

mouth and Exeter alternately, beginning at the first. In Massachusetts district at Boston. In Rhode Island district at Newport and Providence alternately, beginning at the first. In Connecticut district at Hartford and New Haven alternately beginning at the last. And in New York district at the city of New York only.

SEC. 3. *And be it enacted*, That at each session of the supreme court of the United States, or as soon after as may be, the judges of the supreme court attending at such session shall, in writing subscribed with their names (which writing shall be lodged with the clerk of the supreme court and safely kept in his office), assign to the said judges respectively the circuits which they are to attend at the ensuing sessions of the circuit courts; which assignment shall be made in such manner that no judge, unless by his own consent, shall have assigned to him any circuit which he hath already attended, until the same hath been afterwards attended by every other of the said judges. *Provided always*, That if the public service or the convenience of the judges shall at any time, in their opinion, require a different arrangement, the same may take place with the consent of any four of the judges of the supreme court. (a)

SEC. 4. *And be it further enacted*, That the district court for the district of Maine, which, by the act, intituled "An act to establish the judicial courts of the United States," is holden on the first Tuesday of June, annually, at Portland, shall, from and after the passing of this act, be holden on the third Tuesday of June, annually, any thing in the act aforesaid to the contrary notwithstanding: and all writs and recognizances returnable, and suits and other proceedings, that were continued to the district court for the district of Maine on the first Tuesday of June next, shall now be returnable and held continued to the same court, on the third Tuesday of June next.

SEC. 5. *And be it further enacted*, That the stated district courts for the district of North Carolina shall, in future, be held at the towns of Newbern, Wilmington and Edenton in rotation, beginning at Newbern, as the said court now stands adjourned.

APPROVED, April 13, 1792.

Judges of supreme court at each session to determine the circuits they are respectively to attend, &c.

Session of Maine district,

1789, ch. 20.

1802, ch. 31, sec. 22.

and of N. Carolina altered.

1797, ch. 27, sec. 2.

STATUTE I.

CHAP. XXIII.—*An Act for apportioning Representatives among the several States, according to the first enumeration.*

April 14, 1792.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the third day of March one thousand seven hundred and ninety-three, the House of Representatives shall be composed of members elected agreeably to a ratio of one member for every thirty-three thousand persons in each state, computed according to the rule prescribed by the constitution; that is to say: Within the state of New Hampshire, four; within the state of Massachusetts, fourteen; within the state of Vermont, two; within the state of Rhode Island, two; within the state of Connecticut, seven; within the state of New York, ten; within the state of New Jersey, five; within the state of Pennsylvania, thirteen; within the state of Delaware, one; within the state of Maryland, eight; within the state of Virginia, nineteen; within the state of Kentucky, two; within the state of North Carolina, ten; within the state of South Carolina, six; and within the state of Georgia, two members.

APPROVED, April 14, 1792.

[Obsolete.] Apportionment of representatives to Congress according to first enumeration. -1791, ch. 9. 1802, ch. 1. 1811, ch. 9. 1822, ch. 10. 1832, ch. 91. 1842, ch. 47.

(a) The provisions of the acts of Congress relating to the assignment of the circuits to the justices of the Supreme Court, have been: Act of April 13, 1792, sec. 3; act of March 2, 1793; act of April 29, 1802, sec. 5; act of March 3, 1803; act of March 3, 1837.

STATUTE L.
April 14, 1792.

CHAP. XXIV.—*An Act concerning Consuls and Vice-Consuls.*

For carrying into full effect the convention between the King of the French, and the United States of America, entered into for the purpose of defining and establishing the functions and privileges of their respective Consuls and Vice-Consuls;

Duty of Consuls and district judges concerning wrecks.

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That where in the seventh article of the said convention, it is agreed that when there shall be no consul or vice-consul of the King of the French, to attend to the saving of the wreck of any French vessels stranded on the coasts of the United States, or that the residence of the said consul, or vice-consul (he not being at the place of the wreck) shall be more distant from the said place than that of the competent judge of the country, the latter shall immediately proceed to perform the office therein prescribed; the district judge of the United States of the district in which the wreck shall happen, shall proceed therein, according to the tenor of the said article. And in such cases it shall be the duty of the officers of the customs within whose districts such wrecks shall happen, to give notice thereof, as soon as may be, to the said judge, and to aid and assist him to perform the duties hereby assigned to him. The district judges of the United States shall also, within their respective districts be the competent judges, for the purposes expressed in the ninth article of the said convention, and it shall be incumbent on them to give aid to the consuls and vice-consuls of the King of the French, in arresting and securing deserters from vessels of the French nation according to the tenor of the said article.

Duty of Marshals.

And where by any article of the said convention, the consuls and vice-consuls of the King of the French, are entitled to the aid of the competent executive officers of the country, in the execution of any precept, the marshals of the United States and their deputies shall, within their respective districts, be the competent officers, and shall give their aid according to the tenor of the stipulations.

Where commitments shall be made.

And whenever commitments to the jails of the country shall become necessary in pursuance of any stipulation of the said convention, they shall be to such jails within the respective districts as other commitments under the authority of the United States are by law made.

(a) Act of July 6, 1797, chap. 12; act of February 28, 1803, chap. 9; act of February 28, 1811, chap. 23; act of March 3, 1813, chap. 42, sec. 6. 1810, ch. 39.

The decisions of the courts of the United States upon the powers, duties, and obligations of consuls, have been:

A foreign consul has a right to claim or institute a proceeding in rem where the rights of property of his fellow-citizens are in question, without a special procuracy from those for whose benefit he acts. *The Bello Corrunnes*, 6 Wheat. 152; 5 Cond. Rep. 45.

A consul cannot receive actual restitution of the res in controversy, without a special authority. To watch over the rights and interests of their subjects, wherever the pursuits of commerce may draw them, or the vicissitudes of human affairs may force them, are the great objects for which consuls are deputed by their sovereigns. *Ibid.*

As an abstract question, it is difficult to understand on what ground a state can claim jurisdiction of civil suits against consuls. By the constitution, the judicial power of the courts of the United States, extends to all cases affecting ambassadors, other public ministers, and consuls, exclusive of the courts of the several states, and the judiciary act gives the district courts jurisdiction of all suits against consuls and vice consuls, except for certain offences enumerated in the act. *Davis v. Packard*, 7 Peters, 276.

Consuls are subject to indictment for misdemeanor in the courts of the United States. *United States v. Ravara*, 2 Dall. 277.

A consul is not personally answerable for a contract made in his official capacity on account of his government. *Jones v. Le Tombe*, 3 Dall. 384.

The advice of an American consul in a foreign port, gives to the master of a vessel no justification for an illegal act. *Wilson v. The Mary*, Gilpin's D. C. R. 31.

A consul's certificate of any fact is not evidence between third persons, unless expressly or impliedly made so by statute. *Levy v. Burley*, 2 Sumner's C. C. R. 335.

Under the consular act of 1803, the penalty of 500 dollars for not depositing the ship's register with the consul, on arrival at a foreign port, must be sued for within two years, the limitation prescribed by the act of 1799; it not being a revenue law within the meaning of the act of 1804. *Parsons v. Hunter*, 2 Sumner's C. C. R. 419.