

Act of Feb. 28, 1806, ch. 9.

Prohibitions of former act extended further.

and certain parts of the island of St. Domingo," passed on the twenty-eighth day of February, one thousand eight hundred and six, be, and the same hereby is continued in force until the end of the next session of Congress, and no longer.

SEC. 2. *And be it further enacted*, That the prohibitions and provisions of the aforesaid act shall be construed, and are hereby declared to extend to Gonoave and Tortuga, and to any other dependency of the said island of St. Domingo, in possession of, or under the acknowledged government of France.

APPROVED, February 24, 1807.

STATUTE II.

Feb. 24, 1807.

Act of Feb. 27, 1801, ch. 15. Act of May 3, 1802, ch. 53.

Provisions of a former act respecting writs of *capias ad satisfaciendum* repealed.

Said writs made returnable as if that act had not passed, &c.

Part of former act repealed.

CHAP. XVIII.—*An Act further supplementary to the act, intituled "An act concerning the District of Columbia."*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That so much of the act, intituled "An act additional to, and amendatory of an act, intituled An act concerning the district of Columbia," as directs that no *capias ad satisfaciendum* shall thereafter issue on any judgment rendered by a single magistrate, or in any case where the judgment shall not exceed twenty dollars, shall be, and the same is hereby repealed, and in all such cases a writ or writs of *capias ad satisfaciendum* may hereafter issue, any thing in the said recited act to the contrary notwithstanding.

SEC. 2. *And be it further enacted*, That such writs of *capias ad satisfaciendum* shall be issued, directed, and made returnable in like manner, and the clerk and constable shall be entitled to the same fees therein, as the said act herein before recited directs and allows in cases of executions against the goods and chattels of the debtor.

SEC. 3. *And be it further enacted*, That the eighth section of the aforesaid act shall be, and the same is hereby also repealed.

APPROVED, February 24, 1807.

STATUTE II.

Feb. 24, 1807.

Costs to be paid by claimants when there was a reasonable cause for seizure.

Proviso.

CHAP. XIX.—*An Act respecting seizures made under the authority of the United States, and for other purposes.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That when any prosecution shall be commenced on account of the seizure of any ship or vessel, goods, wares, or merchandise, made by any collector or other officer, under any act of Congress authorizing such seizure, and judgment shall be given for the claimant or claimants, if it shall appear to the court before whom such prosecution shall be tried, that there was a reasonable cause of seizure, the said court shall cause a proper certificate or entry to be made thereof: and in such case the claimant or claimants shall not be entitled to costs, nor shall the person who made the seizure, or the prosecutor, be liable to action, suit or judgment on account of such seizure and prosecution: (a) *Provided*, that the ship or vessel, goods, wares, or

(a) Seizure. "Probable cause" means less than evidence which would justify condemnation. It imports a seizure made under circumstances which warrant suspicion. *Locke v. The United States*, 7 Cranch, 339; 2 Cond. Rep. 521.

A doubt concerning the construction of a law, may be a good ground for seizure, and authorize a certificate of probable cause. *The United States v. Riddle*, 5 Cranch, 311; 2 Cond. Rep. 266.

If a collector justify the detention of a vessel under the 11th section of the embargo law of April 25, 1808, he need not show that his opinion was correct, nor that he used reasonable care and diligence in ascertaining the facts upon which his opinion was founded. It is sufficient if he honestly entertained the opinion in which he acted. *Otis v. Watkins*, 9 Cranch, 339; 3 Cond. Rep. 424.

Where a seizure for a breach of the laws of the United States, is finally adjudged wrongful and without probable cause by the courts, the party may proceed, at his election, by a suit at common law, or in the instance court of the admiralty for the illegal act. But the common law remedy in such cases must be sought in the state courts, the courts of the United States having no jurisdiction to decide on the conduct of their officers in the execution of their laws, in suits at common law, until the case shall have passed through the state courts. *Slocum v. Mayberry et al.*, 2 Wheat. 1; 4 Cond. Rep. 1.