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[Whole No. 313.]



SECOND CONGRESS OF THE UNITED STATES.

AT THE FIRST SESSION,

Begun and held at the city of Philadelphia, in the State of Pennsylvania, Monday the twenty-fourth of October, one thousand seven hundred and ninety-one.

AN ACT for altering the times of holding the Circuit Courts in certain districts of the United States, and for other purposes.

SECTION 1. BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passing this act the circuit courts in the districts of North-Carolina and Georgia shall be held as follows, to wit: In the district of North-Carolina on the first day of June, and on the thirtieth day of November, at Newbern in the present and each succeeding year. And all writs and recognizances returnable and suits and other proceedings that were continued to the circuit court for the district of North-Carolina on the eighteenth day of June next, shall now be returned and held continued to the same court on the first day of June next. In the district of Georgia, on the 25th day of April, at Savannah, and on the eighth day of November at Augusta, in the present and each succeeding year, except when any of those days shall happen on a Sunday, in which case the court shall be held on the Monday following.

SEC. 2. And be it further enacted, That the sessions of the circuit courts in the eastern circuit, shall in the present and every succeeding year commence at the times following, that is to say, in New-York district on the fifth day of April, and the fifth day of September. In Connecticut district, on the twenty-fifth day of April and the twenty-fifth day of September. In Massachusetts district, on the twelfth day of May and the twelfth day of October. In New-Hampshire district, on the twenty-fourth day of May and the twenty-fourth day of October—and in Rhode-Island district on the seventh day of June, and the seventh day of November, except when any of those days shall happen on a Sunday, and then the sessions shall commence on the next day following. And the sessions of the circuit court shall be held in the district of Virginia, at the city of Richmond only. In New-Hampshire district, at Portsmouth and Exeter alternately, beginning at the first. In Massachusetts district, at Boston. In Rhode-Island district, at Newport and Providence alternately, beginning at the first. In Connecticut district, at Hartford and New-Haven alternately, beginning at the last. And in New-York district, at the city of New-York only.

SEC. 3. And be it enacted, That at each session of the supreme court of the United States, or as soon after as may be, the judges of the supreme court attending at such session shall in writing subscribed with their names (which writing shall be lodged with the clerk of the supreme court and safely kept in his office) assign to the said judges respectively the circuits which they are to attend at the ensuing sessions of the circuit courts; which assignment shall be made in such manner that no judge, unless by his own consent, shall have assigned to him any circuit which he hath already attended until the same hath been afterwards attended by every other of the said judges. Provided always, That if the public service or the convenience of the judges shall at any time, in their opinion, require a different arrangement, the same may take place with the consent of any four of the judges of the supreme court.

SEC. 4. And be it further enacted, That the district court for the district of Maine, which, by the act, intitled "An act to establish the judicial courts of the United States," is holden on the first Tuesday of June, annually, at Portland, shall, from and after the passing of this act, be holden on the third Tuesday of June, annually; any thing in the act aforesaid to the contrary notwithstanding; and all writs and recognizances returnable, and suits and other proceedings, that were continued to the district court for the district of Maine on the first Tuesday of June next, shall now be returnable and held continued to the same court, on the third Tuesday of June next.

SEC. 5. And be it further enacted, That the stated district courts for the district of North-Carolina, shall in future, be held at the towns of Newbern, Wilmington and Edenton in rotation, beginning at Newbern, as the said court now stands adjourned.

JONATHAN TRUMBULL, Speaker of the House of Representatives.

JOHN ADAMS, Vice-President of the United States, and President of the Senate.

APPROVED APRIL THE THIRTEENTH, 1792.

GEORGE WASHINGTON, President of the United States.

AN ACT, concerning Consuls and Vice-Consuls, for carrying into full effect the Convention between the King of the French and the United States of America, entered into for the purpose of defining and establishing the functions and privileges of their respective Consuls and Vice-Consuls.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That where, in the seventh article of the said convention, it is agreed that when there shall be no consul or vice-consul of the King of the French, to attend to the saving of the wreck of any French vessels stranded on the coasts of the United States, or that the residence of the said consul or vice-consul (he not being at the place of the wreck) shall be more distant from the said place than that of the competent judge of the country, the latter shall immediately proceed to perform the office therein prescribed; the district judge of the United States of the district in which the wreck shall happen, shall

proceed therein, according to the tenor of the said article. And in such cases it shall be the duty of the officers of the customs within whose districts such wrecks shall happen, to give notice thereof, as soon as may be, to the said judge, and to aid and assist him to perform the duties hereby assigned to him. The district judges of the United States shall also, within their respective districts, be the competent judges, for the purposes expressed in the ninth article of the said convention, and it shall be incumbent on them to give aid to the consuls and vice consuls of the King of the French, in arresting and securing deserters from vessels of the French nation, according to the tenor of the said article.

And where, by any article of the said convention, the consuls and vice-consuls of the King of the French, are entitled to the aid of the competent executive officers of the country, in the execution of any precept, the marshals of the United States, and their deputies, shall, within their respective districts, be the competent officers, and shall give their aid according to the tenor of the stipulations.

And whenever commitments to the jails of the country shall become necessary in pursuance of any stipulation of the said convention, they shall be to such jails within the respective districts as other commitments under the authority of the United States are by law made.

And for the direction of the consuls and vice-consuls of the United States, in certain cases,

BE it enacted by the authority aforesaid, That they shall have right in the ports or places to which they are or may be severally appointed, of receiving the protests or declarations, which such captains, masters, crews, passengers and merchants, as are citizens of the United States, may respectively chuse to make there; and also such as any foreigner may chuse to make before them relative to the personal interest of any citizens of the United States; and the copies of the said acts duly authenticated by the said consuls or vice-consuls, under the seal of their consulates respectively, shall receive faith in law, equally as their originals would in all courts in the United States. It shall be their duty where the laws of the country permit, to take possession of the personal estate left by any citizen of the United States, other than seamen belonging to any ship or vessel who shall die within their consulate; leaving there no legal representative, partner in trade, or trustee by him appointed to take care of his effects, they shall inventory the same with the assistance of two merchants of the United States, or for want of them, of any others at their choice; shall collect the debts due to the deceased in the country where he died, and pay the debts due from his estate which he shall have there contracted; shall sell at auction, after reasonable public notice, such part of the estate as shall be of a perishable nature, and such further part, if any, as shall be necessary for the payment of his debts, and at the expiration of one year from his decease, the residue; and the balance of the estate they shall transmit to the treasury of the United States, to be holden in trust for the legal claimants. But if at any time before such transmission, the legal representative of the deceased shall appear and demand his effects in their hands, they shall deliver them up, being paid their fees, and shall cease their proceedings.

For the information of the representative of the deceased, it shall be the duty of the consul or vice-consul, authorized to proceed as aforesaid in the settlement of his estate, immediately to notify his death in one of the gazettes published in the consulate, and also to the Secretary of State, that the same may be notified in the state to which the deceased shall belong; and he shall also, as soon as may be, transmit to the Secretary of State an inventory of the effects of the deceased, taken as before directed.

And be it further enacted, That the said consuls and vice-consuls, in cases where ships or vessels of the United States shall be stranded on the coasts of their consulates respectively, shall, as far as the laws of the country will permit, take proper measures, as well for the purpose of saving the said ships or vessels, their cargoes and appurtenances, as for storing and securing the effects and merchandize saved, and for taking an inventory or inventories thereof; and the merchandize and effects saved, with the inventory or inventories thereof, taken as aforesaid, shall, after deducting therefrom the expense, be delivered to the owner or owners. Provided, That no consul or vice-consul shall have authority to take possession of any such goods, wares, merchandize or other property, when the master, owner or consignee thereof is present, or capable of taking possession of the same.

And be it further enacted, That it shall and may be lawful for every consul and vice consul of the United States, to take and receive the following fees of office for the services which he shall have performed.

For authenticating under the consular seal, every protest, declaration, deposition, or other act, which such captains, masters, mariners, seamen, passengers, merchants or others as are citizens of the United States may respectively chuse to make, the sum of two dollars.

For the taking into possession, inventorying, selling and finally settling and paying, or transmitting as aforesaid, the balance due on the personal estate left by any citizen of the United States who shall die within the limits of his consulate, five per centum on the gross amount of such estate.

For taking into possession and otherwise proceeding on any such estate which shall be delivered over to the legal representative before a final settlement of the same, as is herein before directed, two and an half per centum on such part delivered over as shall not be in money, and five per centum on the gross amount of the residue.

And it shall be the duty of the consuls and vice-consuls of the United States, to give receipts for all fees which they shall receive by virtue of this act, expressing the particular services for which they are paid.

And be it further enacted, That in case it be found necessary for the interest of the United States, that a consul or consuls be appointed to reside on the coast of Barbary, the President be authorized to allow an annual salary, not exceeding two thousand dollars to each person so to be appointed: Provided, That such salary be not allowed to more than one consul for any one of the states on the said coast.

And be it further enacted, That every consul and vice-consul shall, before they enter on the execution of their trusts, or if already in the execution of the same, within one year from the passing of this act, or if resident in Asia, within two years, give bond with such sureties as shall be approved by the Secretary of State, in a sum of not less than two thousand nor more than ten thousand dollars, conditioned for the true and faithful discharge of the duties of his office according to law, and also for truly accounting for all monies, goods and effects which may come into his possession by virtue of this act: and the said bond shall be lodged in the office of the Secretary of the Treasury.

And be it further enacted, That to prevent the mariners and seamen, employed in vessels belonging to the citizens of the United States, in cases of shipwreck, sickness or captivity, from suffering in foreign ports, it shall be the duty of the consuls and vice-consuls respectively, from time to time to provide for them in the most reasonable manner, at the expense of the United States, subject to such instructions as the Secretary of State shall give, and not exceeding an allowance of twelve cents to a man per diem; and all masters and commanders of vessels belonging to citizens of the United States, and bound to some port of the same, are hereby required and enjoined to take such mariners or seamen on board of their ships or vessels, at the request of the said consuls or vice-consuls respectively, and to transport them to the port in the United States to which such ships or vessels may be bound, free of cost or charge; but that the said mariners or seamen shall, if able, be bound to do duty on board such ships or vessels according to their several abilities: Provided, That no master or captain of any ship or vessel, shall be obliged to take a greater number than two men to every one hundred tons burthen of the said ship or vessel, on any one voyage: and if any such captain or master shall refuse the same on the request or order of the consul or vice-consul, such captain or master shall forfeit and pay the sum of thirty dollars for each mariner or seaman so refused, to be recovered for the benefit of the United States by the said consul or vice-consul in his own name, in any court of competent jurisdiction.

And be it further enacted, That where a ship or vessel belonging to citizens of the United States is sold in a foreign port or place, the master, unless the crew are liable by their contract or do consent to be discharged there, shall send them back to the state where they entered on board, or furnish them with means sufficient for their return, to be ascertained by the consul or vice-consul of the United States, having jurisdiction of the port or place: And in case of the masters refusal, the said consul or vice-consul may (if the laws of the land permit it) cause his ship, goods and person to be arrested and held until he shall comply with his duty herein.

And be it further enacted, That the specification of certain powers and duties in this act, to be exercised or performed by the consuls of the United States, shall not be construed to the exclusion of others resulting from the nature of their appointments, or any treaty or convention under which they may act.

JONATHAN TRUMBULL, Speaker of the House of Representatives.

JOHN ADAMS, Vice-President of the United States, and President of the Senate.

APPROVED APRIL THE FOURTEENTH, 1792.

GEORGE WASHINGTON, President of the United States.

FROM THE COLUMBIAN HERALD, Printed in Charleston (S. C.)

AFTER a neglect of upwards of four years, the scheme for cutting a canal between the Santee and Cooper Rivers, has been lately resumed; as this scheme will in its consequences prove extremely important to the citizens of this state, I trust a few reflections on this head will not be thought either idle or useless.

This subject, on consideration, naturally divides itself into two branches. Utility to the public in general, and to the proprietors in particular.

To be convinced of its utility to the public, we have only to inspect the map of the Carolinas and the adjacent countries. The produce of the lands (both in North and South-Carolina) bordering on Saluda, Enoree, Tyger, Pacolet and Broad Rivers, together with those on the Wateree, and the different branches on the Catawba, and all the other lesser rivers and creeks which have a communication with the Santee, must necessarily come to market by this canal; for were the boats to go round by Bull's Bay, (setting aside its dangers, though a place almost equal to the Sylla and Charibdis of the ancients) they must add upwards of fourteen days to their journey.— And is it conceivable that they would refuse to avoid all this, when they might do it for the price of a trifling toll on each boat that passed through the canal? I say trifling, for though 25 per cent. is an immense sum to receive as interest, it will be a very small one when divided into the very large number of boats which must inevitably pass through it; it will not amount to the hundredth part of the sum lost, during the fourteen days delay, by the wages of the hands, the interest of the amount of the cargo, and the various other losses they would sustain.

The consequence of the easiness of transporting crops to market, would be an amazing increase of population and settlements in the back country of this state, and of N. Carolina. Articles of produce, provisions, tobacco, skins, &c. &c. would be at almost one half their present price; and Charleston, from one of the dearest, would speedily become one of the cheapest places upon the continent of America.

If we look forwards a few years, to the time when the population of the country (which I have already shewn this canal will contribute not a little to hasten) will be greater, we may reasonably hope for a communication with the western country, by means of the Cherokee or some other of those numerous large rivers which form a junction with the Ohio; that such a communication would render Charleston the first city in the United States, is too clear to admit of a doubt.— We may therefore expect, that every citizen of Carolina