

of the tenth of April, eighteen hundred and six, shall be, and the same is hereby, so amended as to read as follows :

Spies, &c.,
how to be pun-
ished.
1806, ch. 20, § 2.
Vol. ii. p. 371.

“SEC. 2. *And be it further enacted*, That, in time of war or rebellion against the supreme authority of the United States, all persons who shall be found lurking as spies, or acting as such, in or about the fortifications, encampments, posts, quarters, or headquarters of the armies of the United States, or any of them, within any part of the United States which has been or may be declared to be in a state of insurrection by proclamation of the President of the United States, shall suffer death by sentence of a general court-martial.”

SEC. 5. *And be it further enacted*, That the fifty-fifth article of the first section of act of tenth April, eighteen hundred and six, chapter twenty, be, and the same is hereby so amended as to read as follows :

Forcing safe-
guard, how
punished.
1806, ch. 20, § 1.
Vol. ii. p. 366.

“Article Fifty-five. Whoever, belonging to the armies of the United States in foreign parts, or at any place within the United States, or their Territories, during rebellion against the supreme authority of the United States, shall force a safeguard, shall suffer death.”

APPROVED, February 13, 1862.

February 19, 1862. CHAP. XXVII. — *An Act to prohibit the “Coolie Trade” by American Citizens in American Vessels.*

No citizen or
resident of the
United States
shall prepare any
vessel to procure
from China cool-
ies, to be trans-
ported, &c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no citizen or citizens of the United States, or foreigner coming into or residing within the same, shall, for himself or for any other person whatsoever, either as master, factor, owner, or otherwise, build, equip, load, or otherwise prepare, any ship or vessel, or any steamship or steam-vessel, registered, enrolled, or licensed, in the United States, or any port within the same, for the purpose of procuring from China, or from any port or place therein, or from any other port or place the inhabitants or subjects of China, known as “coolies,” to be transported to any foreign country, port, or place whatever, to be disposed of, or sold, or transferred, for any term of years or for any time whatever, as servants or apprentices, or to be held to service or labor. And if any ship or vessel, steamship, or steam-vessel, belonging in whole or in part to citizens of the United States, and registered, enrolled, or otherwise licensed as aforesaid, shall be employed for the said purposes, or in the “coolie trade,” so called, or shall be caused to procure or carry from China or elsewhere, as aforesaid, any subjects of the Government of China for the purpose of transporting or disposing of them as aforesaid, every such ship or vessel, steamship, or steam-vessel, her tackle, apparel, furniture, and other appurtenances, shall be forfeited to the United States, and shall be liable to be seized, prosecuted, and condemned in any of the circuit courts or district courts of the United States for the district where the said ship or vessel, steamship, or steam-vessel, may be found, seized, or carried.

Any vessel
owned by citizens
of the United
States in whole or
in part so em-
ployed, shall be
forfeited.

SEC. 2. *And be it further enacted*, That every person who shall so build, fit out, equip, load, or otherwise prepare, or who shall send to sea, or navigate, as owner, master, factor, agent, or otherwise, any ship or vessel, steamship, or steam-vessel, belonging in whole or in part to citizens of the United States, or registered, enrolled, or licensed within the same, or at any port thereof, knowing or intending that the same shall be employed in that trade or business aforesaid, contrary to the true intent and meaning of this act, or in anywise aiding or abetting therein, shall be severally liable to be indicted therefor, and, on conviction thereof, shall be liable to a fine not exceeding two thousand dollars and be imprisoned not exceeding one year.

Those build-
ing, equipping,
navigating, &c.,
any such vessel,
how punished.

Taking coolies
on board a vessel

SEC. 3. *And be it further enacted*, That if any citizen or citizens of the United States shall, contrary to the true intent and meaning of this

act, take on board of any vessel, or receive or transport any such persons as are above described in this act, for the purpose of disposing of them as aforesaid, he or they shall be liable to be indicted therefor, and, on conviction thereof, shall be liable to a fine not exceeding two thousand dollars and be imprisoned not exceeding one year.

SEC. 4. *And be it further enacted*, That nothing in this act hereinbefore contained shall be deemed or construed to apply to or affect any free and voluntary emigration of any Chinese subject, or to any vessel carrying such person as passenger on board the same: *Provided, however*, That a permit or certificate shall be prepared and signed by the consul or consular agent of the United States residing at the port from which such vessel may take her departure, containing the name of such person, and setting forth the fact of his voluntary emigration from such port or place, which certificate shall be given to the master of such vessel; but the same shall not be given until such consul or consular agent shall be first personally satisfied by evidence produced of the truth of the facts therein contained.

This act not to interfere with voluntary emigration of the Chinese.

Consular certificate required in such case.

SEC. 5. *And be it further enacted*, That all the provisions of the act of Congress approved February twenty-second, eighteen hundred and forty-seven, entitled "An act to regulate the carriage of passengers in merchant vessels," and all the provisions of the act of Congress approved March third, eighteen hundred and forty-nine, entitled "An act to extend the provisions of all laws now in force relating to the carriage of passengers in merchant vessels and the regulation thereof," shall be extended and shall apply to all vessels owned in whole or in part by citizens of the United States, and registered, enrolled, or licensed within the United States, propelled by wind or by steam, and to all masters thereof, carrying passengers or intending to carry passengers from any foreign port or place without the United States to any other foreign port or place without the United States; and that all penalties and forfeitures provided for in said act shall apply to vessels and masters last aforesaid.

Provisions of acts relating to passengers in merchant vessels, to apply to such vessels carrying passengers between foreign ports.

1847, ch. 16.
Vol. ix. p. 127.
1849, ch. 111.
Vol. ix. p. 399.

SEC. 6. *And be it further enacted*, That the President of the United States shall be, and he is hereby, authorized and empowered, in such way and at such time as he shall judge proper to the end that the provisions of this act may be enforced according to the true intent and meaning thereof, to direct and order the vessels of the United States, and the masters and commanders thereof, to examine all vessels navigated or owned in whole or in part by citizens of the United States, and registered, enrolled, or licensed under the laws of the United States, wherever they may be, whenever, in the judgment of such master or commanding officer thereof, reasonable cause shall exist to believe that such vessel has on board, in violation of the provisions of this act, any subjects of China known as "coolies," for the purpose of transportation; and upon sufficient proof that such vessel is employed in violation of the provisions of this act, to cause such vessel to be carried, with her officers and crew, into any port or district within the United States, and delivered to the marshal of such district, to be held and disposed of according to the provisions of this act.

President may order vessels of war to examine vessels supposed to have "coolies" on board.

If any vessel is employed in violation of this act, it is to be sent to the United States.

SEC. 7. *And be it further enacted*, That this act shall take effect from and after six months from the day of its passage.

When act to take effect.

APPROVED, February 19, 1862.

CHAP. XXVIII. — *An Act making Appropriations for the Construction, Preservation, and Repairs of certain Fortifications and other Works of Defence for the Year ending thirtieth of June, eighteen hundred and sixty-three, and additional Appropriations for the Year ending thirtieth June, eighteen hundred and sixty-two.* February 20, 1862.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be,