia for any foreign port or place whatever, to be expended in building piers in, and otherwise improving the navigation of the river Delaware, agreeably to the intentions of the said act.

APPROVED, Feb. 28, 1806.

STATUTE I.

Feb. 28, 1806.

CHAP. XIII.—*An Act for altering the time for holding the circuit court, in the district of North Carolina; and for abolishing the July term of the Kentucky district court.*

June term of the court changed.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the June term of the circuit court now holden for the district of North Carolina, on the fifteenth day of June, shall commence and be holden on the twentieth day of the same month, any thing contained in any former act or acts to the contrary notwithstanding. And that all actions, suits, process, pleadings, and other proceedings of what nature or kind soever, civil or criminal, commenced or to commence in the said court; and all recognizances returnable to the said court on the fifteenth day of June, shall be continued, returned to, and have day in the session to be holden by this act, and the same proceedings shall be had thereon as heretofore, and shall have all the effect, power, and virtue as if the alteration had never been made: *Provided nevertheless*, that when the twentieth day of June shall happen on Sunday, the next shall be the first juridical day.*

Process made returnable accordingly.

Altered 1807, ch. 5.

SEC. 2. *And be it further enacted, That from and after the first day of August next, so much of all and every act or acts, as directs that a district court, for the Kentucky district, shall be holden on the first Monday in July, in every year, shall be, and the same is hereby repealed.*

APPROVED, Feb. 28, 1806.

STATUTE I.

March 8, 1806.

CHAP. XIV.—*An Act to extend jurisdiction in certain cases to state judges and state courts.*(a)

Jurisdiction given to certain state courts in cases of forfeitures and penalties under the revenue laws of the U. S.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the respective county courts within, or next adjoining the revenue districts herein after mentioned, shall be and are hereby authorized to take cognizance of all complaints and prosecutions for fines, penalties, and forfeitures, arising under the revenue laws of the United States, in the districts of Champlain, Sacket Harbor, Oswego, Genessee, Niagara, and Buffalo Creek, in the state of New York, and in the district of Presque Isle, in the state of Pennsylvania, and the district attorneys of New York and Pennsylvania, respectively, are hereby authorized and directed to appoint, by warrant, an attorney as their substitute or deputy, respectively, to prosecute for the United States in each of the said county courts, who shall be sworn or affirmed to the faithful execution of his duty, as prosecutor aforesaid: *Provided*, that this authority shall not be construed to extend*

1808, ch. 51.

(a) In the case of *Prigg v. The Commonwealth of Pennsylvania*, 16 Peters, 539, where the question presented to the court arose out of the proceedings of a magistrate of the commonwealth of Pennsylvania, under the law of Pennsylvania which interfered with the provisions of the act of Congress relating to the arrest of fugitives from labour, (act of February 12, 1793, chap. 7,) the magistrate of the state, having refused to execute the provisions of that law, the Court said, "As to the authority conferred on state magistrates by the fugitive law, while a difference of opinion exists, and may exist, on this point, in different states, whether state magistrates are bound to act under it; none is entertained by the court that state magistrates may, if they choose, exercise the authority, unless prohibited by the state legislatures." 16 Peters, 632.

jurisdiction to the county courts aforesaid, over any civil cause, which may arise in any of those revenue districts, for the collection of duties payable to the United States; or of bonds or securities given for the security and payment of duties to the United States.

SEC. 2. *And be it further enacted,* That the county courts aforesaid, or the first judge of each of said courts, shall be, and hereby are further authorized to exercise all and every power in the cases of a criminal nature, cognizable before them by virtue of the first section of this act, for the purpose of obtaining a mitigation or remission of any fine, penalty, or forfeiture, which may be exercised by the judges of the district courts, in cases depending before them by virtue of the law of the United States, passed on the third of March, one thousand seven hundred and ninety-seven, intituled "An act to provide for mitigating or remitting the forfeitures, penalties, and disabilities, accruing in certain cases therein mentioned." And in the exercise of the authority, by this section given to said county courts, or to the first judges thereof, they shall be governed in every respect by the regulations, restrictions and provisoes of the law of the United States, passed on the third of March, one thousand seven hundred and ninety-seven, aforesaid; with this difference only, that instead of notifying the district attornies, respectively, said county courts, or the first judges thereof, as the case may be, shall, before exercising said authorities, cause reasonable notice to be given to the attorney who may have been appointed and sworn or affirmed to prosecute for the United States, in such court, that he may have an opportunity of showing cause against the mitigation or remission of such fine, penalty, or forfeiture.

SEC. 3. *And be it further enacted,* That this act shall remain in force during the term of one year, from its passage, and from thence to the end of the next session of Congress thereafter, and no longer. (a)

APPROVED, March 8, 1806.

Criminal jurisdiction in certain cases conferred upon the courts.

Powers given by the act of March 3, 1797, ch. 13, for the remission of forfeitures, to the judges of state courts.

Continuance of this act. Continued 1808, ch. 51.

STATUTE I.

March 8, 1806.

CHAP. XV.—*An Act declaring the town of Jersey, in the state of New Jersey, to be a port of delivery; and for erecting a Lighthouse on Wood Island, or Fletcher's neck, in the state of Massachusetts.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the town, or landing place of Jersey, in the state of New Jersey, shall be a port of delivery, to be annexed to the district of Perth Amboy, and shall be subject to the same regulations and restrictions as other ports of delivery in the United States. And there shall be appointed a surveyor to reside at the said port of delivery, who shall be entitled to receive, in addition to the other emoluments allowed by law, a salary of one hundred dollars, annually.

Jersey, in the state of New Jersey, made a port of delivery.

1799, ch. 22, sec. 7.

Surveyor to reside at the said place.

SEC. 2. *And be it further enacted,* That the Secretary of the Treasury shall be, and he is hereby authorized and required, to cause a good and sufficient lighthouse to be erected on Wood island, or on Fletcher's neck, in the district of Maine, (selecting either place, as the President of the United States may deem most eligible) and to appoint a keeper, and otherwise provide for such lighthouse, at the expense of the United States: *Provided,* that sufficient land for the accommodation of such lighthouse can be obtained at a reasonable price, and the legislature of Massachusetts shall cede the jurisdiction over the same to the United States. And the sum of five thousand dollars is hereby appropriated for the erection of said lighthouse, to be paid out of any monies in the treasury, not otherwise appropriated.

A lighthouse to be erected on Wood island, or on Fletcher's neck.

Proviso.

APPROVED, March 8, 1806.

(a) By an act passed April 21, 1808, chap. 51, the provisions of this law are made perpetual and extended to the ports and harbors in Ohio.