

LAW OF THE UNITED STATES.

An ACT laying Duties on property sold at Auction.

Sec. 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 thirtieth day of September next, there shall be levied, collected and paid, for the use of the United States, upon all sales by way of auction, as herein after described, which shall be made within the United States, the respective rates and duties following, to wit: The sum of one fourth part of a dollar for every hundred dollars of the purchase money arising by sale at auction, of any interest right or estate in any lands, tenements or hereditaments, and of any utensils in husbandry, and farming stock, ships and vessels, and the sum of one half of a dollar for every hundred dollars of the purchase money, arising by sale at auction, of all other goods, chattels, rights and credits whatsoever, and at the same rate for any greater or lesser sum, except as herein after excepted: The said respective rates and duties to be paid by the auctioneer or person making such sales at auction; out of the monies arising from each and every such sale. *Provided always*, That nothing in this act contained shall extend to any sale or sales by auction, of estates, goods or effects, made pursuant to, or in execution of any rule, order, decree, sentence or judgment of any court of the United States or of either of them; or made in virtue, or by force of any distress for rent, or other cause, for which a distress is allowed by law; or made in consequence of any bankruptcy, or insolvency, pursuant to any law concerning bankruptcies or insolvencies; or made in consequence of any general assignment of property and effects, for the benefit of creditors; or made by or on behalf of executors or administrators, or made of the produce of the land upon the land where such produce was raised; or made of any farming utensils, stock or household furniture, by persons removing from the place of their former residence, where the amount of each sale of such farming utensils, stock or household furniture shall not exceed two hundred dollars; or made pursuant to the directions of any law of the United States, or of either of them touching the collection of any tax or duty; or disposal by auction of public property of the United States or of any state; nor to any sale or sales by auction, of ships, their tackle apparel and furniture, or the cargoes thereof, which shall be wrecked or stranded within the United States, and sold for the benefit of the insurers or proprietors thereof.

Sec. 2. **And** be it further enacted, That no person, after the said thirtieth day of September next, shall exercise the trade or business of an auctioneer, by the selling of any estates, goods or effects whatsoever by auction, or any other mode of sale, whereby the best or highest bidder is deemed to be the purchaser, unless such person shall have a license or other special authority, continuing in force pursuant to some law of a state, or issued pursuant to the directions of this act, on pain of forfeiting for every such sale at auction, the sum of four hundred dollars, together with the sums or duties payable by this act upon the estates, goods or effects so sold: *Provided however*, That nothing herein contained, shall be construed to require a license for the sale at auction of any estate, goods, chattels, or other thing, which by this act are exempted from duty.

Sec. 3. **And** be it further enacted, That every person, who before the said thirtieth day of September next, shall have a license of special authority, pursuant to any law of any state, for exercising the said trade or business of an auctioneer, shall, before or upon the said day, and every person, who, after the said day, shall have such special license or authority, shall, within thirty days after the obtaining or receiving of the same, give notice thereof in writing, under his hand, to the office of inspection nearest to the place, where he shall carry on or intend to carry on the said trade or business of an auctioneer, specifying in such notice, the date or commencement of such license, or other special authority, the term for which the same was granted or given, by whom, and by what law of a state, the same was granted or given; and shall also give bond to the United States, in a sum of one thousand five hundred dollars, to be taken by the officer, at whose office the notice aforesaid shall be given, with condition that he will, on the first day of January, April, July and October in each year, while he shall continue to exercise the said trade or

business, render to the person or persons, who, on behalf of the United States, shall be authorized to receive the same, a true and particular account in writing, of the monies or sums, for which any estates, goods or effects have been sold, at every sale at auction by him made, and of the several articles, lots and parcels, which shall have been sold, the price of each article, lot or parcel in every such sale, by whom bought, that is to say; first from the date of such bond, until such of the aforesaid days, as shall accrue next thereafter, and thenceforth from the day to which an account shall have been last rendered, until such of the said days, as shall next thereafter ensue, and so on in succession, from one of the said days to another, so long as he shall continue to exercise his said trade or business, and also shall pay all such sums of money as shall be due to the United States, upon the said sales, according to the true intent and meaning of this act, which sums he is hereby authorized and directed to retain, out of the produce of each sale made as aforesaid. And a like notice and bond shall be given in like manner, as often as any such license, or special authorities shall have expired and been renewed. And if any person shall, after the said thirtieth day of September next, by virtue or color of any such license, or special authority, as aforesaid make any sale or sales at auction, without having given bond, as aforesaid, within the time for that purpose prescribed, or without renewing such bond upon the expiration and renewal of any such license, or special authority, he shall forfeit and pay, for every such sale by him made, the sum of four hundred dollars, together with the sums or duties payable by this act, upon the estates, goods or effects so sold.

Sec. 4. **And** be it further enacted, That the several supervisors of the revenue may, within their respective districts, and upon request of any person or persons desirous thereof, shall grant licenses, without fee or reward, for a term not exceeding one year, at one time, to exercise the trade or business of an auctioneer; and such licenses, upon like request, may and shall, from time to time renew: *Provided*, That no such license shall be granted or renewed, until the person or persons requesting the same, shall have become bound to the United States, with one or more sureties to the satisfaction of the supervisor, of whom such license shall be requested, in the sum of one thousand five hundred dollars, with like condition as is herein before prescribed for persons having licenses by virtue of some law of a state: *And provided further*, That no such license shall be granted to carry on the said trade or business, in any city, town or county of any state, in respect to which, provision hath been made by any law of such state, for the allowing and regulating of the said trade and business therein.

Sec. 5. **And** be it further enacted, That every person, who shall have a license from the supervisor of the revenue, continuing in force, shall and may retain, in order to the payment of the duties hereby imposed, all such sum and sums of money, as shall be due and payable upon any estates, goods or effects by him sold at auction, as aforesaid, according to the true intent and meaning of this act.

Sec. 6. **And** be it further enacted, That the accounts to be rendered, and the duties to be, from time to time, paid as aforesaid, by any auctioneer, shall be rendered and paid to the inspector of the revenue, within whose survey such auctioneer shall exercise his trade or business, or to his deputy duly appointed under his hand and seal, and such auctioneer shall make oath or affirmation, according to the best of his knowledge and belief, to the truth of every account, which he shall render before the officer or person to whom such account shall be rendered, and who is hereby authorized to administer the said oath or affirmation, in default of which such account shall not be deemed to be truly rendered, according to the condition of the bond of such auctioneer. And to the end that such accounts may be accurately kept and rendered, it is hereby made the duty of every auctioneer, to enter from day to day, as often as any sale shall be made, in a book, or on a paper to be kept by him for that purpose, the amount and particulars of the respective sales by him made; which book or paper shall, at all reasonable times, upon request made, be submitted for examination to the officer of inspection, within whose survey or division such auctioneer shall be, on pain of forfeiting, for every refusal to comply with such request, the sum of five hundred dollars.

Sec. 7. **And** be it further enacted, That if it shall appear to the satisfaction of the supervisor, within whose district he shall be, that an auctioneer hath acted agreeably to the condition of the bond which he shall have given, and to the directions of this act, during the time to which his said bond relate, the same having expired; then, and in every such case, the said supervisor shall cause such bond to be delivered up; but in case no such account shall be delivered, as herein before mentioned, or if it shall appear, that any such account was not truly made, or that the party hath acted in any other respect, contrary to the true intent and meaning of his bond and of this act, it shall be the duty of such supervisor of the revenue, to cause such bond to be prosecuted according to law, and in case of a verdict or judgment against the defendant, he shall afterwards, upon every sale by him of any estates, goods or effects at auction, be liable to all the penalties, which may be incurred by this act, for acting as an auctioneer without license.

Sec. 8. **And** be it further enacted, That if any sale at auction of any lands, tenements or hereditaments, shall be, or become void, by reason of defect of title, the supervisor of the revenue, within whose district such sale shall be, is hereby authorized and required, upon due and sufficient proof of such sale being or becoming void, for the reason aforesaid, to cause to be remitted the duty or duties thereupon otherwise payable, according to this act.

Sec. 9. **And** be it further enacted, That every auctioneer, which he shall retain and pay, as aforesaid, shall be allowed a commission of one per centum, upon the amount thereof, for his trouble in and about the same.

Sec. 10. **And** be it further enacted, That it shall be lawful for the President of the United States, and he is hereby empowered to make such allowances for compensations to the officers of inspection employed in the collection of the duties aforesaid, and for incidental expenses, as he shall judge reasonable, not exceeding in the whole, two and an half per centum of the total amount of the said duties collected.

Sec. 11. **And** be it further enacted, That if any person shall wilfully swear or affirm falsely, touching any matter herein before required to be verified by oath or affirmation, he shall suffer the pains and penalties, which by law are prescribed for wilful and corrupt perjury; and, if an officer, shall forfeit his office, and be incapable of afterwards holding any office under the United States.

Sec. 12. **And** be it further enacted, That all fines, penalties and forfeitures, which shall be incurred by force of this act, shall and may be sued for and recovered, in the name of the United States, or of the supervisor of the revenue, within whose district any such fine, penalty or forfeiture shall have been incurred; by bill, plaint, or information; one moiety thereof to the use of the United States, and the other moiety thereof to the use of the person, who, if an officer of inspection, shall first discover, if other than an officer of inspection, shall first inform of the cause, matter, or thing, whereby any such fine, penalty or forfeiture shall have been incurred. And where the cause of action or complaint shall arise or accrue more than fifty miles distant from the nearest place by law established for the holding of a district court, within the district in which the same shall arise or accrue, such suit and recovery may be had, before any court of the state holden within the said district, having jurisdiction in like cases.

Sec. 13. **And** be it further enacted, That this act shall continue and be in force, for the term of two years, and from thence, to the end of the next session of Congress, and no longer.

Approved—June the ninth 1794.

UNITED STATES.

RHODE-ISLAND, July 12

On the 6th inst. arrived at Newport, the British brig Industry, prize to the French ship Liberty, Capt. Laurenty, Joseph Bastard, lieutenant of the ship, prizemaster of the brig. She was from St. Vincent's bound to London. Her cargo consists of 182 hogheads of sugar, &c. Capt. Laurenty left Baltimore the 19th May, and has taken six prizes, 5 English and one Spanish. On the 28th ult. a number of prisoners who were kept on board the prize, attempted to take her, but were much disappointed. Among the prisoners were two Americans who had been pressed into the British service, and who joined the others in the attempt.

NEW-YORK, July 21.

On Monday, the 14th instant, at 11 o'clock, at the City-Hall in this city, the suite lately instituted in the District Court for this district in behalf of the

United States, against the schooner Prince and Liberty, and her cargo, owned by Messrs. Bernardus Swartwout and Son; was brought to trial. The libel charged, that the schooner being enrolled and licensed for carrying on the coasting trade, had proceeded on a foreign voyage, (from this city to New-Providence, one of the Bahama Islands) without first giving up her enrollment and license to the collector. The owners in their answer to the libel denied, that the schooner had proceeded on a foreign voyage, and insisted that she failed on the 29th day of March last, from this city on a voyage to Charleston, in the state of South-Carolina; but was compelled by fits of weather to put into New-Providence. Upon the trial, a number of witnesses were examined on the part of the owners, who proved most satisfactorily, that the schooner obtained a clearance from this city to Charleston; that the owners intrusted the Captain, to proceed directly to that port; that the schooner after clearing the land steered a course for several days as direct for Charleston as the winds and other circumstances would permit; but that afterwards she met with very tempestuous weather, which lasted with little or no intermission for ten days, and finally forced her, for the preservation of the lives of the crew to bear away for New-Providence, where she arrived on the 15th day of April. After the evidence was closed, the cause was strenuously argued by counsel on both sides, but the counsel on the part of the United States explicitly admitted that the conduct of Messrs. Bernardus Swartwout and Son, was perfectly irreproachable; as the evidence did not furnish the least ground for supposing, that they had not really intended the voyage to Charleston, or that they were in any degree privy to the voyage to New-Providence. The counsel having concluded their arguments, the judge of the district, intimated his persuasion of the absolute necessity which compelled the schooner to go to New-Providence; but took time to advise upon the construction of the statute on which the suit was founded.

On Saturday the 19th instant, the Judge proceeded to pronounce his decree in the case; after stating the point in controversy, in a perspicuous manner, and judiciously remarking as well upon the facts as the construction of the statute, the Judge declared it as his opinion, that the evidence left no room to doubt, that the schooner went to New-Providence, through inevitable necessity, and that under all the circumstances of the case; she had not proceeded on a foreign voyage; wherefore he ordered and decreed that the libel be dismissed, and that the schooner and her cargo be restored to the owners, but without costs.

With regard to costs, the Judge observed that there was sufficient reason to justify the Collector and Attorney for the district, in seizing and libelling the schooner, and her cargo, and that they had done nothing more than what the law required of attentive and faithful officers.

This trial cannot fail to give pleasure to our readers, whilst on the one hand it will rescue the characters of Messrs. Bernardus Swartwout and Son, and the Captain of the schooner Prince and Liberty, from the stigma of having violated not only the act of Congress for regulating the coasting trade, but also the late embargo; it will on the other convince the unprejudiced, that our public officers are vigilant and impartial in the discharge of their duties.

The decree above mentioned is in the following words:

At a special district court of the United States, held for the district of New-York, at the city of New-York, on Saturday the 19th day of July, 1794, at 11 o'clock, A. M.

Present—The Hon. John Lawrance, Esq. Judge of the district.

The United States,

vs.
The schooner Prince and Liberty, Bernardus Swartwout and Bernardus Swartwout, jun. Claimants.

HIS Honor the Judge having taken time to advise in this cause until this day doth now order, sentence, and decree, that the libel filed in this cause, be dismissed without costs, and that the schooner Prince and Liberty, and her cargo mentioned in the said libel, be discharged from arrest, and be restored to the claimants Bernardus Swartwout and Bernardus Swartwout, jun.

A true extract from the minutes.
R. TROUP, Clerk.

PHILADELPHIA,

JULY 23.

MR. FENNO,

MANY of your readers, among whom I must beg to be included, with very much to have a particular detail of the convey that lately failed from the Delaware. How many Americans there were among them, and how many, either French or Americans are returned to port; and what are the probable consequences of the encounter. I hope I shall be excused for requesting a repetition, if it must be a repetition of what has been already printed; for we have been amused with upwards of forty or fifty different accounts of the Duke of York's defeat. What passes in Flanders, certainly does not concern us so nearly, as what passes upon our coast, particularly when many of our own citizens are concerned.

I am, Sir,
Your most
Obedient Servant,
A CORRESPONDENT.

The judgment of the military commission, established at Point a Petre, in the islands of Guadeloupe, for the Windward Islands which condemns to death, the persons named Grand-Fond, Cambon, and Lemercier. In the name of the French Republic, to all who shall see these presents, Greeting.

The military commission established at Point a Petre, for the Windward Islands by an act of the commissioners delegated by the National Assembly, have given the following judgment:

Having caused to appear before us, on the 21st. and 22d day of the month prairial N. Grand Fond, aged about 25 years born at L'ance-Bertrand, in the island of Guadeloupe, Cambon, aged 22 years, born at Puy L'evêque, in the department of Lot; and Louis-Charles-Alexandre Lemercier Richmond formerly a noble and native of St. Francois, in the island of Guadeloupe.

It appears from their interrogatories, declarations and acknowledgments, that on the day when the troops of the Republic carried the fort of Fleur d'Épée, they were there with the English in order to defend it, and that they were taken there, with arms in their hands.

The commission condemns to the pain of death the said Grandfond, Cambon, and Lemercier Richmond, conformable to the fourth article of the first section of the first chapter of the second part of the Penal Code, of the 10th September, 1791, which has been read to them, and is as follows: "Every act, and all intelligence with the enemies of France, tending either to facilitate their entry into the dependencies of the French Empire, or to deliver up to them towns, fortresses, ports, vessels, magazines, or arsenals belonging to France or to assist them with soldiers, money provisions or ammunition, or to favor in any manner whatsoever the progress of their arms upon the French Territories, or against our forces by sea or land, or to corrupt the fidelity of officers, soldiers or other citizens towards the French nation shall be punished with death."

Declares their property confiscated for the benefit of the Republic conformably to the eleventh article of the second chapter of the law of the 10th of March last, which has also been read to them, and is as follows: "The property of those who shall belong to the Republic, and the subsistence of the widows and children shall be provided for, if they have no property elsewhere."

Orders that the present judgment shall be immediately executed in the place of liberty of this community, and that it shall be printed, read, published and fixed up in every part of the colony.

Done at Point a Petre, and publicly pronounced, where the commission hold its sitting, when were present.

ROUYER, President.
NARUISSE,
FREMONT,
DESRGUEHES,
CASSOU,

In the name of the French Republic, we order the commandants of the armed force, to assist in the execution of this present judgment.

(Signed) ROUYER, President.
Examined and compared Prud, Secretary of the Commission.

A PROCLAMATION.
To all the Inhabitants of the Island of Guadeloupe.

YOU have heard the Proclamation of the Commissioners of the Convention. They invite you to join them: they promise you protection and beneficence; we shall only reply to it by making the following observations:

They offer you protection and beneficence at the very moment when they are burning and pillaging your habitations; and delivering you into the hands of those, whom you know to be your