

STATUTE II.

March 1, 1809.

[Expired.]

Act of June 28, 1809, ch. 9.

Entrance of the ports and harbors of the U. States forbidden to the public vessels of England and France, after March 1, 1809.

President may cause eventual measures to be taken by the naval forces and militia.

Intercourse with such vessels forbidden, or to supply them with necessities.

Penalties, from 100 to 10,000 dollars.

CHAP. XXIV.—*An Act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies; and for other purposes.* (a)

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 of this act, the entrance of the harbors and waters of the United States and of the territories thereof, be, and the same is hereby interdicted to all public ships and vessels belonging to Great Britain or France, excepting vessels only which may be forced in by distress, or which are charged with despatches or business from the government to which they belong, and also packets having no cargo nor merchandise on board. And if any public ship or vessel as aforesaid, not being included in the exception above mentioned, shall enter any harbor or waters within the jurisdiction of the United States, or of the territories thereof, it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land and naval forces, or of the militia of the United States, or the territories thereof, as he shall deem necessary, to compel such ship or vessel to depart.

SEC. 2. *And be it further enacted,* That it shall not be lawful for any citizen or citizens of the United States or the territories thereof, nor for any person or persons residing or being in the same, to have any intercourse with, or to afford any aid or supplies to any public ship or vessel as aforesaid, which shall, contrary to the provisions of this act, have entered any harbor or waters within the jurisdiction of the United States or the territories thereof; and if any person shall, contrary to the provisions of this act, have any intercourse with such ship or vessel, or shall afford any aid to such ship or vessel, either in repairing the said vessel or in furnishing her, her officers or crew with supplies of any kind or in any manner whatever, or if any pilot or other person shall assist in navigating or piloting such ship or vessel, unless it be for the purpose of carrying her beyond the limits and jurisdiction of the United States, every person so offending, shall forfeit and pay a sum not less than one hundred dollars, nor exceeding ten thousand dollars; and shall

(a) Cases decided on the non-intercourse laws:—

Upon an indictment under the non-intercourse laws, for putting goods on board a carriage, with intent to transport them out of the United States, contrary to the act of January 9, 1809, the punishment of which offence is a fine of four times the value of the goods, it is not necessary that the jury should find the value of the goods. *United States v. John Tyler*, 7 Cranch, 285; 2 Cond. Rep. 492.

Under the non-intercourse law, a vessel in March, 1811, had no right to come into the waters of the United States, to inquire whether she might land her cargo. *The Brig Penobscot v. The United States*, 7 Cranch, 356; 2 Cond. Rep. 528.

Wines, the produce of France, imported into the United States before the non-intercourse act; re-exported to a Danish island, and there sold to a merchant of that place; and thence exported to New Orleans, during the operation of the non-intercourse law, were liable to forfeiture under that law. *The schooner Hoppet v. The United States*, 7 Cranch, 389; 2 Cond. Rep. 542.

The non-intercourse act of March 1, 1809, was in force between the 2d of February and the 2d of March, 1811, by virtue of the President's proclamation of November 2, 1810. *The schooner Anne v. The United States*, 7 Cranch, 570.

The non-intercourse act of 28th June, 1809, which requires a vessel bound to a permitted port, to give bond in double the amount of vessel and cargo, not to go to a prohibited port, is applicable to a vessel sailing in ballast. *The ship Richmond v. The United States*, 9 Cranch, 102; 3 Cond. Rep. 294.

Under the non-intercourse act of 1809, a vessel from Great Britain had a right to lay-off the coast of the United States, to receive instructions from her owners in New York; and if necessary, to drop anchor; and in case of a storm to make a harbor; and if prevented by a mutiny of her crew from putting to sea again, she might wait in the waters of the United States for orders. *The cargo of the ship Fanny*, 9 Cranch, 181; 3 Cond. Rep. 347.

Under the 3d section of the act of 28th June, 1809, every vessel bound to a foreign permitted port, was obliged to give a bond, with a condition not to proceed to any port with which commercial intercourse was not permitted, nor to trade with such port. *The Edward*, Scott claimant, 1 Wheat. 261; 3 Cond. Rep. 565.

The obvious intention of the legislature of the United States, by the non-intercourse laws, was to prohibit the American citizens and property from a commerce with foreign nations. *The Sally and cargo*, 1 Gallis. C. C. R. 58.

At no time was it illegal for a foreign vessel to depart from the United States in ballast. *Ibid.*