

a certificate of such registry shall be required, in proof of the term of residence, by the court to whom such application shall and may be made.

SEC. 7. *And be it further enacted,* That all and singular the penalties established by this act, shall and may be recovered in the name, and to the use of any person, who will inform and sue for the same, before any judge, justice, or court, having jurisdiction in such case, and to the amount of such penalty, respectively.

APPROVED, June 18, 1798.

Penalties how to be recovered.

STATUTE II.

CHAP. LV.—*An Act to amend the act, intituled "An act providing a Naval Armament," and the act, intituled "An act to authorize the President of the United States to cause to be purchased or built, a number of small vessels, to be equipped as galleys or otherwise."*

June 22, 1798.

[Obsolete.]

SECTION 1. *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, when he shall think fit to increase the strength of any revenue cutter, for the purposes of defence, against hostilities near the sea coast, to employ on board the same, at his discretion, not exceeding seventy marines and seamen: any thing in the act, intituled "An act providing a naval armament," to the contrary hereof, notwithstanding.

President may increase the strength of revenue cutters.

Ante, p. 523.

Ante, p. 556.

SEC. 2. *And be it further enacted,* That the President of the United States shall be, and he is hereby authorized to fix the degree of rank, and the rate of pay and subsistence, not exceeding what is allowed upon the naval establishment, which shall be granted and allowed to the officers who shall be duly commissioned in the service of the United States on board of any small vessel or galley, which shall be fitted out under his orders, pursuant to the act, intituled "An act to authorize the President of the United States to cause to be purchased, or built, a number of small vessels, to be equipped as galleys, or otherwise;" any thing therein to the contrary hereof, notwithstanding.

President may fix the rank, pay and subsistence of the officers of small vessels and galleys.

APPROVED, June 22, 1798.

STATUTE II.

CHAP. LVI.—*An Act to extend the privilege of franking letters and packets to the Secretary of the Navy.*

June 22, 1798.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all letters and packets to or from the Secretary of the Navy, shall be received and conveyed by post, free of postage, under the like restrictions and limitations as are provided respecting letters and packets to or from the heads of the other departments of the government, by the nineteenth section of the act, entitled "An act to establish the post-office and post roads within the United States."

Act of March 2, 1799, ch. 43, sec. 17.

1794, ch. 23.

APPROVED, June 22, 1798.

STATUTE II.

CHAP. LVII.—*An Act supplementary to, and to amend the act, intituled "An act authorizing the President of the United States to raise a provisional army."*

June 22, 1798.

[Obsolete.]

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the companies of volunteers, and the members of each company, who shall be duly engaged and accepted by the President of the United States, and organized with proper officers commissioned by him, pursuant to the third section of the act, intituled "An act authorizing the President of the United States to raise a provisional army," shall submit to, and observe such rules of training and discipline, as shall be thought neces-

Volunteers to observe the rules to be fixed by the President for training and disciplining them.

Ante, p. 558.

Exempted
from militia du-
ty.

sary to prepare them for actual service; and which rules the President of the United States is hereby authorized to make and establish; and all such companies and volunteers are hereby exempted, until their discharge, or during the time of their engagement, as aforesaid, from all militia duty which is, or shall be required by the laws of the United States, or of any state, and from every fine, penalty or disability, which is or shall be provided to enforce the performance of any duty or service in the militia.

President may
appoint their
field officers.

SEC. 2. *And be it further enacted*, That the President of the United States shall be, and he is hereby authorized, by and with the consent of the Senate, or by himself in the recess of Congress, pursuant to the said act, to appoint and commission, as soon as he shall think it expedient, such and so many field officers as shall be necessary for the organizing and embodying in legions, regiments or battalions, any volunteer companies who shall engage, and shall be accepted, as aforesaid: and such field officers shall have authority, accordingly, to train and discipline such volunteer companies, pursuant to the rules therefor, which shall be established, as aforesaid: *Provided*, that no officer or volunteer, who shall be appointed, engaged or employed in any training or discipline, as aforesaid, shall be considered as in the pay of the United States, until called into actual service.

President may
authorize the
sale to them of
artillery, arms,
&c.

SEC. 3. *And be it further enacted*, That the President of the United States may authorize the sale, at a reasonable rate, sufficient to indemnify the United States, to any company of volunteers who shall be accepted, as aforesaid, of such pieces of artillery, small arms and accoutrements, to be delivered from the public arsenals, as shall be found necessary for the equipment and training of such volunteers; or may loan the same to them upon the receipts of their respective officers, to be accounted for, or returned, at the expiration of their engagement, or other discharge: And of such sales or loans, the necessary accounts shall be kept in the War department, and the money accruing, by any sale, shall be paid into the treasury of the United States; and the same shall be, and is hereby appropriated for the purchase of other artillery, arms and accoutrements, as the President of the United States shall direct.

or may loan the
same.

SEC. 4. *And be it further enacted*, That the President of the United States may proceed to appoint and commission, in the manner prescribed by the said act, such and so many of the officers authorized thereby for the raising, organizing and commanding the provisional army of ten thousand men, as, in his opinion, the public service shall more immediately require; any thing which may be supposed in the said act, to the contrary hereof, notwithstanding: *Provided*, that the officers who shall be so appointed shall not be entitled to any pay, subsistence or other emolument, by reason of such commission, until they shall be respectively employed in the actual service of the United States: *And provided*, that the further raising of the said army shall not be authorized otherwise than as by the said act is provided.

APPROVED, June 22, 1798.

June 25, 1798.

CHAP. LVIII.—*An Act concerning Aliens. (u)*

[Expired.]

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall be

(a) The act of July 6, 1798, having authorized the President to direct the confinement of alien enemies, necessarily conferred all the means for enforcing such orders as he might give in relation to the execution of those powers. *Lockington v. Smith*, 1 Peters's C. C. R. 466.

The marshals of the several districts are the proper officers to execute the orders of the President under the act. *Ibid.*

After the President had established such regulations as he deemed necessary in relation to alien enemies, it was not necessary to call in the aid of the judicial authority, on all occasions, to enforce them; and the marshal may act without such authority. *Ibid.*