

# ACTS OF THE TENTH CONGRESS

OF THE

## UNITED STATES,

*Passed at the first session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the twenty-sixth day of October, 1807, and ended on the twenty-fifth day of April, 1808.*

THOMAS JEFFERSON, President; GEORGE CLINTON, Vice President of the United States and President of the Senate; SAMUEL SMITH, President of the Senate pro tempore, from the 18th of April, 1808; J. B. VARNUM, Speaker of the House of Representatives.

### STATUTE I.

Nov. 24, 1807.

CHAPTER I.—*An Act making further appropriations for the support of the Navy of the United States, during the year one thousand eight hundred and seven.*

[Obsolete.]  
Specific ap-  
propriations.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for defraying the expenses of the navy of the United States, during the year one thousand eight hundred and seven, the following sums, in addition to the sums heretofore appropriated for that object, be, and the same are hereby respectively appropriated; that is to say:

For the pay and subsistence of the officers, and pay of the seamen, seventy-four thousand seven hundred and fifty-four dollars and twenty-nine cents.

For provisions, thirty-one thousand four hundred and sixty-eight dollars and fifteen cents.

For repairs of vessels, one hundred and forty-two thousand eight hundred and eighty-four dollars and sixty-one cents.

For pay and subsistence of the marine corps, eighteen thousand five hundred dollars.

For clothing for the same, ten thousand one hundred and thirty-nine dollars and forty-two cents.

For medicines and hospital stores, one thousand two hundred and sixty-three dollars and forty cents.

For ordnance and military stores, three hundred and ten thousand five hundred and fifty-four dollars and sixty cents.

For timber for the navy, eighty-seven thousand five hundred dollars.

SEC. 2. *And be it further enacted,* That the several sums herein specifically appropriated, shall be paid out of any monies in the treasury, not otherwise appropriated.

APPROVED, November 24, 1807.

### STATUTE I.

Dec. 5, 1807.

CHAP. II.—*An Act allowing an additional compensation to the Secretaries of the Mississippi, Indiana, Louisiana and Michigan Territories.*

[Obsolete.]  
Additional  
compensation  
allowed.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That each of the secretaries of the Mississippi, Indiana, Louisiana and Michigan territories, appointed

under the authority of the United States, be entitled to the annual sum of one thousand dollars, in lieu of his present compensation, to commence on the first day of January next.

APPROVED, December 5, 1807.

## STATUTE I.

CHAP. III.—*An Act to change the name of the district of Biddeford and Pepperelborough, in Massachusetts, to that of Saco.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the district, at present called the district of Biddeford and Pepperelborough, in Massachusetts, shall in future be called the district of Saco, and that the collector of the said district, be permitted to reside in Saco or Biddeford, and that all the provisions of the several acts of Congress, that relate to the district of Biddeford and Pepperelborough, shall be, and the same are hereby continued in full force, with respect to the district of Saco.

APPROVED, December 15, 1807.

Dec. 15, 1807.

Act of March 2, 1799, ch. 22, sec. 2.

Name of Saco substituted for that of Biddeford, &c. &c.

Collector to reside at Saco.

## STATUTE I.

CHAP. IV.—*An Act to appropriate money for the providing of an additional number of Gun Boats.*

*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 be, and he hereby is authorized and empowered to cause to be built, or purchased, armed and equipped, a number not exceeding one hundred and eighty-eight gun boats, for the better protection of the ports and harbors of the United States, and for such other purposes as in his opinion the public service may require.

SEC. 2. *And be it further enacted,* That a sum not exceeding eight hundred and fifty-two thousand five hundred dollars, be, and hereby is appropriated, for this purpose, out of any monies in the treasury not otherwise appropriated.

APPROVED, December, 18, 1807.

Dec. 18, 1807.

[Obsolete.]

A number of gun boats to be built, equipped, &c. &c. at the discretion of the President.

Specific appropriation.

## STATUTE I.

CHAP. V.—*An Act laying an Embargo on all ships and vessels in the ports and harbors of the United States.(a)*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That an embargo be, and

Dec. 22, 1807.

[Repealed.]

Act of Jan. 9, 1808, ch. 8.

(a) Cases decided upon the embargo acts of December 22, 1807, chap. 5: January 9, 1808, chap. 8: March 12, 1808, chap. 33: April 25, 1808, chap. 66: and January 9, 1809, chap. 5:—

Where a vessel had been driven by stress of weather into a port, in the West Indies, while proceeding to Portland in Maine, and there detained by the government of the place, this was such a casualty as came within the exception of "dangers of the seas," in the condition of an embargo bond, dated 29th December, 1807, taken in pursuance of the act of Congress of December 22, 1807. *United States v. Hall and Worth*, 6 Cranch, 176; 2 Cond. Rep. 340.

Subsequent to the execution of this bond, on the 9th of January, 1808, Congress passed a supplement to the embargo law, by which other and additional penalties were imposed, and the circumstances under which the obligor in any embargo bond given under the act of 22d December, 1807, could obtain relief, were changed. The court said they would never consider the latter act as applying to previous facts, unless such construction should be unavoidable. *Ibid.*

In an action of debt for the penalty of an embargo bond, it is a good plea under the act of Congress of 12th March, 1808, sec. 3, that the party was prevented relanding the goods in the United States by unavoidable accidents. *Durousseau v. The United States*, 6 Cranch, 307; 2 Cond. Rep. 380.

It was no offence under the embargo laws, to take goods out of one vessel and put them in another in the port of Baltimore; unless it was with an intention to export them. 6 Cranch, 327.

The evidence of the necessity which will excuse a violation of the embargo laws, must be clear and certain. *Brig James Wells v. The United States*, 7 Cranch, 22; 2 Cond. Rep. 402.

The departure of a vessel from a wharf in a port, and proceeding a mile and an half therefrom, with the intention of proceeding to sea, is not a departure from the port within the meaning of the supplementary embargo act of January 9, 1808, if the vessel had not actually gone out of the port before seizure. *Sloop Active v. The United States*, 7 Cranch, 100; 2 Cond. Rep. 431.

A vessel which has proceeded to a foreign port, contrary to the embargo act of January 8, 1808, is