

ACTS OF THE THIRTEENTH CONGRESS

OF THE

UNITED STATES,

Passed at the second session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the sixth of December, 1813, and ended the eighteenth day of April, 1814.

JAMES MADISON, President; ELBRIDGE GERRY, Vice President of the United States and President of the Senate; J. B. VARNUM, President of the Senate, pro tempore, from the 17th of December to the 28th day of January; JOHN GAILLARD, President of the Senate, pro tempore, on the 18th of April; HENRY CLAY, Speaker of the House of Representatives until the 17th of January, 1814; LANGDON CHEVES, Speaker of the House of Representatives from the 25th of January, 1814.

STATUTE II.

Dec. 17, 1813. CHAP. I.—*An Act laying an embargo on all ships and vessels in the ports and harbours of the United States. (a)*

Repealed by act of April 14, 1814, ch. 56.

An embargo laid, with certain exceptions. President may cause the necessary instructions to be given for carrying it into effect.

Nothing in this act to prevent the departure of foreign vessels with provisions, naval and military stores, and whose officers and crews belong to nations in amity with the United States.

Foreign public armed ships not to be subject to this embargo.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an embargo be, and hereby is laid on all ships and vessels in the ports and places within the limits or jurisdiction of the United States and the territories thereof, cleared or not cleared; and that no clearance be furnished to any ship or vessel, except vessels in ballast, with their necessary sea stores, 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 of the private armed vessels 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, in ballast, with her necessary sea stores, and with the goods, wares, and merchandise, other than provisions, military and naval stores, on board of such foreign ship or vessel when notified of this act, whose officers and crews shall consist wholly of such foreigners as did belong to nations in amity with the United States at the time of the arrival of said ship or vessel in the United States, and which shall not have nor take on board for the voyage any citizen of the United States, except such as may produce a passport therefor, to be furnished under the authority and direction of the President of the United States. And all public armed vessels possessing public commissions from any foreign power are not to be considered as liable to the embargo laid by this act.*

SEC. 2. *And be it further enacted, That if any person or persons*

(a) See notes to act of December 22, 1807, chap. 5, "An act laying an embargo on all ships and vessels in the ports and harbours of the United States."

shall put, place, or load on board any ship, vessel, boat, or water craft, or into any cart, wagon, sled, or other carriage or vehicle, or in any other manner attempt to convey any specie, goods, wares, merchandise, produce, provisions, naval or military stores, or any kind of live stock, with intent to export, transport, or convey the same without the United States or the territories thereof, to any foreign place, kingdom, or country, or with intent to convey the same on board any foreign ship or vessel within or without the limits of the United States, or with the intent in any other manner to evade the provisions of this act, all such specie, goods, wares, merchandise, produce, provisions, naval or military stores, live stock, and also the ship, vessel, boat, water craft, cart, wagon, sled, or other carriage or vehicle, on board, or on or in which the same may be so put, placed, or loaded as aforesaid, and also all horses, mules, and oxen, used or employed in conveying the same, shall be forfeited, and the person or persons so putting, placing, or loading the same as aforesaid, and also the aiders and abettors therein, shall, upon conviction, be adjudged guilty of a high misdemeanor, and fined a sum, by the court before which the conviction is had, equal to four times the value of such specie, goods, wares, merchandise, produce, provisions, naval or military stores, or live stock: *Provided however*, That this section shall not be construed to extend to any person or persons not being the owner or owners of such specie, goods, wares, merchandise, produce, provisions, naval or military stores, who shall first inform and make complaint to the collector of the district of any such offence committed within the same district; and any informer or informers, not being the owner or owners aforesaid, upon conviction of the offenders, shall be entitled to one-half of the fine aforesaid, when the same shall be received by the United States, and shall be entitled to a certificate for that purpose from the court before whom the conviction shall be had.

SEC. 3. *And be it further enacted*, That the owner or owners, consignee or factor of any ship, vessel, or boat, which may, at the time when notice of this act shall be received at the several custom houses respectively, be laden in whole or in part, shall, on notice given by the collector, either discharge such cargo or give bond with two or more sufficient sureties, in double the value of such vessel and cargo, not to proceed on the intended voyage or trip, until permitted to do so, agreeably to the provisions of this act; and if the cargo shall not be discharged within ten days, or the bond given as aforesaid, the ship, vessel, or boat and cargo shall be wholly forfeited. And the several collectors are authorized in the meanwhile, and until the cargoes shall have been discharged, or the bond given as aforesaid, to take possession of such vessels, and to take such other measures as may be necessary to prevent their departure.

SEC. 4. *And be it further enacted*, That the President of the United States may authorize the collectors of the customs (when in his opinion it can be done without danger of the embargo being violated, and under such limitations as he may deem expedient) to grant permission to vessels or boats, whose employment has uniformly been confined to the navigation of bays, sounds, rivers, or lakes, within the jurisdiction of the United States, or the territories thereof, to take on board at any time such articles of domestic or foreign growth as may be designated in such permission, bond with one or more sufficient sureties being previously given to the United States by the owner, owners, consignee, or factors of such vessel or boat, and by the master thereof, in an amount equal to three hundred dollars for each ton of the said vessel or boat, that such vessel or boat shall not, during the time limited in the condition of the bond, depart from any district of the United States without having previously obtained a clearance, nor until the master or commander shall have delivered to the collector or surveyor of the port of departure, a manifest of the whole cargo on board, that the said vessel or boat shall not during the time

Specie, &c. &c. put on board any vessel, &c. &c. to be sent without the limits of the United States and the vessels, &c. &c. with the cargoes, wholly forfeited.

Additional penalties.

Proviso, that the section shall not extend to persons, &c. who shall first inform the collector, &c.

After notice of this act, vessels loaded to be discharged of their cargoes or give bonds not to depart, &c. &c.

Collectors may take possession of the vessels in the mean time.

President may authorize collectors to permit coasting vessels to take on board articles of domestic growth, &c. &c. upon bond, &c. &c.

Bond to be given.

above mentioned proceed to any other port or place than that mentioned in her clearance, nor put any article on board of any other vessel or boat, or be employed in any foreign trade; and that on every voyage or trip, the whole of the cargo shall be landed in a port or place of the United States or the territories thereof, within the bay, sound, rivers or lakes to which the navigation of such vessel is confined, and the burthen of proof of the landing the whole of any such cargo in a port or place of the United States or the territories thereof, within the bay, sound, rivers, or lakes to which the navigation of such vessel or boat is confined, or in the port or place mentioned in her clearance, shall in case of any suit or prosecution instituted on such bond for a breach of the conditions thereof, lie upon the owner or owners, consignee or factors of such vessel or boat, or the master thereof, as the case may be: *Provided*, Such prosecution or suit be instituted within two years after such breach shall have been committed.

Proof of fact of landing to lie on the owner, factor, consignee and master of the vessel.

Penalties for taking prohibited articles on board vessels.

Who are to be reputed owners of vessels committing breaches of this law.

Proviso.

On granting new register, bond to be given.

Nothing in this act to extend to vessels sold bona fide before notice.

Proviso.

Owners of licensed fishing vessels to give bonds not to proceed to foreign places, and that they will return with their fishing fare to the United States.

SEC. 5. *And be it further enacted*, That if any vessel or boat, not having received a permission, and a bond not having been first given in the manner provided for in the next preceding section, shall take on board any article or articles prohibited by this act, such vessel or boat, together with her cargo, shall be wholly forfeited, and the owner or owners, agent, freighter or factors, master or commander of such vessel or boat, shall moreover severally forfeit and pay a sum equal to the value of the vessel or boat, and of the cargo put on board the same.

SEC. 6. *And be it further enacted*, That the person or persons, whose names do or may appear as owner or owners of any ship or vessel either on the certificate of registry, enrolment, or license of any such ship or vessel, or if neither registered or licensed, on the last clearance or custom house documents issued before the passing of this act for such ship or vessel, shall be reputed as the true owner or owners of such ship or vessel, and be liable to the payment of all penalties which may be incurred by the owners of such ship or vessel, by reason of any violation of any of the provisions of this act: *Provided always*, That nothing in this section contained shall be construed to release any other person or persons from the payment of any penalty incurred by virtue of this act. And in case of any new register or license being granted during the continuance of this act, or in case of the sale of any ship or vessel neither registered or licensed, a bond with one or more sureties to the United States shall, previous to the granting any such new register or license, or to recognising the sale of such vessel not registered or licensed, be required by the collector, in an amount equal to three hundred dollars of each ton of such ship or vessel, that such ship or vessel shall not, during the continuance of this act, contravene or infringe any of the provisions thereof: *Provided*, That nothing herein contained shall be construed to extend to the owner or owners of any ship or vessel who shall have made a bona fide sale of such ship or vessel, in any port or harbour of the United States, before notice of this act at such port or harbour respectively, nor to the owner or owners of any ship or vessel, in any foreign port or place, who shall have made a bona fide sale thereof before notice of this act: *And provided, also*, That such bond shall not release the owners and master of such ship or vessel, or any other person from the obligation of giving every other bond required by this act.

SEC. 7. *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 necessary 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 this act, proceed to any foreign port or place, and will return with their fishing fare to some port or place within the United States.

SEC. 8. *And be it further enacted*, That if any ship or vessel shall

during the continuance of this act, depart from any port of the United States, without a clearance or permit, or if any ship or vessel shall, contrary to the provisions of this act, proceed to a foreign port or place, or trade with or put on board of any other ship or vessel any article or articles prohibited by this act, such ship or vessels, goods, wares, merchandise, produce, provisions, naval or military stores shall be wholly forfeited; and if the same shall not be seized, the owner or owners, agent, freighter or factors of any such ship or vessel shall, for every such offence, forfeit and pay a sum equal to double the value of the ship or vessel and cargo, and shall never thereafter be allowed a credit for duties on any goods, wares, and merchandise imported by him or them into any of the ports of the United States; and the master or commander of such ship or vessel, as well as all other persons who shall knowingly be concerned in any such violations of this act, shall each respectively forfeit and pay a sum not exceeding twenty thousand dollars for every such offence, whether the vessel be seized and condemned or not; and shall be imprisoned for a term not less than six calendar months, nor exceeding one year; and the oath or affirmation of any master or commander knowingly offending against the provisions of this section, shall ever thereafter be inadmissible before any collector of the customs of the United States.

SEC. 9. *And be it further enacted*, That if any foreign ship or vessel shall, during the continuance of this act, take on board any specie, goods, wares, merchandise, produce, provisions, naval or military stores, other than the provisions and sea stores necessary for the voyage, such ship or vessel, and the specie and cargo on board shall be wholly forfeited, and may be seized and condemned in any court of the United States having competent jurisdiction; and every person concerned in such unlawful shipment, shall forfeit and pay a sum not exceeding twenty thousand dollars for every such offence.

SEC. 10. *And be it further enacted*, That the collectors of all the districts of the United States and the territories thereof, shall, and they are hereby authorized to take into their custody, any specie, goods, wares, merchandise, produce, provisions, naval or military stores, or live stock, found on board of any ship or vessel, boat or other water craft, when there is reason to believe that they are intended for exportation, or when in vessels, carts, wagons, sleighs, or any other carriage, or in any manner apparently on their way towards the territories of a foreign nation, or the vicinity thereof, or towards a place whence such articles are intended to be exported, or placed in the possession of the enemies of the United States; and not to permit such articles to be removed until bond, with sufficient sureties, shall have been given for the landing or delivery of the same in some place of the United States, whence, in the opinion of the collector, there shall not be any danger of such articles being exported or placed in the possession of the enemies of the United States.

SEC. 11. *And be it further enacted*, That the powers given to the collectors by this act, to refuse permission to put any cargo on board any vessel, boat, or other water craft, to detain any vessel, or to take into their custody any articles for the purpose of preventing violations of the embargo, shall be exercised in conformity with such instructions as the President may give, and such rules as he may prescribe for that purpose, made in pursuance of the powers aforesaid; which instructions and rules the collectors shall be bound to obey. And if any action or suit be brought against any collector or other person acting under the directions of, and in pursuance of this act, he may plead the general issue, and give this act and the instructions and regulations of the President in evidence for his justification and defence. And any person aggrieved by the acts of any collector, in either of the cases aforesaid, may file his petition before the district court of the district wherein the collector

Penalty in forfeiture of vessel, for departing from any port in the United States without regular clearance, in putting on board any prohibited articles, or in proceeding to a foreign port.

Further penalties.

Forfeiture by the master or commander of vessels violating the law.

Foreign vessels prohibited from taking on board any specie or other merchandise under forfeiture of vessel, &c. &c.

Collectors may take into their custody articles really or apparently destined for the enemy.

Discretionary powers given to the collectors under this act, to be exercised conformably with the President's instructions.

In case of an action against any person acting under the directions of, and in pursuance of this act, the general issue may be

pleaded, and the President's instructions, and this act be given in evidence.

President empowered to employ such part of the naval or land forces of the United States to carry this act into effect, as he may judge necessary.

The vessels of the United States may seize on vessels violating act.

Penalties and forfeitures how to be prosecuted and distributed.

Act of April 23, 1800, ch. 33.

Act of June 26, 1812, ch. 107.

Act of March 2, 1799, ch. 22.

Act of March 3, 1797, ch. 13.

Act of Feb. 11, 1800, ch. 6.

The time during which this act is to be in operation not to be computed with respect to drawbacks.

resides, stating the facts of his case, and thereupon, after due notice given to the district attorney and the collector, the said court may summarily hear and adjudge thereupon, as law and justice may require; and the judgment of said court, and the reason and facts whereon it is grounded, shall be filed among the records of said court; and if restoration of the property detained or taken in custody, or permission to load as aforesaid shall be decreed, it shall be upon the party's giving such bond with sureties, as is or shall be required to be taken in similar cases by the collector, and not otherwise; but if the said court shall adjudge against such petition, the collector shall be entitled to treble costs, which shall be taxed for him, and execution awarded accordingly by the court.

SEC. 12. *And be it further enacted,* That it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces or militia of the United States, or of the territories thereof, as may be judged necessary, in conformity with the provisions of this act, for the purpose of preventing the illegal departure of any ship or vessel, or of detaining, taking possession of, and keeping in custody, any ship or vessel, or of taking into custody and guarding any specie, goods, wares, merchandise, produce, provisions, naval or military stores, or live stock, and also for the purpose of preventing and suppressing any armed or riotous assemblage of persons resisting the custom house officers in the exercise of their duties, or in any manner opposing the execution of this act, or otherwise violating or assisting and abetting violations of the same.

SEC. 13. *And be it further enacted,* That it shall be lawful for the public and private armed vessels of the United States to capture and seize on the high seas or elsewhere any ship or vessel which shall have violated any of the provisions of this act, and to send the same into any port of the United States for adjudication.

SEC. 14. *And be it further enacted,* That all penalties and forfeitures incurred by force of this act, may be prosecuted, sued for, and recovered by action of debt or by indictment or information, as the case may require, and if recovered in consequence of any seizure made by the commander of any public armed vessel of the United States, shall be distributed according to the rules prescribed by the act, entitled "An act for the government of the navy of the United States," and if in consequence of any seizure made by any private armed vessel of the United States, shall be distributed according to the rules prescribed by the act, entitled "An act concerning letters of marque, prizes, and prize goods," and the act in addition thereto; and if otherwise, shall be distributed and accounted for, in the manner prescribed by the act, entitled "An act to regulate the collection of duties on imports and tonnage," passed the second day of March, one thousand seven hundred and ninety-nine, and may be mitigated or remitted in the manner prescribed by the act, entitled "An act to provide for mitigating or remitting forfeitures, penalties, and disabilities, accruing in certain cases therein mentioned," passed the third day of March, one thousand seven hundred ninety-seven, and made perpetual by an act passed the eleventh day of February, one thousand eight hundred; and any officer or other person, entitled to a part or share of any of the fines, penalties, or forfeitures aforesaid, may, if necessary, be a witness on the trial therefor, but in such case he shall not receive any part or share of the said fine, penalty, or forfeiture, but the part or share to which he would otherwise be entitled shall belong to the United States.

SEC. 15. *And be it further enacted,* That the time during which this act shall continue in force, shall not be computed as making part of the term of twelve calendar months, during which goods, wares, or merchandise imported into the United States must be exported in order to be entitled to a drawback of the duties paid on the importation thereof.

SEC. 16. *And be it further enacted*, That nothing in this act contained, shall prevent the sailing of any private armed vessel duly commissioned by any foreign power in amity with the United States, nor of any vessel of the United States duly commissioned by virtue of an act, entitled "An act concerning letters of marque, prizes, and prize goods," passed on the twenty-sixth day of June, one thousand eight hundred and twelve: *Provided always nevertheless*, That it shall be lawful for, and the duty of all officers of the customs and revenue officers of the United States, and they are hereby enjoined, to examine, search, and effectually ascertain, the amount and kind of articles all such vessels about sailing may have on board, so as to prevent their taking any cargo or other lading than the stores, provisions, armament, furniture, and equipment, generally proper and necessary for such vessels.

SEC. 17. *And be it further enacted*, That whenever it shall appear, on report made to any collector of the customs, by any officer of the customs, revenue officer, or other person, that any private armed vessel has on board any article or articles whatever, goods, wares, merchandise, or cargo of any description, intended for trade or traffic with the enemies of the United States, either directly or intermediately through any neutral or other person or persons, or for exportation, it shall be the duty of the said collector, and he is hereby authorized, to seize all such articles, goods, wares, merchandise, and cargo of every description, and to have the same landed forthwith, to be proceeded against as forfeited to the United States.

SEC. 18. *And be it further enacted*, That in all such cases it shall be the duty of the district attorney of the United States, for the district within which the said proceedings shall take place, to proceed in due form of law for the condemnation and forfeiture of the said articles to the use of the United States.

SEC. 19. *And be it further enacted*, That in all cases of condemnation as aforesaid, the captain or other commanding officer, and each and every of the owners of such private armed vessels, shall be fined in a sum not exceeding one thousand dollars each.

SEC. 20. *And be it further enacted*, That this act shall be in force from and after the passing thereof, until the first day of January, in the year of our Lord one thousand eight hundred and fifteen, unless a cessation of hostilities between the United States and Great Britain and Ireland and their dependencies, shall take place before that day; in which event, or in any other event that shall, in the opinion of the President, render the termination of the embargo hereby imposed compatible with the public interest, the President of the United States is hereby authorized to declare by proclamation, that this act is to cease and have no effect.

APPROVED, December 17, 1813.

Foreign armed vessels not affected by this act, nor those of the United States.

Act of June 26, 1812, ch. 107.

Proviso.

Collectors may seize such articles as are put on board private armed vessels contrary to this act.

Made the duty of the local district attorney to institute legal proceedings accordingly.

Additional fines upon the captains or commanders of such private armed vessels.

Continuance of this act.

STATUTE II.

CHAP. II.—*An act making certain partial appropriations for the year one thousand eight hundred and fourteen.*

January 11, 1814.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a sum of one million five hundred thousand dollars be, and the same is hereby appropriated towards defraying the expenses of the military establishment of the United States during the year one thousand eight hundred and fourteen.

[Obsolete.] Appropriation of one million five hundred thousand dollars.

SEC. 2. *And be it further enacted*, That the following sums be appropriated for the purposes herein recited, that is to say: Towards defraying the compensation granted by law to the members of the Senate and House of Representatives, their officers and attendants, during the year one thousand eight hundred and fourteen, the sum of fifty thousand dollars.

Compensation to the Senate and House of Representatives.