sum not exceeding four hundred thousand dollars, to be paid out of any money in the treasury not otherwise appropriated.

Approved, July 6, 1798.

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CHAP. LXVI.—An Act respecting Alien Enemies.(a)

SECTION 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever there shall be a declared war between the United States and any foreign nation or government, or any invasion or predatory incursion shall be perpetrated, attempted, or threatened against the territory of the United States, by any foreign nation or government, and the President of the United States shall make public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being males of the age of fourteen years and upwards, who shall be within the United States, and not actually naturalized, shall be liable to be apprehended, restrained, secured and removed, as alien enemies. And the President of the United States shall be, and he hereby authorized, in any event, as aforesaid, by his proclamation thereof, or other public act, to direct the conduct to be observed, on the part of the United States, towards the aliens who shall become liable, as aforesaid; the manner and degree of the restraint to which they shall be subject, and in what cases, and upon what security their residence shall be permitted, and to provide for the removal of those, who, not being permitted to reside within the United States, shall refuse or neglect to depart therefrom; and to establish any other regulations which shall be found necessary in the premises and for the public safety: Provided, that aliens resident within the United States, who shall become liable as enemies, in the manner aforesaid, and who shall not be chargeable with actual hostility, or other crime against the public safety, shall be allowed, for the recovery, disposal, and removal of their goods and effects, and for their departure, the full time which is, or shall be stipulated by any treaty, where any shall have been between the United States, and the hostile nation or government, of which they shall be natives, citizens, denizens or subjects: and where no such treaty shall have existed, the President of the United States may ascertain and declare such reasonable time as may be consistent with the public safety, and according to the dictates of humanity and national hospitality.

SEC. 2. And be it further enacted, That after any proclamation shall be made as aforesaid, it shall be the duty of the several courts of the United States, and of each state, having criminal jurisdiction, and of the several judges and justices of the courts of the United States, and they shall be, and are hereby respectively, authorized upon complaint, against any alien or alien enemies, as aforesaid, who shall be resident and at large within such jurisdiction or district, to the danger of the public peace or safety, and contrary to the tenor or intent of such proclamation, or other regulations which the President of the United States shall and may establish in the premises, to cause such alien or aliens to be duly apprehended and convened before such court, judge or justice; and after a full examination and hearing on such complaint, and suffi-

(a) Alien enemy. The fact that the commander of a private armed vessel was an alien enemy at the time of the capture, does not invalidate such capture. The Mary and Susan, 1 Wheat. 46; 2 Cond. Rep. 460.

Admitting it to have any operation, all that could result from it would be the condemnation of his interest to the government, as a right of the admiralty; but his national character can in no case affect the rights of the owner and crew of the privateer. Ibid.

An alien enemy cannot be permitted to make the declaration required by law, preparatory to the naturalization of aliens. Ex parte Newman, 2 Gallis. C. C. R. 11.

An alien enemy cannot sustain a suit in a prize court, nor can a citizen claim the property of an alien enemy in a prize court, upon an alleged act since the war. The Ennslow, 1 Gallis. C. C. R. 563.

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Section 1. 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 shall be, and he is hereby authorized to instruct the commanders of the public armed vessels which are, or which shall be employed in the service of the United States, to subdue, seize and take any armed French vessel, which shall be found within the jurisdictional limits of the United States, or elsewhere, on the high seas, and such captured vessel, with her apparel, guns and appurtenances, and the goods or effects which shall be found on board the same, being French property, shall be brought within some port of the United States, and shall be duly proceeded against and condemned as forfeited; and shall accrue and be distributed, as by law is or shall be provided respecting

(a) The commander of an armed vessel of the United States, has a right to stop vessels on the high seas, for examination. Malley v. Shatuck, 3 Cranch, 426; 1 Cond. Rep. 591.

The right of capture is entirely derived from the law; it is a limited right which is subject to all the restraints which the legislature has imposed, and is to be exercised in the manner its wisdom has prescribed. The Thomas Gibbons, 8 Cranch 421; 3 Cond. Rep. 193.