

duty on tonnage.

year one thousand eight hundred and five, intituled "An act to empower the board of wardens, for the port of Philadelphia, to collect a certain duty on tonnage, for the purposes therein mentioned," so far as to enable the state of Pennsylvania to collect a duty of four cents per ton, on all vessels which shall clear out from the port of Philadelphia for any foreign port or place whatever, to be expended in building piers in, and otherwise improving the navigation of the river Delaware, agreeably to the intentions of the said act.

APPROVED, Feb. 28, 1806.

STATUTE I.

Feb. 28, 1806.

CHAP. XIII.—*An Act for altering the time for holding the circuit court, in the district of North Carolina; and for abolishing the July term of the Kentucky district court.*

June term of the court changed.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the June term of the circuit court now holden for the district of North Carolina, on the fifteenth day of June, shall commence and be holden on the twentieth day of the same month, any thing contained in any former act or acts to the contrary notwithstanding. And that all actions, suits, process, pleadings, and other proceedings of what nature or kind soever, civil or criminal, commenced or to commence in the said court; and all recognizances returnable to the said court on the fifteenth day of June, shall be continued, returned to, and have day in the session to be holden by this act, and the same proceedings shall be had thereon as heretofore, and shall have all the effect, power, and virtue as if the alteration had never been made: *Provided nevertheless*, that when the twentieth day of June shall happen on Sunday, the next shall be the first juridical day.*

Process made returnable accordingly.

Altered 1807, ch. 5.

SEC. 2. *And be it further enacted, That from and after the first day of August next, so much of all and every act or acts, as directs that a district court, for the Kentucky district, shall be holden on the first Monday in July, in every year, shall be, and the same is hereby repealed.*

APPROVED, Feb. 28, 1806.

STATUTE I.

March 8, 1806.

CHAP. XIV.—*An Act to extend jurisdiction in certain cases to state judges and state courts.*(a)

Jurisdiction given to certain state courts in cases of forfeitures and penalties under the revenue laws of the U. S.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the respective county courts within, or next adjoining the revenue districts herein after mentioned, shall be and are hereby authorized to take cognizance of all complaints and prosecutions for fines, penalties, and forfeitures, arising under the revenue laws of the United States, in the districts of Champlain, Sacket Harbor, Oswego, Genessee, Niagara, and Buffalo Creek, in the state of New York, and in the district of Presque Isle, in the state of Pennsylvania, and the district attorneys of New York and Pennsylvania, respectively, are hereby authorized and directed to appoint, by warrant, an attorney as their substitute or deputy, respectively, to prosecute for the United States in each of the said county courts, who shall be sworn or affirmed to the faithful execution of his duty, as prosecutor aforesaid: *Provided*, that this authority shall not be construed to extend*

1808, ch. 51.

(a) In the case of *Prigg v. The Commonwealth of Pennsylvania*, 16 Peters, 539, where the question presented to the court arose out of the proceedings of a magistrate of the commonwealth of Pennsylvania, under the law of Pennsylvania which interfered with the provisions of the act of Congress relating to the arrest of fugitives from labour, (act of February 12, 1793, chap. 7,) the magistrate of the state, having refused to execute the provisions of that law, the Court said, "As to the authority conferred on state magistrates by the fugitive law, while a difference of opinion exists, and may exist, on this point, in different states, whether state magistrates are bound to act under it; none is entertained by the court that state magistrates may, if they choose, exercise the authority, unless prohibited by the state legislatures." 16 Peters, 632.