

taken from the bed of the said canal, shall not be deposited to the injury of the owners of the lands through which the said canal may pass.

APPROVED, June 17, 1812.

Owners of land not to be injured, &c.

STATUTE I.

June 18, 1812.

[Obsolete.]

War declared.

CHAP. CII.—*An Act declaring War between the United Kingdom of Great Britain and Ireland and the dependencies thereof, and the United States of America and their territories.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That war be and the same is hereby declared to exist between the United Kingdom of Great Britain and Ireland and the dependencies thereof, and the United States of America and their territories; and that the President of the United States is hereby authorized to use the whole land and naval force of the United States to carry the same into effect, and to issue to private armed vessels of the United States commissions or letters of marque and general reprisal, in such form as he shall think proper, and under the seal of the United States, against the vessels, goods, and effects of the government of the said United Kingdom of Great Britain and Ireland, and the subjects thereof.

APPROVED, June 18, 1812.

President authorized to employ the land and naval forces to carry on the war.

STATUTE I.

June 24, 1812.

CHAP. CVI.—*An Act to amend the laws within the District of Columbia.*(a)

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all promissory notes for the payment of money hereafter drawn and endorsed or transferred within the county of Alexandria, in the district of Columbia, shall be governed by, and subject to, the same laws as are now in force and applicable to such notes, drawn, endorsed or transferred within the county of Washington, in the said district; and the rights, remedies and responsibility of the person or persons hereafter holding, drawing, endorsing or transferring any such promissory note, as aforesaid, shall be the same within the county of Alexandria as they now are within the said county of Washington; and all laws now in force within the said county of Alexandria, contrary to this provision, are hereby repealed.

Promissory notes subject to same laws in Alexandria and Washington, &c.

SEC. 2. *And be it further enacted,* That it shall be lawful for any creditor of any insolvent debtor, who shall hereafter apply for relief under the act of Congress, passed on the third day of March, one thousand eight hundred and three, entitled "An act for the relief of insolvent debtors within the District of Columbia," to make the same allegations in writing, at any time before the oath of insolvency shall be administered, as are now permitted by the seventh section of said act, which allegation shall be made before the judge by whom the oath of insolvency is proposed to be administered, and a copy of the same, together with a notification from such judge of the time and place at which the truth of such allegation is to be tried, shall be forthwith served on such insolvent, and any one judge of the said district shall have the same power and authority to examine the debtor or any other person, on oath, touching the substance of the said allegation, or to direct an issue or issues to be tried before him, in a summary way, to determine the truth of the same, as are now vested in the court of the said district by the seventh section of the said act; and if upon the answer to the said interrogatories, or upon the trial of the issue or issues, such debtor shall be found guilty of any fraud or deceit towards his creditors, or of having lost by gaming within twelve months next preceding his application for

Creditors of insolvent debtors may make allegations before oath of insolvency. Act of March 3, 1803, ch. 31.

One judge may examine the debtor.

(a) See notes to an act concerning the District of Columbia, February 27, 1801, chap. 15, vol. ii. 103.

Debtors under certain circumstances precluded from the benefit of the insolvent act.

False swearing declared to be wilful and corrupt perjury, &c.

Benefit of prison walls not allowed to any debtor for more than one year.

Marshal to recommit to close confinement.

Real estate in the county of Alexandria subject to the payment of debts.

Writs to run from one county to another.

But returnable to the court whence they issued.

Interest to be allowed on judgments.

Damages payable on dissolution of injunction, &c.

relief, more than three hundred dollars, or of having within that time assigned or conveyed any part of his property, rights or credits, with an intent to give a preference to any creditor or creditors or any surety, he shall not be permitted to take the said oath, and shall be precluded from any benefit under the said act; and in case any such debtor, or any other person, shall at any time thereafter be convicted of swearing or affirming wilfully and corruptly to any matter or thing touching the inquiry aforesaid, the person so offending shall suffer as in the case of wilful and corrupt perjury; and upon such conviction of the debtor or any other person testifying for him, such debtor shall be forever precluded from any benefit under the said act; but nothing herein contained shall be considered as in any manner impairing or repealing the provisions of the seventh section of the said act.

SEC. 3. *And be it further enacted,* That the benefit of the prison rules shall not be allowed to any debtor, hereafter taken or charged in execution within the said district, for more than one year from the date of the bond given by him or her for keeping within the said rules; after the expiration of which time, if the person so taken or charged in execution shall not be discharged by due course of law, it shall be the duty of the marshal or other officer to whose custody such person was committed, to recommit him or her to close jail and confinement, there to remain until the debt for which he or she was taken or charged in execution shall be paid, or until he or she shall be discharged under the act of Congress for the relief of insolvent debtors within the district of Columbia.

SEC. 4. *And be it further enacted,* That real estate in the county of Alexandria shall be subject to the payment of debts hereafter contracted, in the same manner, to the same extent and by the same process, as real estate in the county of Washington is subject to the payment of debts by the laws now in force in the said county of Washington, the operation of which laws is hereby extended to real estate in the said county of Alexandria for the satisfaction of debts hereafter contracted.

SEC. 5. *And be it further enacted,* That on any judgment or decree rendered or hereafter to be rendered by the said court in either of the said counties, any writ of execution which shall thereupon issue, may be served and carried into effect in either county in which the person or property, liable to the said judgment or decree may be found; but the writ of execution shall be returnable only to the court wherein such judgment or decree was rendered and from whence it issued: and such execution shall have the same force and effect as if it had issued from the county where such person or his property may be found.

SEC. 6. *And be it further enacted,* That upon all judgments rendered on the common law side of the circuit court of said district in actions founded on contracts, interest at the rate of six per centum per annum shall be awarded on the principal sum due until the said judgment shall be satisfied, and the amount which is to bear interest and the time from which it is to be paid shall be ascertained by the verdict of the jury sworn in the cause.

SEC. 7. *And be it further enacted,* That when any injunction shall hereafter be obtained to stay proceedings on any judgment rendered for money in the circuit court of the said district, and such injunction shall be dissolved wholly or in part, damages, at the rate of ten per centum per annum from the time the injunction shall be awarded until dissolution, shall be paid by the party on whose behalf such injunction was obtained on such sum as appears to be due, including costs, and execution on the judgment enjoined shall be issued for the same; and in cases where a forthcoming bond shall have been executed by the complainant, and no judgment shall have been rendered thereupon, the court in which execution shall be awarded shall direct the said damages to be

included in the judgment, which damages shall in all cases be in full satisfaction of interest for the time for which they shall be allowed: *Provided*, that when the injunction shall be granted to obtain a discovery, or any part of the judgment shall remain enjoined, the court may, if it appear just, direct that such damages shall not be paid, or only such proportion thereof as they may deem expedient.

Proviso.

SEC. 8. *And be it further enacted*, That in any civil suit or action at law, or any criminal or penal prosecution by information or indictment now depending or hereafter to be commenced, the court, upon a suggestion in writing by any of the parties thereto supported by oath or affirmation, that a fair and impartial trial cannot be had in the county where such suit or action is depending, may order the same suit or action to be removed into the court holden in the other county in the said district; and the same shall be prosecuted and tried according to law, and the judgment carried into full effect; and it shall be the duty of the clerk of the one county to transmit to the clerk of the other county, a copy of the record of the proceedings, and all the original papers filed in his office in the suit or action; and in like manner in any criminal or penal prosecution aforesaid, by information or indictment, if the attorney for the United States for the district of Columbia shall suggest in writing, under his signature, to the court of the county, before whom any such information or indictment is or may be depending, that the United States cannot have a fair and impartial trial in such county, the court may order the trial to be prosecuted and had in the other county, for which purpose the proceedings and all original papers filed in said cause shall be transmitted to the court of such other county, where the same shall be tried and prosecuted to final judgment and execution.

Suit or action may be removed from one county to another.

Prosecution by information or indictment may also be removed, on suggestion of the district attorney.

SEC. 9. *And be it further enacted*, That hereafter it shall be lawful for any inhabitant or inhabitants in either of the said counties owning and possessing any slave or slaves therein, to remove the same from one county into the other, and to exercise freely and fully all the rights of property in and over the said slave or slaves therein, which would be exercised over him, her, or them, in the county from whence the removal was made, any thing in any legislative act in force at this time in either of the said counties, to the contrary notwithstanding. (a)

Slaves may be removed from one county to another.

(a) Slavery in the District of Columbia:—

The plaintiffs in error filed a petition for freedom in the circuit court of the United States for the county of Washington, and they proved that they were born in the state of Virginia, as slaves of Richard B. Lee, now deceased, who moved with his family into the county of Washington, in the District of Columbia, about the year 1816, leaving the petitioners residing in Virginia as his slaves, until the year 1820, when the petitioner Barbara was removed to the county of Alexandria, in the District of Columbia, where she was hired to Mrs. Muir, and continued with her thus hired for the period of one year. That the petitioner, Sam, was in like manner removed to the county of Alexandria, and was hired to General Walter Jones, for a period of about five or six months. That after the expiration of the said periods of hiring, the petitioners were removed to the said county of Washington, where they continued to reside as the slaves of the said Richard B. Lee until his death, and since, as the slaves of his widow, the defendant. On the part of the defendant in error, a preliminary objection was made to the jurisdiction of the supreme court, growing out of the act of Congress of the 2d of April, 1816, which declares that no cause shall be removed from the circuit court for the District of Columbia, to the supreme court, by appeal or writ of error, unless the matter in dispute shall be of the value of one thousand dollars, or upwards. By the Court—the matter in dispute in this case, is the freedom of the petitioners. The judgment of the court below is against their claims to freedom; the matter in dispute, is, therefore, to the plaintiffs in error, the value of their freedom, and this is not susceptible of a pecuniary valuation. Had the judgment been in favour of the petitioners, and the writ of error brought by the party claiming to be the owner, the value of the slaves as property, would have been the matter in dispute, and affidavits might be admitted to ascertain such value. But affidavits, estimating the value of freedom, are entirely inadmissible, and no doubt is entertained of the jurisdiction of the court. *Lee v. Lee*, 8 Peters, 44.

The circuit court refused to instruct the jury that if they should believe, from the evidence, that bringing the petitioners from Virginia to Alexandria, by their owner, and hiring them there, was merely colourable, with intent to evade the law, that then the petitioners are entitled to their freedom. By the Maryland law, of 1796, it was declared, that it shall not be lawful to import or bring into this state, by land or water, any negro, mulatto, or other slave, for sale, or to reside within this state; and any person brought into this state as a slave, contrary to this act, if a slave before, shall thereupon cease to be the property of the person so importing, and shall be free. And by the act of Congress of the 27th of February, 1801, it is provided, that the laws of the state of Maryland, as they then existed, should be, and continue in force in that part of the district which was ceded by that state to the United States. The

Rules for paying the debts of deceased persons.

SEC. 10. *And be it further enacted,* That in paying the debts of any deceased person, the executor or administrator, who shall hereafter qualify and obtain letters testamentary or of administration in the orphans' court in the county of Alexandria, shall observe the following rules; funeral expenses shall be first paid, next judgments and decrees against the deceased obtained in his lifetime in the said district shall be wholly discharged before any other claims; after such funeral expenses, judgments and decrees within the said district shall be satisfied, all other just claims shall be admitted to payment on an equal footing, without priority or preference, and in equal proportion; if there be not sufficient to discharge all such judgments and decrees, a proportionable dividend shall be made among the judgment and decree creditors aforesaid. In no case shall an executor or administrator aforesaid, be allowed to retain for his own claim against the deceased, unless the same be passed by the orphans' court, and when passed it shall stand on an equal footing with other claims of like nature; and it shall be the duty of every executor or administrator aforesaid to give in a claim against himself, and no executor or administrator shall discharge any claim against the deceased, otherwise than at his own risk, unless the same shall be first passed by the orphans' court granting the administration.

Persons obtaining letters testamentary, or of administration out of the district of Columbia, may prosecute claims within it.

Certified copies of letters testamentary, &c. to be evidence.

Sessions of the courts of Alexandria, to be held in April and November.

SEC. 11. *And be it further enacted,* That it shall be lawful for any person or persons to whom letters testamentary or of administration hath been or may hereafter be granted by the proper authority in any of the United States or the territories thereof, to maintain any suit or action and to prosecute and recover any claim in the district of Columbia, in the same manner as if the letters testamentary or of administration had been granted to such person or persons by the proper authority in the said district; and the letters testamentary or of administration, or a copy thereof, certified under the seal of the authority granting the same, shall be sufficient evidence to prove the granting thereof, and that the person or persons, as the case may be, hath or have administration.

SEC. 12. *And be it further enacted,* That instead of the sessions as heretofore by law directed, the courts for the county of Alexandria shall, after this act goes into operation, commence on the third Monday in April, and on the fourth Monday in November in every year; and all cases, motions, process, causes, matters and things pending in or returnable to the sessions as heretofore fixed by law, shall be continued and returned respectively to the sessions of the said court hereby appointed to be holden.

SEC. 13. *And be it further enacted,* That it shall be the duty of the constables of the county of Washington in the district of Columbia, upon a *capias ad satisfaciendum* issuing out of the clerk's office of the said

Maryland law of 1796 is, therefore, in force in the county of Washington; and the petitioners, if brought directly from the state of Virginia into the county of Washington, would, under the provisions of that law, be entitled to their freedom. By the act of Congress of the 24th of June, 1812, it was declared, "that hereafter it shall be lawful for any inhabitant or inhabitants, in either of the said counties, (Washington and Alexandria,) owning and possessing any slave or slaves therein, to remove the same from one county into the other, and to exercise, freely and fully, all the rights of property, in and over the said slave or slaves therein, which would be exercised over him, her, or them, in the county from whence the removal was made." *Ibid.*

The court erred in refusing to give the fourth instruction prayed on the part of the petitioner, which asked that it should be submitted to the jury whether, from the evidence, the bringing of the petitioners from Virginia to Alexandria, and the hiring them there, was not merely colourable, with intent to evade the law. *Ibid.*

A wife having separated herself from her husband, for ill-treatment by him, applied to the county court of Prince George, Maryland, for alimony, which was allowed to her, *pendente lite*. The husband gave the wife a female negro slave, and some other property, in discharge of the alimony. She removed to Washington, hired out the slave, and afterwards, in consideration of a sum of money, and for other considerations, she manumitted, by deed, the slave, and her two infant children, the eldest not three years old. Some time after the arrangement between the husband and wife, a final separation took place between them, by a verbal agreement; each to retain "the property each had, and to be quits for ever," and the wife relinquished all further claim for alimony. After the death of the wife, the husband claimed the female and her children as his slaves. Held, that they were free by virtue of the deed of manumission executed by the wife. *Wallingsford v. Allen*, 10 Peters, 583.

county, in conformity with the provisions of the act entitled "An act concerning the district of Columbia," to take the defendant into custody, on his failure to pay the debt and costs in such *capias ad satisfaciendum* mentioned, forthwith, upon the application of the plaintiff, to deliver into the prison of the said county such defendant, to be held in the said prison by the marshal of the district of Columbia until he shall be released by due course of law.

Act of May 27, 1801, ch. 79. Debtors may be imprisoned for small debts.

SEC. 14. *And be it further enacted*, That the said marshal shall be entitled to the same fee for commitment and releasement of said debtor committed as aforesaid, and the same allowance for his maintenance, and to be paid in the same manner, as are already provided by law.

Marshal entitled to fee.

SEC. 15. *And be it further enacted*, That upon a *feri facias* issuing out of the office of the clerk of the county of Washington, upon the judgment of a magistrate, the plaintiff upon such *feri facias* shall be entitled to have his execution against the goods and chattels, lands and tenements, rights and credits of the defendant.

Execution upon *feri facias*.

SEC. 16. *And be it further enacted*, That this act shall commence and be in force from and after the first day of September next.

Act to commence September 1st, 1812.

APPROVED, June 24, 1812.

STATUTE I.

June 26, 1812.

CHAP. CVII.—*An Act concerning Letters of Marque, Prizes, and Prize Goods.*

[Obsolete.]

Act of Jan. 27, 1813, ch. 13.

*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 shall be, and he is hereby authorized and empowered to revoke and annul at pleasure all letters of marque and reprisal which he shall or may at any time grant pursuant to an act entitled "An act declaring war between the United Kingdom of Great Britain and Ireland and the dependencies thereof, and the United States of America and their territories."

President authorized to revoke letters of marque, &c.

1812, ch. 102.

SEC. 2. *And be it further enacted*, That all persons applying for letters of marque and reprisal, pursuant to the act aforesaid, shall state in writing the name and a suitable description of the tonnage and force of the vessel; and the name and place of residence of each owner concerned therein, and the intended number of the crew; which statement shall be signed by the person or persons making such application, and filed with the Secretary of State, or shall be delivered to any other officer or person who shall be employed to deliver out such commissions, to be by him transmitted to the Secretary of State.

Formalities required from persons applying for letters of marque, &c.

SEC. 3. *And be it further enacted*, That before any commission of letters of marque and reprisal shall be issued as aforesaid, the owner or owners of the ship or vessel for which the same shall be requested, and the commander thereof, for the time being, shall give bond to the United States, with at least two responsible sureties, not interested in such vessel, in the penal sum of five thousand dollars; or if such vessel be provided with more than one hundred and fifty men, then in the penal sum of ten thousand dollars; with condition that the owners, officers, and crew, who shall be employed on board such commissioned vessel, shall and will observe the treaties and laws of the United States, and the instructions which shall be given them according to law for the regulation of their conduct; and will satisfy all damages and injuries which shall be done or committed contrary to the tenor thereof by such vessel, during her commission, and to deliver up the same when revoked by the President of the United States.

Bonds to be given with surety.

Condition.

SEC. 4. *And be it further enacted*, That all captures and prizes of vessels and property, shall be forfeited and shall accrue to the owners, officers and crews of the vessels by whom such captures and prizes shall

Captured property to be forfeited.