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.*

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.

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.

STATUTE I.

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

Dec. 18, 1807.

[Obsolete.]

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

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.

Specific appropriation.

APPROVED, December, 18, 1807.

STATUTE I.

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

Dec. 22, 1807.

[Repealed.]

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

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

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(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

Act of March 12, 1808, ch. 33.
Act of April 25, 1808, ch. 66.
Act of March 1, 1809, ch. 24.
Embargo laid upon shipping in the U. States.
Clearances to be given to none but vessels under the direction of the President.
Foreign ves-

hereby is laid on all ships and vessels in the ports and places within the limits or jurisdiction of the United States, cleared or not cleared, bound to any foreign port or place; and that no clearance be furnished to any ship or vessel bound to such foreign port or place, except vessels under the immediate direction of the President of the United States: and that the President be authorized to give such instructions to the officers of the revenue, and of the navy and revenue cutters of the United States, as shall appear best adapted for carrying the same into full effect: *Provided*, that nothing herein contained shall be construed to prevent the departure of any foreign ship or vessel, either in ballast, or with the goods, wares and merchandise on board of such foreign ship or vessel, when notified of this act.

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liable to be seized on her return, although that act gives a penalty of double her value, in case she should not be seized. United States *v.* The brig Eliza, 7 Cranch, 113; 2 Cond. Rep. 437.

A merchant vessel captured as prize, condemned and sold, and afterwards purchased by her former master, a citizen of the United States, who obtained a Danish burgher's brief, and who cleared out of a port of the United States as a Dane, is a foreign ship within the fifth section of the act of January 9, 1808, supplementary to the embargo act, although the purchaser was yet a citizen of the United States. The schooner Good Catherine *v.* The United States, 7 Cranch, 349; 2 Cond. Rep. 525.

By the 11th section of the act of April 25, 1808, the collector had no right to detain a vessel and her cargo, after her arrival at her port of destination, under a suspicion that she intended to violate the embargo, and such suspicions could not be justified by instructions from the Secretary of the Treasury nor the confirmation of the President. Otis *v.* Bacon, 7 Cranch, 589; 2 Cond. Rep. 618.

Under the 11th section of the embargo act of April 25, 1808, the collector was justified in detaining a vessel by his honest opinion that there was an intention to violate or evade the provisions of the embargo laws. It was not necessary for him to show that his suspicions were reasonable. Crowell et al. *v.* M'Faddon, 8 Cranch, 94; 3 Cond. Rep. 48.

A bond taken under the first section of the embargo act of January 9, 1808, is not void, although taken by consent of the parties, after the vessel had sailed. Speake et al. *v.* The United States, 9 Cranch, 28; 3 Cond. Rep. 244.

The obligors are estopped to deny that the penalty of the bond is double the true value of the cargo. *Ibid.*

Under the third section of the embargo act of April 25, 1808, a vessel is not subject to forfeiture, for departing without a clearance, unless she has departed out of port. The Active *v.* The United States, 7 Cranch, 100; 2 Cond. Rep. 431.

It seems to be a good defence to an action on an embargo bond, that the same was given for more than twice the value of the cargo, and that the obligors were constrained to execute it by the refusal of a clearance. United States *v.* Gordon et al., 7 Cranch, 287; 2 Cond. Rep. 494.

If the collector justify a detention under the embargo law of April 25, 1808, sec. 11, he need not show that his opinion was correct, nor that he used reasonable diligence in ascertaining the facts on which his opinion was founded. Otis *v.* Watkins, 9 Cranch, 339; 3 Cond. Rep. 424. See Slocum *v.* Mayberry, 2 Wheat. 1; 4 Cond. Rep. 1; Otis *v.* Walter, 2 Wheat. 18; 4 Cond. Rep. 10.

Under the embargo act of December 22, 1807, the words, "an embargo shall be laid," not only imposed upon the public officers the duty of preventing the departure of registered or sea-lettered vessels on a foreign voyage, but consequently rendered them liable to forfeiture under the supplementary act of January 9, 1808. In such a case, if the vessel be actually and bona fide carried by force to a foreign port, she is not liable. The William King, 2 Wheat. 148; 4 Cond. Rep. 71.

Under the embargo act of April 25, 1808, a vessel not arriving at her port of original destination, excites an honest suspicion in the collector, that a demand of a permit to land a cargo, was merely colourable; this is not a termination of the voyage, so as to preclude the right of detention. Otis *v.* Walter, 11 Wheat. 192; 6 Cond. Rep. 270.

Under the 5th section of the embargo act of January 9, 1808, "a foreign vessel," means a vessel navigating under the flag of a foreign power; and not a vessel owned in whole or in part by foreigners, domicilled in the United States. The Sally, 1 Gallis. C. C. R. 58.

A departure from any place within the jurisdictional limits of the United States, although such place be not within any port, is within the embargo act of December 22, 1807. The Ann, 1 Gallis. C. C. R. 62.

A vessel, which during the existence of the embargo laws, departed from one port of the United States to another, but was obliged from irresistible necessity, to put into a foreign port, and sell her cargo, was not guilty of a violation of the embargo laws. The Brig William Gray, Paine's C. C. R. 16.

The embargo law was passed December 22, 1807. A vessel cleared for St. Mary's, Georgia, on the 15th of January; the collector received information of the passage of the law, and gave notice of it. It did not appear that this was known to the master or owners previous to the sailing. Being seized for a violation of the law, the court ordered her restitution. The Cotton Planter, 1 Paine's C. C. R. 23.

To excuse a vessel which has sailed under an embargo bond, from re-landing her cargo in the United States, under this clause, "the perils of the sea only excepted," the accident must happen without any fault or negligence of the master, and must occur at sea; or if at land, it must be the immediate consequence of the peril happening at sea. United States *v.* Hall et al., 2 Wash. C. C. R. 366. See the United States *v.* The Nancy, 3 Wash. C. C. R. 281. The United States *v.* Morgan et al., 3 Wash. C. C. R. 10. The United States *v.* Mitchell et al., 3 Wash. C. C. R. 95.

The third section of the embargo act of December 22, 1807, was not repealed by the act of 1809. The Argo, 2 Gallis. C. C. R. 314.

A libel against a vessel for violating the embargo laws, must contain a substantial statement of the offence, with reasonable precision. 1 Brockenb. C. C. R. 347.

Sec. 2. *And be it further enacted*, That during the continuance of this act, no registered, or sea letter vessel, having on board goods, wares and merchandise, shall be allowed to depart from one port of the United States to any other within the same, unless the master, owner, consignee or factor of such vessel shall first give bond, with one or more sureties to the collector of the district from which she is bound to depart, in a sum of double the value of the vessel and cargo, that the said goods, wares, or merchandise shall be relanded in some port of the United States, dangers of the seas excepted, which bond, and also a certificate from the collector where the same may be relanded, shall by the collector respectively be transmitted to the Secretary of the Treasury. All armed vessels possessing public commissions from any foreign power, are not to be considered as liable to the embargo laid by this act.

sels in ballast or with goods on board when notified to be allowed to depart.

Registered or sea letter vessels not to proceed from one port to another in the U. States without giving bonds, &c. &c.

Exception of public armed vessels, &c.

Approved, December 22, 1807.

Statute I.

Jan. 8, 1808.

[Obsolete.]

President authorized to have fortifications repaired and built.

Act of April 21, 1806, ch. 47.

Appropriation.

Chap. VII.—*An Act supplementary to an act, intituled "An act for fortifying the ports and harbors of the United States, and for building 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 is hereby authorized to cause such of the fortifications heretofore built or commenced, as he may deem necessary, to be repaired or completed, and such other fortifications and works to be erected as will afford more effectual protection to our ports and harbors, and preserve therein the respect due to the constituted authorities of the nation, and that the sum of one million of dollars, in addition to the sums heretofore appropriated, be, and the same is hereby appropriated for that purpose, out of any money in the treasury not otherwise appropriated.

Approved, January 8, 1808.

Statute I.

Jan. 9, 1808.

[Repealed.]

Act of Dec. 22, 1807, ch. 5.

Bonds to be given in cases of coasting vessels, sailing coast wise.

Chap. VIII.—*An Act supplementary to the act, intituled "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 during the continuance of the act to which this act is a supplement, no vessel licensed for the coasting trade, shall be allowed to depart from any port of the United States, or shall receive a clearance, until the owner, consignee, agent or factor shall, with the master, give bond with one or more sureties to the United States, in a sum double the value of the vessel and cargo, that the vessel shall not proceed to any foreign port or place, and that the cargo shall be relanded in some port of the United States.

A general bond to be given in the cases of fishing vessels.

Sec. 2. *And be it further enacted*, That the owner or owners of all vessels licensed for fisheries, or those bound on a whaling voyage, and having no other cargo than sea stores, salt and the usual fishing tackling and apparel, shall give a general bond, in four times the value of the vessel and cargo, that they will not, during the continuance of the above mentioned act, proceed to any foreign port or place, and will return with their fishing fare to some port or place within the United States: *Provided*, that it shall be lawful and shall be sufficient in the case of any licensed vessel, whose employment has uniformly been confined to rivers, bays and sounds within the jurisdiction of the United States, to give bond, in an amount equal to three hundred dollars for each ton of said vessel, with condition that such vessel shall not be employed in any foreign trade during the time limited in the condition of the bond.

Proviso in favour of licensed vessels uniformly employed on rivers, bays and sounds within the U. States.

Sec. 3. *And be it further enacted*, That if any ship or vessel shall, during the continuance of the act to which this act is a supplement,

(a) See notes to act of December 22, 1807, chap. 5.