



LAWS OF THE UNITED STATES.

Published by Authority.

FIFTH CONGRESS OF THE UNITED STATES.

AT THE FIRST SESSION, Begun and held at the City of Philadelphia, in the State of Pennsylvania, on Monday, the fifteenth day of May, one thousand seven hundred and ninety-seven.

An act providing a Naval Armament.

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 be and he is hereby empowered should he deem it expedient to cause the Frigates United States, Constitution, and Constellation, to be manned and employed.

And be it further enacted, That there shall be employed on board each of the ships of forty-four guns, one captain, four lieutenants, two lieutenants of marines, one chaplain, one surgeon, and two surgeons mates; and in the ship of 36 guns, one captain, three lieutenants, one lieutenant of marines, one surgeon, and one surgeon's mate.

And be it further enacted, That there shall be employed in each of the said ships, the following warrant officers, who shall be appointed by the President of the United States, to wit: one sailing master, one purser, one boatwain, one gunner, one sail-maker, one carpenter, and eight midshipmen; and the following petty officers, who shall be appointed by the captains of the ships respectively, in which they are to be employed, viz. two masters mates, one captain's clerk, two boatwain's mates, one cockswain, one sail-maker's mate, two gunners mates, one yeoman of the gun-room, nine quarter gunners, (and for the two large ships two additional quarter gunners) two carpenters mates, one armourer, one steward one cooper, one master at arms, and one cook.

And be it further enacted, that the crews of each of the ships of forty-four guns, shall consist of one hundred and fifty seamen, one hundred and three midshipmen and ordinary seamen, three sergeants, two corporals, one drum, one fife, and fifty marines; and that the crew of the ship of thirty-six guns shall consist of one hundred and thirty able seamen and midshipmen; ninety ordinary seamen, two sergeants, two corporals, one drum, one fife, and forty marines, over and above the officers herein mentioned.

And be it further enacted, That the pay and subsistence of the respective commissioned and warrant officers, be as follows: A captain, seventy-five dollars per month, and six rations per day; a lieutenant, forty dollars per month, and six rations per day; a lieutenant of marines, thirty dollars per month, and two rations per day; a chaplain, forty dollars per month, and two rations per day; a sailing master forty dollars per month and two rations per day; a surgeon, fifty dollars per month, and two rations per day; a surgeon's mate thirty dollars per month, and two rations per day; a purser, forty dollars per month, and two rations per day; a boatwain, twenty dollars per month, and two rations per day; a gunner, twenty dollars per month, and two rations per day; a sail-maker, twenty dollars per month, and two rations per day; a carpenter, twenty dollars per month, and two rations per day.

And be it further enacted, That the pay to be allowed to the petty officers, midshipmen, seamen, ordinary seamen and marines, shall be fixed by the President of the United States: Provided, That the whole sum to be given for the whole pay aforesaid, shall not exceed fifteen thousand dollars per month, and that each of the said persons shall be entitled to one ration per day.

And be it further enacted, That the ration shall consist of as follows: Sunday, one pound of bread, one pound and an half of beef, and half a pint of rice: Monday, one pound of bread, one pound of pork, half a pint of pease or beans, and four ounces of cheese: Tuesday, one pound of bread, one pound and an half of beef, and one pound of potatoes, or turnips and pudding: Wednesday, one pound of bread, two ounces of butter, or in lieu thereof six ounces of molasses, four ounces of cheese, and half a pint of rice: Thursday, one pound of bread, one pound of pork, and half a pint of pease or beans: Friday, one pound of bread, one pound of salt fish, two ounces of butter, or one gill of oil, and one pound of potatoes: Saturday, one pound of bread, one pound of pork, half a pint of pease or beans, and four ounces of cheese; and there shall also be allowed one half pint of distilled spirits per day, or in lieu thereof one quart of beer per day, to each ration.

And be it further enacted, That the officers, non-commissioned officers, seamen, and marines, belonging to the navy of the United States, shall be governed by the rules for the regulation of the navy heretofore established by the resolution of Congress of the twenty-eighth of November, one thousand seven hundred and seventy-five, as far as the same may be applicable to the Constitution and laws of the United States, or by such rules and articles as may hereafter be established.

And be it further enacted, That the appointment of the officers to the frigates may be made by the President alone in the recess of the Senate; and their commissions, if so appointed, shall continue in force

all the advice and consent of the Senate can be had thereupon at their next meeting which may happen thereafter.

And be it further enacted, That the seamen and marines shall not be engaged to serve on board the frigates, for a period exceeding one year; but the President may discharge the same sooner if in his judgment their services may be dispensed with.

And be it further enacted, That if any officer, non-commissioned officer, marine or seaman belonging to the navy of the United States, shall be wounded or disabled, while in the line of his duty in public service, he shall be placed on the list of the invalids of the United States, at such rate of pay, and under such regulations as shall be directed by the President of the United States: Provided always, That the rate of compensation to be allowed for such wounds or disabilities to a commissioned or warrant officer shall never exceed for the highest disability half the monthly pay of such officer at the time of his being so disabled or wounded; and that the rate of compensation to non-commissioned officers, marines and seamen, shall never exceed five dollars per month: And provided also, That all inferior disabilities shall entitle the person so disabled to receive an allowance proportionate to the highest disability.

And be it further enacted, That the President of the United States be, and he is hereby authorized, if circumstances should hereafter arise, which in his opinion may render it expedient to increase the strength of the several revenue cutters, so that the number of men employed do not exceed thirty marines and seamen to each cutter; and cause the said revenue cutters to be employed to defend the sea-coast, and repel any hostility to their vessels and commerce, within their jurisdiction, having due regard to the duty of the said cutters, in the protection of the revenue.

And be it further enacted, That the compensations established by the first section of the act passed on the sixth day of May, one thousand seven hundred and ninety-six, entitled "an Act to amend the several provisions relative to the revenue cutters" be, and the same is hereby continued and confirmed, on the terms and conditions of the said act, to the mariners and marines, who are or may be employed as aforesaid.

And be it further enacted, That this act shall continue in force for the term of one year, and from thence to the end of the then next session of Congress and no longer.

JONATHAN DAYTON, Speaker of the House of Representatives.

THOMAS JEFFERSON, Vice-President of the United States, and President of the Senate.

Approved July 1, 1797. JOHN ADAMS, President of the United States.

Deposited among the Rolls in the Office of the Department of State. TIMOTHY PICKERING, Secretary of State.

An Act directing the appointment of Agents, in relation to the sixth article of the treaty of amity, commerce and navigation, between the United States and Great-Britain.

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 be, and hereby is authorized, by and with the advice and consent of the Senate, to appoint a proper person to act in behalf of the United States, under the direction of the Attorney-general, in relation to such claims as may be made against the United States, before the Commissioners appointed to carry into effect the sixth article of the treaty of amity, commerce and navigation, between the United States of America and his Britannic majesty. And it shall be the duty of the Attorney-general, to counsel such Agent, and to attend before the said Commissioners, whenever any questions of law, or fact, to be determined by them, shall render his assistance necessary.

Section 2. And be it further enacted, That the Attorney-general be, and is hereby authorized to employ such agents, in different parts of the United States, as the business before the said Commissioners, in his opinion, shall make necessary, to be paid according to their services, at such rate as the President of the United States shall direct.

Section 3. And be it further enacted, That during the continuance of the service to be performed under this act, the Attorney-general shall be entitled to an additional compensation of six hundred dollars per annum, and the person hereby directed to be appointed, to a compensation at the rate of two thousand dollars per annum.

Section 4. And be it further enacted, That for enabling the President of the United States, to defray the expenses to be incurred under, and by this act, a sum not exceeding ten thousand dollars be, and hereby is appropriated, to be paid out of any monies not otherwise appropriated.

JONATHAN DAYTON, Speaker of the House of Representatives.

THOS. JEFFERSON, Vice-President of the United States, and President of the Senate.

Approved, June 30th, 1797: JOHN ADAMS, President of the United States.

Deposited among the Rolls in the Office of the Department of State. TIMOTHY PICKERING, Secretary of State.

An Act to ascertain the time for the next meeting of Congress, and to repeal the Act heretofore passed for that purpose.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That after the end of the present session, the next meeting of Congress shall be on the second Monday of November in the present year.

And be it further enacted, that the act intitled "An act to alter the time for the next meeting of Congress," passed on the

third day of March last, be, and the same is hereby repealed.

JONATHAN DAYTON, Speaker of the House of Representatives.

THOMAS JEFFERSON, Vice President of the United States, and President of the Senate.

Approved, July 1, 1797: JOHN ADAMS, President of the United States.

Deposited among the Rolls in the Office of the Department of State. TIMOTHY PICKERING, Secretary of State.

C O N G R E S S . HOUSE OF REPRESENTATIVES, SATURDAY, JULY.

Mr. N. FREEMAN obtained leave of absence for the remainder of the session.

Mr. REED reported the bill fixing the time of the next meeting of Congress, which was accordingly signed by the Speaker.

Mr. BROOKES thought the present naturalization law allowed foreigners too soon to become citizens of the United States: he wished the law therefore to be revised, and proposed the following resolution:

Resolved, That a committee be appointed to prepare and report a bill to amend the act establishing a uniform rule of naturalization. Ordered to lie on the table.

The bill for continuing process in the circuit court in the state of North Carolina, was read the third time; and was about to be passed, when the question on passing was about to be taken;

Mr. J. WILLIAMS wished to know what was the cause of the neglect of the Circuit Court Judges, which gave occasion for this bill.

Mr. BLOUNT said, that he had received a letter from Georgetown, South Carolina, informing him, that the cause of the omission was that Judge Chase's horse had died.

The bill was passed. The amendments of the Senate to the bill for continuing in force several acts and parts of acts, were taken up, one of them negatived, and another amended. The Senate afterwards sent the bill down to the House.

The House then took up the amendments reported by the committee of the whole to the bill laying a stamp tax, when the amendment being under consideration, imposing a tax of twenty dollars (instead of twenty cents, as stated in our paper of Saturday) on certificates of Naturalization.

Mr. SWANWICK said, this tax would operate, in some degree, as a poll tax, and he thought 20 dollars too considerable a sum for this purpose.

Mr. W. SMITH said the sum could not be altered but by recommitting the bill.

Mr. GALLATIN believed the sum might be decreased, though it could not be increased in the House.

The SPEAKER confirmed the opinion that it would be in order to lessen the sum.

Mr. SWANWICK, then moved that the twenty dollars be reduced to four. In a subsequent part of the bill, four dollars were charged as a stamp upon any letters patent, and if this were thought sufficient for a thing of this kind which probably proved very lucrative to the party, he thought it would be quite enough for a foreigner to pay, when he took upon himself all the rights of a citizen.

This tax might operate upon persons who might not have twenty dollars in the world. When they spoke the other day on the subject of rich monied corporations, it was hoped they should be moderate in the tax imposed upon them; he trusted they should not be less so when the poor emigrant was concerned.

Mr. SEWELL hoped the amendment would not be made. Every foreigner who came to this country, had a full opportunity of getting a living without enjoying the rights of a citizen; and he knew not why he should become a citizen, if he did not think the privilege worth 20 dollars, and was willing to pay it.

Mr. GORDON gave it as a reason for not diminishing this sum, that foreigners might live here five years, without being obliged to serve any public offices, such as constable, &c.

Mr. BROOKES did not think the sum excessive. He would not have the right of citizenship made too common. He had no objection to the admitting of foreigners into this country, but there were foreigners came here, fugitives from justice, and others, who never would be of any advantage to any country. These, for the small sum of 20 dollars, might become citizens—he would not have them admitted for less, as it would be necessary to have some security for the attachment of persons to the government of this country; and such men as would be of advantage to the country would not think the sum too large.

Mr. GALLATIN denied that the argument of the gentleman from New-York would apply, as a person's paying a sum of money, would be no proof that he was well affected to the government. A convict or a highwayman might possibly pay 20 dollars with greater ease than the worst of men.

Mr. G. said he objected to the sum of twenty dollars, because it would operate in a very improper manner. A single man might, in a short time, save the money necessary to purchase his citizenship; but he knew a great number of persons, who came to this country with large families, very valuable emigrants, and upon whom we had more security for their good behaviour than upon single men, upon whom this tax would fall very heavy.

He objected to the tax also as it related to the children of those persons. He knew a great number of emigrant families, with many children, whose heads were not at present citizens of this country; and these children, if their fathers should not be able, or should neglect, to become a citizen, though they may have received their education here, and formed the strongest attachment to the government and country, yet, before they can become citizens, they will each of them have to pay 20 dollars. This would be extremely hard, and it would not only be hard, but it might become dangerous to the peace of the country; besides that the property of every person not being a citizen would want that security which it would otherwise have. Nor did he conceive it would be perfectly safe to have one fourth, if not one third part of the inhabitants of a country living as foreigners, in its bosom. These men, speaking the same language, and having the same manners, after they had been in the country ten or fifteen years, would look upon the refusal to admit them to the common rights of citizens, except upon the payment of 20 dollars, as unjust and oppressive.

If so large a sum was charged, Mr. G. said, provision should be made in favour of the children of such fathers as should not themselves have been citizens. As four dollars might, perhaps, be thought too small a sum, he should move to strike out the twenty, and to leave the sum blank.

Mr. SWANWICK observed, that it had been urged in favor of this large sum, that foreigners would not be obliged to become citizens, as they might get a living in the country without doing so. But was it not of advantage, he asked, that foreigners should

become citizens, and not that a great part of the people of our country should be living amongst us, without owing allegiance to our government? But it was said these emigrants might be highwaymen, or men of bad character; but did not the naturalization law require, that every person applying to be made a citizen, should produce two witnesses to speak to their moral character?—And surely after a residence of five years, and a guard of this kind, there could not be any reason for such arguments. It should seem, from what was said, on this occasion, that twenty dollars was to be the price upon which we were willing to admit the worst of characters to the privilege of citizenship.

But it was said, that if this tax were not laid, the rights of citizenship would become too common. This was a doctrine contrary to any thing he had heard before on the subject. Since the year 1776 it had been uniformly the language of this country, that we had, in this western world, opened an asylum for emigrants from every country. This was our language: "Come and join us in the blessings we enjoy in a country large and fertile, and under a government founded upon the principles of liberty and justice." Were the inhabitants of this country all born in it? Certainly not; a great majority were foreigners; even in the government itself were very many foreigners. And should they, because they came a little sooner, or had better fortune than others, say to their less fortunate brethren, "you shall not be admitted to the privilege of citizenship but on the payment of twenty dollars, though we received it without money and without price?" It was said a man might soon earn 20 dollars to pay for this privilege; but supposing he could soon earn 50 dollars, he did not think that a good reason for laying this tax.

The gentleman from New-Hampshire had alleged as a reason for this high tax, that foreigners were excused, before they became citizens, from sharing in the burdensome offices of the community; but he thought this was a reason for admitting foreigners earlier, in order to share such offices with our citizens. For it would be a curious thing, if there should be occasion for the services of these men in defending the country, if they should refuse to turn out, because they had been refused admission to the participation of its immunities.

In a country like ours, he said, it was extremely impolitic to throw obstructions in the way of emigrations. He was desirous that every attention should be paid to the moral character of emigrants before they were admitted as citizens, but he trusted they should not degrade the country in the eyes of foreign nations by putting so high a tax upon the privilege of citizenship. It would ill suit the high tone which had been held abroad of the liberty of this country; nor did he think their constituents would be well pleased with such a tax.

If they compared this tax with other parts of the bill, it would be found much heavier than any other. A lawyer was to pay 10 dollars upon the entrance of his lucrative profession; whilst a poor foreigner was to pay 20 to be admitted as a citizen. In doing this, gentlemen seemed desirous only of having rich emigrants as citizens, whilst the poor wanderer, flying from the hearth tax of Ireland, or from the oppressions of other countries, who would be vally useful in the cultivation of our land, and in every useful labour, would be in a great measure excluded from their rights in society.

Mr. HARPER enquired if it would be in order to strike out the whole provision?—Being told it would not, he said he should then be in favor of the present motion, and if it were carried, vote against the whole. He did not think the subject had any connection with the present bill; nor was he of opinion that to lay a tax of this kind would be a means of securing to us better citizens, than if there were no tax. He would have citizenship given without price, but he would require a longer residence to be necessary than was required by the present naturalization law.

He did not agree with the gentleman last up, on the propriety of inviting emigrations from all parts of the world. There was a moment of enthusiasm in this country, when this was thought to be right, when we were not fatished with giving to emigrants every blessing which we had earned with our blood and treasure, but admitted them instantly into the rights of citizenship. An experience of ten or fifteen years, he said, had convinced us we were wrong. They had done something to prevent the evil in future; but he thought they should do more. He should be willing that no man should become a citizen of this country but by birth: he would have all foreigners freely admitted, and he would admit their children to have a right to citizenship. He believed this would be a proper policy for this and every other country.

Mr. SWANWICK withdrew his motion.

Mr. MACON opposed the tax altogether, as tending to injure the poor and indutrious part of the emigrants to this country, which he looked upon as the most valuable.

Mr. GOODRICH did not think it was in order to discuss the propriety or impropriety of encouraging emigration. The only question before them was, whether or not the certificate of citizenship was a proper object of taxation. He thought it was. It was not a sale of citizenship, as had been represented, but a stamp upon this kind of paper. He thought the argument of the gentleman from Pennsylvania, that if a father neglected to become a citizen, all his children, before they could be citizens, would have each to pay 20 dollars; would be a tie upon parental affection, for a father to do what his children would be so much benefited by.

Mr. VENABLE did not know that it was necessary to take a certificate when a person was naturalized, and therefore the duty might be evaded.

Mr. CRAIK doubted not, if this tax were laid, that if persons were not now obliged to take a certificate, such an obligation

would be laid upon them. He voted in favor of 20 dollars; but, on reflection, he thought the sum too large. He believed the objection proper for taxation, and should only view the subject in that light. It would not operate, he said, on men coming into the country only, but upon many persons already in it. He had been frequently witness of applications from men to become citizens who had been in the country from the year 1783. Many of these, since the passing of the general naturalization law, had been naturalized under the general state-laws; and if it were determined that this naturalization was not effectual, they would have the ceremony again to go through under the law of the United States. It was very ununiform policy, and he questioned the consistency of it, to make property a rule for a man's becoming a citizen. One of the rights of a citizen was voting at an election, and if it was necessary he should be possessed of a certificate of this kind before his vote could be admitted, it would be the same thing as to require him to be possessed of a certain portion of property before he had a right to vote. In this view he thought the principle improper. He wished the gentleman from Pennsylvania had not withdrawn his motion, as he should be in favor of voting for a small sum.

Mr. LYON was opposed to this amendment. It appeared to him invidious, cruel and impolitic. It was injurious, because we had dealt on a different kind of language heretofore, we had told the world, that there was in this country a good spring of Liberty, and invited all to come and drink of it. We had told them the country was rich and fertile, and invited them to come and taste of our fruits; and he did not think it was right now to turn round to them and say "You shall not be admitted as citizens unless you pay 20 dollars." This looked like entering into a treaty, offensive and defensive with the Monarch of Britain, to prevent his subjects from leaving him and coming hither. He was almost led to suspect the thing was introduced on the suggestion of a certain Foreign Minister.

The SPEAKER declared such suggestion to be wholly out of order.

Mr. SEWELL said, tho' he wished this country to be an asylum for men of every other who chose to come to it, yet he did not wish to see foreigners our Governors; and indeed, if they were admitted as voters at our elections, they in some degree, became the governors of our country. He wished, therefore, that a longer residence should be necessary, before a foreigner should become a citizen. He liked this amendment, because it made it necessary for a man to have a little property before he could be admitted. This was looked upon as necessary in every other country. Nor did he think the tax too large, as any man might afford to pay this sum after he had been five years in the country. They had seen men to-day take the oath of allegiance and become citizens of the United States, and the next again become citizens of the French Republic, by entering on board their privateers.

Mr. R. WILLIAMS said, there was sufficient reason for disagreeing to this proposition, without considering the policy or impolicy of admitting foreigners to the rights of citizenship. The object of this bill, he said, was to lay a tax upon property, or evidence of property, and he wished it to be confined to that object. This amendment was rather a tax upon liberty, than upon property, and therefore improper to be introduced into it. As to what was said by the gentleman from Massachusetts on the subject of a foreigner being possessed of some property before he should be admitted as a citizen, such a consideration might be a good one, introduced in its proper place, but not here. He trusted, therefore, the amendment would not prevail. In place of 20 dollars, he should be unwilling to vote for a cent for this object, since he believed the principle to be wrong.

Mr. THATCHER said, gentlemen viewed only one side of the question: They constantly spoke of the 20 dollars, which they called an enormous sum; but they said nothing of the benefits which were to be received in return. They were to receive for that sum all the advantages which this country had obtained by much treasure and blood. He thought the doors of naturalization too wide. Too many foreigners emigrated hither; they were out of proportion to the natives; for he wished the American interest always to prevail over all foreign interest. He would much rather, therefore, that the certificate was forty dollars than twenty.

Mr. J. WILLIAMS did not think this question was put upon its true ground. This bill was intended to raise funds towards paying off the national debt—the debt incurred in fighting for our liberty and independence; and shall those, said he, who come to partake of these advantages, pay nothing for it? If the country was not worth the tax imposed, foreigners would not come to it. If the tax were too high, it might be lowered: or if too low, made higher. He was for having the law go into effect, as experience would enable them to make it more perfect. Any man who was indutrious, he was certain, would never begrudge the payment of 20 dollars for this object—he would rather glory in it. The liberty of the country was rated very low indeed, when it was not thought to be worth twenty dollars.

Mr. BROOKES was in favour of retaining the clause. Twenty dollars could not be said to be the price of naturalization, but merely as a stamp upon the certificate; nor was there any more impropriety in this, than laying a duty upon the admission of lawyers to exercise their profession.

Mr. M'DOWELL was against the amendment. He looked upon it as a departure from the spirit of our Government, and derogatory to us as an enlightened nation.—It had been remarked by gentleman, that we had fought and bled for our liberties. It was true, that we had fought for liberty, but, he trusted, we did not mean to confine it to ourselves, not to sell it out to others. On the contrary, people of other countries