

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.*

lawful for the President of the United States at any time during the continuance of this act, to order all such *aliens* as he shall judge dangerous to the peace and safety of the United States, or shall have reasonable grounds to suspect are concerned in any treasonable or secret machinations against the government thereof, to depart out of the territory of the United States, within such time as shall be expressed in such order, which order shall be served on such alien by delivering him a copy thereof, or leaving the same at his usual abode, and returned to the office of the Secretary of State, by the marshal or other person to whom the same shall be directed. And in case any alien, so ordered to depart, shall be found at large within the United States after the time limited in such order for his departure, and not having obtained a *license* from the President to reside therein, or having obtained such *license* shall not have conformed thereto, every such alien shall, on conviction thereof, be imprisoned for a term not exceeding three years, and shall never after be admitted to become a citizen of the United States. *Provided always, and be it further enacted*, that if any alien so ordered to depart shall prove to the satisfaction of the President, by evidence to be taken before such person or persons as the President shall direct, who are for that purpose hereby authorized to administer oaths, that no injury or danger to the United States will arise from suffering such alien to reside therein, the President may grant a *license* to such alien to remain within the United States for such time as he shall judge proper, and at such place as he may designate. And the President may also require of such alien to enter into a bond to the United States, in such penal sum as he may direct, with one or more sufficient sureties to the satisfaction of the person authorized by the President to take the same, conditioned for the good behavior of such alien during his residence in the United States, and not violating his license, which license the President may revoke, whenever he shall think proper.

President may order certain aliens to depart.

Manner of serving the order.

Penalty upon an alien being thereafter found at large.

If an alien ordered to depart shall make certain proof, he may receive a license to remain.

President may require security from such alien.

Sec. 2. *And be it further enacted*, That it shall be lawful for the President of the United States, whenever he may deem it necessary for the public safety, to order to be removed out of the territory thereof, any alien who may or shall be in prison in pursuance of this act; and to cause to be arrested and sent out of the United States such of those aliens as shall have been ordered to depart therefrom and shall not have obtained a license as aforesaid, in all cases where, in the opinion of the President, the public safety requires a speedy removal. And if any alien so removed or sent out of the United States by the President shall voluntarily return thereto, unless by permission of the President of the United States, such alien on conviction thereof, shall be imprisoned so long as, in the opinion of the President, the public safety may require.

The President may order certain aliens to be removed out of the U. States.

Penalty on their returning.

Sec. 3. *And be it further enacted*, That every master or commander of any ship or vessel which shall come into any port of the United States after the first day of July next, shall immediately on his arrival make report in writing to the collector or other chief officer of the customs of such port, of all aliens, if any, on board his vessel, specifying their names, age, the place of nativity, the country from which they shall have come, the nation to which they belong and owe allegiance, their occupation and a description of their persons, as far as he shall be informed thereof, and on failure, every such master and commander shall forfeit and pay three hundred dollars, for the payment whereof on default of such master or commander, such vessel shall also be holden, and may by such collector or other officer of the customs be detained. And it shall be the duty of such collector or other officer of the customs, forthwith to

Masters of vessels to make report concerning aliens, to officers of the customs.

Penalty on failure to do so. Officers of the customs to transmit copies of the returns.

Circuit and district courts

By the provisions of the law, it was designed to make the judiciary auxiliary to the executive, in effecting its great objects; and each department was to act independently of the other, except that the former was to make the ordinances of the latter, the rule of its decisions. *Ibid.*

to have jurisdiction.

Marshals, &c. to execute orders of the President.

Aliens ordered to be removed may dispose of their property.

Limitation of the act.

transmit to the office of the department of state true copies of all such returns.

SEC. 4. *And be it further enacted*, That the circuit and district courts of the United States, shall respectively have cognizance of all crimes and offences against this act. And all marshals and other officers of the United States are required to execute all precepts and orders of the President of the United States issued in pursuance or by virtue of this act.

SEC. 5. *And be it further enacted*, That it shall be lawful for any alien who may be ordered to be removed from the United States, by virtue of this act, to take with him such part of his goods, chattels, or other property, as he may find convenient; and all property left in the United States by any alien, who may be removed, as aforesaid, shall be, and remain subject to his order and disposal, in the same manner as if this act had not been passed.

SEC. 6. *And be it further enacted*, That this act shall continue and be in force for and during the term of two years from the passing thereof.

APPROVED, June 25, 1798.

STATUTE II.

June 25, 1798.

CHAP. LX.—*An Act to authorize the defence of the Merchant Vessels of the United States against French depredations.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the commander and crew of any merchant vessel of the United States, owned wholly by a citizen or citizens thereof, may oppose and defend against any search, restraint or seizure, which shall be attempted upon such vessel, or upon any other vessel, owned, as aforesaid, by the commander or crew of any armed vessel sailing under French colours, or acting, or pretending to act, by, or under the authority of the French republic; and may repel by force any assault or hostility which shall be made or committed, on the part of such French, or pretended French vessel, pursuing such attempt, and may subdue and capture the same; and may also retake any vessel owned, as aforesaid, which may have been captured by any vessel sailing under French colours, or acting, or pretending to act, by or under authority from the French republic.

SEC. 2. *And be it further enacted*, That whenever the commander and crew of any merchant vessel of the United States shall subdue and capture any French, or pretended French armed vessel, from which an assault or other hostility shall be first made, as aforesaid, such armed vessel with her tackle, appurtenances, ammunition and lading, shall accrue, the one half to the owner or owners of such merchant vessel of the United States, and the other half to the captors: And being brought into any port of the United States, shall and may be adjudged and condemned to their use, after due process and trial, in any court of the United States, having admiralty jurisdiction, and which shall be holden for the district into which such captured vessel shall be brought; and the same court shall thereupon order a sale and distribution thereof, accordingly, and at their discretion; saving any agreement, which shall be between the owner or owners, and the commander and crew of such merchant vessel. In all cases of recapture of vessels belonging to citizens of the United States, by any armed merchant vessel, aforesaid, the said vessels, with their cargoes, shall be adjudged to be restored, and shall, by decree of such courts as have jurisdiction, in the premises, be restored to the former owner or owners, he or they paying for salvage, not less than one eighth, nor more than one half of the true value of the said vessels and cargoes, at the discretion of the court; which payments shall be made without any deduction whatsoever.

Merchant vessels may oppose searches, &c. attempted by the French, Ante, p. 561, 565. Post, p. 578.

repel assaults, capture the aggressors, and make recaptures.

Captured vessels may be condemned, sold and distributed.

Recaptured American vessels to be restored on paying salvage.