BY AUTHORITY OF CONGRESS.

THE

Public Statutes at Larg

OF THE

UNITED STATES OF AMERICA,

FROM THE

ORGANIZATION OF THE GOVERNMENT IN 1789, TO MARCH 3, 1845.

ARRANGED IN CHRONOLOGICAL ORDER.

WITH

REFERENCES TO THE MATTER OF EACH ACT AND TO THE SUBSEQUENT ACTS
ON THE SAME SUBJECT,

AND

COPIOUS NOTES OF THE DECISIONS

OF THE

 Courts of the United States

CONSTRUING THOSE ACTS, AND UPON THE SUBJECTS OF THE LAWS.

WITH AN

INDEX TO THE CONTENTS OF EACH VOLUME,

AND A

FULL GENERAL INDEX TO THE WHOLE WORK, IN THE CONCLUDING VOLUME.

TOGETHER WITH

The Declaration of Independence, the Articles of Confederation, and
the Constitution of the United States;

AND ALSO,

TABLES, IN THE LAST VOLUME, CONTAINING LISTS OF THE ACTS RELATING TO THE JUDICIARY;
IMPOSTS AND TONNAGE, THE PUBLIC LANDS, ETC.

EDITED BY

RICHARD PETERS, ESQ.,
COUNSELLOR AT LAW.

The rights and interest of the United States in the stereotype plates from which this work is printed, are hereby recognized, acknowledged, and declared by the publishers, according to the provisions of the joint resolution of Congress, passed March 5, 1845.

VOL. I.

BOSTON:
CHARLES C. LITTLE AND JAMES BROWN.
1848.
TO THE

HONORABLE JOSEPH STORY,

ONE OF THE ASSOCIATE JUSTICES OF THE SUPREME COURT
OF THE UNITED STATES.

My dear Sir:

In expressing to you my sincere acknowledgments for your permission to inscribe this work to you, I have afforded to me the opportunity to record my full sense of your high judicial character; of your deep and universal learning in the law; of the great value of your decisions on the important questions of constitutional and statute law which have come before the Supreme Court during your long and honorable presence in that tribunal, in the maintenance of those constitutional principles on which, only, our government can permanently rest; and of your arduous and successful labors to elevate and diffuse the science of jurisprudence in our country.

In other relations to you, I ask leave to declare my grateful feelings for your kind and affectionate friendship, and for the esteem with which you have always been pleased to regard me.

This work is indebted to you for its existence. It has been prepared according to a plan suggested by you; and in your approbation of the manner in which it has been edited by me, there is a perfect assurance that it will receive the sanction and support of all. This is a proud and complete title to the claims of the work to public patronage.

I have the honor to be,

My dear Sir,

Very respectfully and faithfully,

Your obedient servant,

RICHARD PETERS.

PHILADELPHIA, January, 1845.
ADDRESSED TO THE PUBLISHERS.

Letter from the Hon. Robert C. Winthrop, of Massachusetts.

"BOSTON, 25 November, 1845.

GENTLEMEN:

"I take pleasure in putting on paper, agreeably to your request, the favorable opinions I have already expressed, in relation to your new edition of the Laws of the United States.

"The mere fact, that your edition has been freshly and carefully compared with the originals in the Department of State, would seem a sufficient commendation of it to all who appreciate the importance of an accurate text to the just understanding of the statutes. This comparison, I learn, has not been instituted in the preparation of previous editions of the laws, (except that of Bioren and Duane,) and has resulted, in the present instance, in the discovery and correction of numerous errors.

"But your edition promises to be as comprehensive and complete as it is accurate. It embraces all the laws which have been enacted since the foundation of our government, Private as well as Public, District as well as National, the obsolete and repealed as well as those now in force. It includes, also, all our Treaties with foreign governments and with the Indian tribes. And you have furnished it, still further, with copious references to the Decisions of the Federal Courts, and with an ample and elaborate Index. There would thus seem nothing left to be desired for the completeness of our National Code.

"I say nothing of the typographical execution of the volumes, or of the moderate price at which you propose to supply them. These matters will speak for themselves, and will combine with the other considerations which I have suggested in securing for your work the patronage it deserves. It will afford additional satisfaction to purchasers, to know that you intend to publish an annual supplement, containing the laws which may be passed by Congress from year to year, and conforming in all respects to the body of the work.

"Wishing you all success in your undertaking,

"I am,

"Very respectfully,

"Your obedient servant,

"ROBERT C. WINTHROP.

"Messrs. LITTLE AND BROWN."
LETTERS ADDRESSED TO THE EDITOR.

Letter from Mr. Justice Story, of the Supreme Court of the United States.

WASHINGTON, January 29, 1844.

"Dear Sir: I wrote you a considerable time ago my views as to the plan upon which an edition of the Laws of the United States, to be worthy of the nation, should be executed. I have since read your printed programme; and I perceive that you have adopted in it all the suggestions which I ventured to make. If an edition such as you propose should be published, it would, in my judgment, supersede all others, and be of great permanent benefit, not only to the profession, but to Congress and to the whole country. Indeed, I cannot but consider it as of such vital importance as to be, in a just sense, of urgent necessity. The editions now in use and circulation are, either from defect of plan or execution, or the constant accumulation of new laws, inadequate to the public wants.

"I earnestly hope that Congress may by its patronage enable the enterprising booksellers, with the aid of your known abilities, to accomplish this most desirable undertaking, and thus present our statutes at large in a form which shall be worthy of our national character."

Extracts from letters from Mr. Chief Justice Taney, dated January 21 and 24, 1844.

"The publication of the Laws of the United States upon the plan proposed is certainly very desirable, and will be of great public value. Can you afford to undertake it without the patronage of the General Government? Upon that subject you can judge better than I can. The publication you propose seems to me to be peculiarly entitled to the support of Congress. At all events, however, I hope you will find encouragement enough to induce you to go on with your plan."

"As you will have seen from my former letter, I had hardly anything to offer, more than to express my conviction of the value and importance of the work, and my confidence in any plan proposed by Judge Story, whose long experience in matters of that kind has given him the best opportunities of forming a correct judgment."

Letter from the Hon. Judge McKinley, Supreme Court.

WASHINGTON, January 17, 1844.

"Dear Sir: The edition of the Statute Laws of the United States which you propose to publish will, in my opinion, be very useful to the profession and to the country generally; and the plan you have adopted will enable the reader to ascertain, with very little labour, what the statute law is, although there may be several statutes on the same subject passed at different and distant periods of time. Such a work is greatly needed at present, and I hope, sir, your success will be such as the enterprise deserves."

Letter from Chancellor Kent.

NEW YORK, November 30, 1843.

"My Dear Sir: I am very much pleased with your plan of a new edition of the Statutes of the United States at large. It is excellent and most comprehensive, and will require time and labour; and if your health, leisure, and perseverance will enable you to complete it, you will confer a signal benefit on the nation, and a lasting honour to its legislative character. Such a work is exceedingly wanted, and deserves the most liberal public patronage. The aid of Judge Story, which you say is generously assured, will facilitate your labours, and add to the editorial and national character of the work the highest sanction."
TABLES,

SHOWING THE

COMPARATIVE CHAPTERING

IN VARIOUS EDITIONS OF

The Laws of the United States,

AND EXHIBITING

LISTS OF THE ACTS OF CONGRESS, FROM 1789 TO 1845 INCLUSIVE,

RELATING TO THE

JUDICIARY, IMPORTS AND TONNAGE,

PUBLIC LANDS,

AND

POST-OFFICE.
THE DECLARATION OF INDEPENDENCE

IN CONGRESS, JULY 4, 1776.

THE UNANIMOUS DECLARATION OF THE THIRTEEN UNITED STATES OF AMERICA.

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident: that all men are created equal; that they are endowed, by their Creator, with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established, should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their former systems of government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world.

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature; a right inestimable to them, and formidable to tyrants only. He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.
THE DECLARATION OF INDEPENDENCE

Nor have we been wanting in attentions to our British brethren. We have warned them, from time to time, of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connexions and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace friends.

We, therefore, the representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name, and by authority of the good people of these colonies, solemnly publish and declare, That these United Colonies are, and of right ought to be, FREE and INDEPENDENT STATES; that they are absolved from all allegiance to the British crown, and that all political connexion between them and the state of Great Britain is, and ought to be, totally dissolved; and that, as FREE and INDEPENDENT STATES, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which INDEPENDENT STATES may of right do. And for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honour.

JOHN HANCOCK

Massachusetts Bay.—Samuel Adams, John Adams, Robert Treat Paine, Elbridge Gerry.
Rhode Island, &c.—Stephen Hopkins, William Ellery.
Connecticut.—Roger Sherman, Samuel Huntington, William Williams, Oliver Wolcott.
New York.—William Floyd, Philip Livingston, Francis Lewis, Lewis Morris.
Pennsylvania.—Robert Morris, Benjamin Rush, Benjamin Franklin, John Morton, George Clymer, James Smith, George Taylor, James Wilson, George Ross.
Delaware.—Cesar Rodney, George Read, Thomas McKean.
Maryland.—Samuel Chase, William Paca, Thomas Stone, Charles Carroll of Carrolton.
North Carolina.—William Hooper, Joseph Hewes, John Penn.
South Carolina.—Edward Rutledge, Thomas Hayward, Jun., Thomas Lynch, Jun., Arthur Middleton.
Georgia.—Button Gwinnett, Lyman Hall, George Walton.
ARTICLES OF CONFEDERATION.

To all to whom these presents shall come,

We, the undersigned, Delegates of the States affixed to our names, send greeting:

Whereas the Delegates of the United States of America in Congress assembled, did on the fifteenth day of November, in the year of our Lord one thousand seven hundred and seventy-seven, and in the second year of the Independence of America, agree to certain Articles of Confederation and Perpetual Union between the states of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, in the words following, viz.

ARTICLES OF CONFEDERATION AND PERPETUAL UNION,

between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

July 9, 1778.

ARTICLE 1. The style of this confederacy shall be, "The United States of America."

ART. 2. Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this confederation, expressly delegated to the United States, in Congress assembled.

ART. 3. The said States hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

ART. 4. § 1. The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall have free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions, as the inhabitants thereof respectively; provided that such restrictions shall not extend so far as to prevent the removal of property imported into any State, to any other State, of which the owner is an inhabitant; provided also, that no imposition, duties, or restriction, shall be laid by any State on the property of the United States, or either of them.

§ 2. If any person guilty of, or charged with, treason, felony, or other high misdemeanor in any State, shall flee from justice, and be found in any of the United States, he shall, upon demand of the governor or executive power of the State from which he fled, be delivered up, and removed to the State having jurisdiction of his offence.

§ 3. Full faith and credit shall be given, in each of these States, to the records, acts, and judicial proceedings of the courts and magistrates of every other State.

ART. 5. § 1. For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislature of each State shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the year.
WE, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America. (a)

ARTICLE I § 1. All legislative powers herein granted, shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives. (b)

§ 2. The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons.

The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative, and until such enumeration shall be made, the state of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four.


(b) The object of the Constitution was to establish three great departments of government: the Legislative, the Executive, and the Judicial departments. The first was to pass laws; the second to approve and execute them; the third to expound and enforce them. Martin, heir at law of Fairfax, v. Hunter's Lessee, 1 Wheat. 304; 3 Cond. Rep. 575.

The Constitution unavoidably deals in general language. It did not suit the purpose of the people in framing this great charter of our liberties to provide for minute specifications of its powers, or to declare the means by which those powers were to be carried into execution. It was foreseen that that would be a perilous and difficult, if not an impracticable task. The instrument was not intended merely to provide for the exigencies of a few years, but was to endure through a long lapse of ages; the events of which were locked up in the inscrutable purposes of Providence. It could not be foreseen what new changes and modifications of power might be made indispensable to effectuate the general objects of the charter; and restrictions and specifications which at present might seem salutary, might in the end prove the overthrow of the system itself. Hence its powers are expressed in general terms; leaving to the legislature, from time to time, to adopt its own means to effectuate legitimate objects, and to mould and remodel the exercise of its own powers as its own wisdom, and the public interests should require. Martin, &c. v. Hunter, 1 Wheat. 304; 3 Cond. Rep. 575.

THE CONSTITUTION OF THE UNITED STATES.
THE CONSTITUTION OF THE UNITED STATES.

seven hundred and eighty-seven, and of the independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names.

GEORGE WASHINGTON, President, and Deputy from Virginia.

New Hampshire.—John Langdon, Nicholas Gilman.
Massachusetts.—Nathaniel Gorham, Rufus King.
Connecticut.—William Samuel Johnson, Roger Sherman.
New York.—Alexander Hamilton.
New Jersey.—William Livingston, David Brearley, William Paterson, Jonathan Dayton.
Pennsylvania.—Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas Fitzsimons, Jared Ingersoll, James Wilson, Gouverneur Morris.
Maryland.—James M'Henry, Daniel of St. Thomas Jenifer, Daniel Carroll.
Virginia.—John Blair, James Madison, Jun.
South Carolina.—John Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler.
Georgia.—William Few, Abraham Baldwin.

Attest: WILLIAM JACKSON, Secretary.
THE

LAWS OF THE UNITED STATES.

ACTS OF THE FIRST CONGRESS

UNITED STATES,

Passed at the first session, which was begun and held at the City of New York on Wednesday, March 4, 1789, and continued to September 9, 1789.

GEORGE WASHINGTON, President, JOHN ADAMS, Vice President of the United States, and President of the Senate, FREDERICK AUGUSTUS Muhlenberg, Speaker of the House of Representatives.

STATUTE I.

CHAPTER I.—An Act to regulate the Time and Manner of administering certain Oaths.

SEC. 1. Be it enacted by the Senate and [House of] Representatives of the United States of America in Congress assembled, That the oath or affirmation required by the sixth article of the Constitution of the United States, shall be administered in the form following, to wit: "I, A. B. do solemnly swear or affirm (as the case may be) that I will support the Constitution of the United States." The said oath or affirmation shall be administered within three days after the passing of this act, by any one member of the Senate, to the President of the Senate, and by him to all the members and to the secretary; and by the Speaker of the House of Representatives, to all the members who have not taken a similar oath, by virtue of a particular resolution of the said House, and to the clerk; and in case of the absence of any member from the service of either House, at the time prescribed for taking the said oath or affirmation, the same shall be administered to such member, when he shall appear to take his seat.

SEC. 2. And be it further enacted, That at the first session of Congress after every general election of Representatives, the oath or affirmation aforesaid, shall be administered by any one member of the House of Representatives to the Speaker; and by him to all the members present, and to the clerk, previous to entering on any other business; and to the members who shall afterwards appear, previous to taking their seats. The President of the Senate for the time being, shall also administer the said oath or affirmation to each Senator who shall hereafter be elected, previous to his taking his seat; and in any future case of a President of the Senate, who shall not have taken the said oath or affirmation, the same shall be administered to him by any one of the members of the Senate.

SEC. 3. And be it further enacted, That the members of the several State legislatures, at the next sessions of the said legislatures, respectively, and all executive and judicial officers of the several States, who have been heretofore chosen or appointed, or who shall be chosen or