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APPROVED, July 28, 1813.

be transmitted free of postage, by members of Congress, &c.

STATUTE I.

CHAP. XXXV.—*An Act laying a duty on imported salt; granting a bounty on pickled fish exported, and allowances to certain vessels employed in the fisheries. (a)*

July 29, 1813.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the first day of January next, a duty of twenty cents per bushel shall be laid, imposed, and collected, upon all salt imported from any foreign

Duty upon salt.

(a) *Fisheries.* The acts of Congress relating to ships and vessels and persons employed in the fisheries, are: An act for registering and clearing vessels, regulating the coasting trade, and for other purposes, (obsolete,) September 1, 1789, chap. 11, sect. 22, 23, vol. i. 60, 61.

An act concerning certain fisheries of the United States, and for the regulation and government of the fishermen employed therein, (expired,) February 16, 1792, chap. 6, vol. i. 229.

An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same, February 1793, chap. 8, vol. i. 305.

*Acts respecting the bounty on the fisheries.*

An act imposing duties on tonnage, July 20, 1789, (obsolete,) chap. 2, sect. 2—27.

An act to regulate the collection of the duties imposed by law on the tonnage of ships and vessels, and on goods, wares and merchandise, imported into the United States, (repealed,) July 31, 1789, chap. 5, sect. 33—46.

An act for raising a further sum of money for the protection of the frontiers and for other purposes therein mentioned, (obsolete,) May 2, 1792, chap. 27, sect. 6, 7, vol. i. 260.

An act laying an additional duty on salt imported into the United States, (repealed,) July 8, 1797, chap. 15, sect. 2, vol. i. 533.

An act to regulate the collection of duties on imports and tonnage, March 2, 1799, chap. 22, sect. 83, vol. i. 692.

An act repealing the acts laying duties on salt, and continuing in force for a further time, the first section of the act entitled "An act further to protect the commerce and seamen of the United States, against the Barbary powers," (expired,) March 3, 1807, chap. 30, sect. 2.

An act laying a duty on imported salt, granting a bounty on pickled fish exported, and allowances to certain vessels employed in the fisheries, July 29, 1813, chap. 35.

An act to continue in force "An act laying a duty on imported salt, granting a bounty on pickled fish exported, and allowances to certain vessels employed in the fisheries," Feb. 9, 1816, chap. 14.

An act concerning the navigation of the United States, March 1, 1817, chap. 31, sect. 3.

An act concerning the bounty or allowance to fishing vessels in certain cases, April 4, 1818, chap. 35.

An act in addition to, and alteration of, an act entitled "An act laying a duty on imported salt, granting a bounty on pickled fish exported, and allowances to certain vessels employed in the fisheries," March 3, 1819, chap. 88.

*Regulation of seamen engaged in the fisheries.*

An act to continue in force "An act concerning certain fisheries in the United States, and for the regulation and government of fishermen employed therein," and for other purposes, April 12, 1800, chap. 22.

An act to authorize the licensing of vessels to be employed in the mackerel fishery, 24th May, 1828, chap. 119.

An act to authorize surveyors, under the direction of the Secretary of the Treasury, to enrol and license ships or vessels to be employed in the coasting trade or fisheries, Feb. 11, 1830, chap. 8.

An act concerning vessels employed in the whale fishery, March 3, 1831, chap. 149.

An act for the government of persons in certain fisheries, June 19, 1813, chap. 2.

The fifth and sixth sections of the act of July 29, 1813, and the act of March 3, 1819, relating to the bounty on all such vessels or boats employed on the Bank and other cod fisheries, as shall be employed at sea for the term of four months, include within their terms all vessels engaged in the cod fisheries, without limitation or specification as to the length of their fares, or the nature of their fisheries. The Schooner Harriet, Boynton and others, claimants, 1 Story's C. C. R. 251.

Where a vessel was enrolled and licensed for the fisheries, and without an oath having been taken by all the owners to the ownership as prescribed by the statutes of 1813 and 1819, and fraud or deceit

port or place into the United States. In calculating the said duty, every fifty-six pounds of salt shall be computed as equal to one bushel. And the said duty shall be collected in the same manner, and under the same regulations as other duties laid on the importation of foreign goods, wares, and merchandise, into the United States; *Provided*, That drawback shall in no case be allowed, and the term of credit for the payment of duties shall be nine months.

Proviso.

Bounty on pickled fish.

Proviso.

Inspection laws.

Oath of the exporter.

SEC. 2. *And be it further enacted*, That on all pickled fish of the fisheries of the United States, exported therefrom subsequent to the last day of December, one thousand eight hundred and fourteen, there shall be allowed and paid a bounty of twenty cents per barrel, to be paid by the collector of the district from which the same shall be so exported, without any deduction or abatement; *Provided always*, That in order to entitle the exporter or exporters of such pickled fish to the benefit of such bounty or allowance, the said exporter or exporters shall make entry with the collector and naval officer of the district from whence the said pickled fish are intended to be exported; and shall specify in such entry the names of the master and vessel in which, and the place where such fish are intended to be exported, together with the particular quantity; and proof shall be made to the satisfaction of the collector of the district from which such pickled fish are intended to be exported, and of the naval officer thereof, if any, that the same are of the fisheries of the United States; and no entry shall be received as aforesaid, of any pickled fish which have not been inspected and marked pursuant to the inspection laws of the respective states where inspection laws are in force, in regard to any pickled fish, and the casks containing such fish shall be branded with the words "for bounty," with the name of the inspector or packer, the species and quality of the fish contained therein, and the name of the port of exportation; and the collector of such district shall, together with the naval officer, where there is one, grant an order or permit for an inspector to examine the pickled fish as expressed in such entry, and if they correspond therewith, and the said officer is fully satisfied that they are of the fisheries of the United States, to lade the same agreeably to such entry, on board the ship or vessel therein expressed; which lading shall be performed under the superintendence of the officer examining the same, who shall make returns of the quantity and quality of pickled fish so laden on board, in virtue of such order or permit, to the officer or officers granting the same. And the said exporter or exporters, when the lading is completed, and after returns thereof have

were charged in procuring the bounty allowed by law to such vessels; it was held that it must be satisfactorily proved by the United States, that the omission by the owners who did not take the oath was through fraud and deceit, and not through mistake, in order to render the vessel liable to forfeiture. *Ibid.*

Where a certificate made by the agent of the owner of the particular times of the sailing and returning of a vessel engaged in the cod fisheries was discovered to be incorrect and false after the payment of the bounties, it was held that if the incorrectness and falsity were by mistake, there was no forfeiture under the acts of 1813 and 1819, but if by fraud and deceit there was. *Ibid.*

By the act of February 18, 1793, no registered ship or vessel can, while she remains registered, engage in the whale fishery, but she must surrender her register, and be enrolled and licensed for the fisheries. *United States v. Rogers*, 3 Sumner, C. C. R. 342.

The forfeiture of a fishing vessel, under the act of July 29, 1813, for fraudulently obtaining the fishing bounty, does not attach on the improvident payment of the bounty to a vessel not entitled to it, but to the act of fraud and deceit in obtaining it. *The Boat Swallow*, Ware's D. C. R. 21.

If a vessel be in fact entitled to the bounty, and fraud and deceit are employed in obtaining it, she will be subject to forfeiture. *Ibid.*

The forfeiture provided by the act of July 29, 1813, for fraudulently obtaining the bounty allowed to fishing vessels, attaches only when there are fraud and deceit in obtaining it. *The Harriet*, Ware's D. C. R. 343.

If the certificate, stating the days which the vessel was employed, and certified by the oath of the owners, is proved to be false, it is prima facie evidence, but not conclusive of fraud and deceit. The owner is not precluded from showing that the errors of the certificate arose from an innocent mistake. *Ibid.*

If the errors in the certificate are proved to have arisen from mistake without fraud, the owner may, to avoid a forfeiture, show that the vessel was employed on other days than those named in the certificate. *Ibid.*

been made as above directed, shall make oath or affirmation, that the pickled fish expressed in such entry, and then actually laden on board the ship or vessel as therein expressed, are truly and bona fide of the fisheries of the United States, that they are truly intended to be exported as therein specified, and are not intended to be relanded within the limits of the United States; and shall also give bond in double the amount of the bounty or allowance to be received, with one or more sureties to the satisfaction of the collector of the port or place from which the said pickled fish are intended to be exported, conditioned that the same shall be landed and left at some foreign port or place without the limits aforesaid; which bonds shall be cancelled at the same periods and in like manner as is provided in respect to bonds given on the exportation of goods, wares, and merchandise, entitled to drawback of duties; *Provided always*, That the said bounty or allowance shall not be paid until at least six months after the exportation of such pickled fish, to be computed from the date of the bond, and until the exporter or exporters thereof shall produce to the collector with whom such outward entry is made, such certificates or other satisfactory proof of the landing of the same as aforesaid, as is made necessary for cancelling the bonds given on the exportation of goods entitled to drawback; *And provided also*, That the bounty or allowance as aforesaid, shall not be paid unless the same shall amount to ten dollars at least upon each entry.

SEC. 3. *And be it further enacted*, That no bounty, drawback, or allowance, shall be made under the authority of this act, unless it shall be proved to the satisfaction of the collector that the pickled fish for which the bounty, drawback, or allowance, shall be claimed, was wholly cured with foreign salt, and on which a duty shall have been secured or paid.

SEC. 4. *And be it further enacted*, That if any pickled fish shall be falsely or fraudulently entered with intent to obtain the bounty or allowance on their exportation as here provided, when the said fish are not entitled to the same, the said fish or the value thereof, to be recovered of the person making such false entry, shall be forfeited.

SEC. 5. *And be it further enacted*, That from and after the last day of December, one thousand eight hundred and fourteen, there shall be paid on the last day of December, annually, to the owner of every vessel or his agent, by the collector of the district where such vessel may belong, that shall be qualified agreeably to law for carrying on the bank and other cod fisheries, and that shall actually have been employed therein at sea for the term of four months, at the least, of the fishing season next preceding, which season is accounted to be from the last day of February to the last day of November in every year, for each and every ton of such vessel's burthen according to her admeasurement as licensed or enrolled, if of twenty tons and not exceeding thirty tons, two dollars and forty cents; and if above thirty tons four dollars; of which allowance aforesaid three-eighth parts shall accrue and belong to the owner of such fishing vessel, and the other five-eighths thereof shall be divided by him, his agent, or lawful representative, to and among the several fishermen, who shall have been employed in such vessel during the season aforesaid, or a part thereof, as the case may be, in such proportions as the fish they shall respectively have taken may bear to the whole quantity of fish taken on board such vessel during such season: *Provided*, That the allowance aforesaid on any one vessel for one season, shall not exceed two hundred and seventy-two dollars.

SEC. 6. *And be it further enacted*, That from and after the last day of December, one thousand eight hundred and fourteen, there shall also be paid on the last day of December annually, to the owner of every fishing boat or vessel of more than five tons and less than twenty tons, or

Act of March 2, 1799, ch. 22.

Bond to be given.

Bounty not to be paid until six months after exportation.

Proviso.

Allowance of bounty or drawback.

Penalties for falsely entering pickled fish to obtain the bounty.

Allowance to be made to owners, &c. &c. of fishing vessels.

Proviso.

Tonnage allowance to be made to owners of fishing vessels.

Allowance to be made only to vessels employed for four months at least. Quantity of fish to be landed to entitle to bounty.

Act of March 2, 1799, ch. 22.

Owners of fishing vessels to exhibit certain papers before receiving allowance authorized.

No vessels entitled to the authorized allowance but upon certain conditions.

Act of June 19, 1813, ch. 2.

Penalty for false oaths.

Act of September 24, 1789, ch. 20, sec. 18.

Continuance of this act to February 17, 1816.

to his agent or lawful representative, by the collector of the district where such boat or vessel may belong, the sum of one dollar and sixty cents upon every ton admeasurement of such boat or vessel, which allowance shall be accounted for as part of the proceeds of the fares of said boat or vessel, and shall accordingly be so divided among all persons interested therein: *Provided, however,* That this allowance shall be made only to such boats or vessels as shall have been actually employed at sea in the cod fishery for the term of four months at the least of the preceding season: *And provided also,* That such boat or vessel shall have landed in the course of said preceding season, a quantity of fish not less than twelve quintals for every ton of her admeasurement; the said quantity of fish to be ascertained when dried and cured fit for exportation, and according to the weight thereof as the same shall weigh at the time of delivery when actually sold, which account of the weight, with the original adjustment and settlement of the fare or fares among the owners and fishermen, together with a written account of the length, breadth, and depth of said boat or vessel, and the time she has actually been employed in the fishery in the preceding season, shall in all cases be produced and sworn or affirmed to before the said collector of the district, in order to entitle the owner, his agent, or lawful representative to receive the allowances aforesaid. And if at any time within one year after payment of such allowance it shall appear that any fraud or deceit has been practised in obtaining the same, the boat or vessel upon which such allowance shall have been paid, if found within the district aforesaid, shall be forfeited, otherwise the owner or owners having practised such fraud or deceit, shall forfeit and pay one hundred dollars, to be sued for, recovered, and distributed in the same manner as forfeitures and penalties are to be sued for, recovered, and distributed for any breach of the act, entitled "An act to regulate the collection of duties on imports and tonnage."

SEC. 7. *And be it further enacted,* That the owner or owners of every fishing vessel of twenty tons and upwards, his or their agent or lawful representative, shall, previous to receiving the allowance made by this act, produce to the collector who is authorized to pay the same, the original agreement or agreements which may have been made with the fishermen employed on board such vessel as is herein before required, and also a certificate, to be by him or them subscribed, therein mentioning the particular days on which such vessel sailed and returned on the several voyages or fares she may have made in the preceding fishing season, to the truth of which he or they shall swear or affirm before the collector aforesaid.

SEC. 8. *And be it further enacted,* That no ship or vessel of twenty tons or upwards, employed as aforesaid, shall be entitled to the allowance granted by this act, unless the skipper or master thereof shall, before he proceeds on any fishing voyage, make an agreement in writing or in print, with every fisherman employed therein according to the provisions of the act, entitled "An act for the government of persons in certain fisheries."

SEC. 9. *And be it further enacted,* That any person who shall make any false declaration in any oath or affirmation required by this act, being duly convicted thereof in any court of the United States having jurisdiction of such offence, shall be deemed guilty of wilful and corrupt perjury and shall be punished accordingly.

SEC. 10. *And be it further enacted,* That this act shall continue in force until the termination of the war in which the United States are now engaged with the United Kingdom of Great Britain and Ireland, and the dependencies thereof, and for one year thereafter and no longer.

APPROVED, July 29, 1813.