

By Authority.

AN ACT

Authorising the President of the United States to accept the service of a number of Volunteer Companies, not exceeding thirty thousand men.

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 be and he is hereby authorised to accept of any company or companies of volunteers, either of artillery, cavalry or infantry, who may associate and offer themselves for the service, not exceeding thirty thousand men, who shall be clothed and furnished with horses at their own expense, and armed and equipped at the expense of the United States, after they shall be called into service, except such of them as may choose to furnish their own arms, and whose commissioned officers shall be appointed in the manner prescribed by law in the several states and territories to which such companies shall respectively belong: *Provided*, That where any company, battalion, regiment, brigade or division of militia, already organized, shall tender their voluntary service to the United States, such company, battalion, regiment, brigade or division, shall continue to be commanded by the officers holding commissions in the same, at the time of such tender, and any vacancy thereafter occurring shall be filled in the mode pointed out by law in the state or territory wherein the said company, battalion, regiment, brigade or division shall have been originally raised.

Sect. 2. And be it further enacted, That any company, battalion, regiment, brigade or division, thus offering itself for the service, shall be liable to be called upon to do military duty at any time the president of the United States shall judge proper, within two years after he shall accept the same, and shall be bound to continue in service for the term of twelve months after they shall have arrived at the place of rendezvous, unless sooner discharged, and when called into actual service, and whilst remaining therein, shall be under the same rules and regulations, and be entitled to the same pay, rations, forage, and emoluments of every kind, bounty and clothing excepted, with the regular troops of the United States: *Provided*, That in lieu of clothing, every non-commissioned officer and private in any company, who may thus offer themselves shall be entitled, when called into actual service, to receive, in money, as an equivalent for the cost of clothing of a non-commissioned officer, or private, (as the case may be) in the regular troops of the United States.

Sect. 3. And be it further enacted, That the president of the United States be and he is hereby authorised to organize the companies, so tendering their service as aforesaid, into battalions, squadrons, regiments, brigades, and divisions, as soon as the number of volunteers shall render such organization, in his judgment, expedient; but until called into actual service, such companies shall be bound to do regular militia duty as is required by law in like manner as before the passage of this act.

Sect. 4. And be it further enacted, That in case any volunteer above mentioned while in actual service, shall sustain any damage, by injury done to his horse, or such other equipment as shall have been furnished at his own expense, or by loss of the same, without any fault or negligence on his part, a reasonable sum to be ascertained in such manner as the president of the United States may direct, shall be allowed and paid to such volunteer for each and every such damage or loss.

Sect. 5. And be it further enacted, That the sum of five hundred thousand dollars to be paid out of any monies in the treasury not otherwise appropriated, be and the same is hereby appropriated towards defraying any expense incurred by virtue of the provisions of this act.

NATHL. MACON,
Speaker of the house of Representatives.
GEO. CLINTON, Vice-President of
the United States, and President of the
Senate.

February 24, 1867—APPROVED.
TH: JEFFERSON.
July 22.

FROM THE BALANCE.

CHIMNEY SWALLOW.

Friend Harry,

The following particulars have been obtained from the most respectable source in order to lay an accurate statement before the public. Captain Daniel Greene of New-Lebanon, having stated to me lately the substance hereof, I was induced to write him on the 30th ult. for the particulars of the case, as being worthy of public notice.

The questions were proposed by me, and the paper returned this morning with his answers, which I now transcribe for publication. They are offered in this form, as being most likely to afford complete satisfaction to such as doubt the existence of those facts, in the history of the Swallow.

To distant inquirers it may be necessary to state that Captain Greene is an old, respectable and intelligent inhabitant of New-Lebanon, whose farm adjoins that whereon the swallow tree stands. The other persons named as having also visited the tree, are respectable men of the same vicinity. Should the swallows collect there again next autumn, the particulars will be communicated to the public.

Thy Friend,
H. G. SPAFFORD.
Hudson, 6 mo. 7, 1867.

For Captain Greene.

Question 1. When and how were the swallows first discovered by thee, and in what situation were they at that time? Torpid or not? Or were any of them torpid?

Answer 1. On the 11th of May, 1867, by accident, and were first seen flying about in great numbers. None at that time tor-

pid, that we discovered; but from every circumstance, and the observation of others, suppose they lie in cold weather like bees.

Question 2. What is the kind, situation, and size of the tree? Does it stand in wood land or cleared? And is the place retired or not? How far and what course from Lebanon Pool?

Answer 2. The tree is a green elm, of more than three feet diameter; and the only passage for the swallows into its hollow, is forty feet from the ground. The passage is about three feet by eight inches, occasioned by the splitting of a large limb. It stands in woods, near improvements, on the farm of Mr. Abraham Harrison, near New-Lebanon, and about twelve and a half miles northward from the Pool. Mr. Harrison has known of this tree's being the winter residence of swallows for eight years past. The tree appears to be hollow nearly down to the ground.

Question 3. How did the swallows conduct morning and evening? Did they scatter abroad mornings, and return evenings? Did the late changes in the temperature of the atmosphere seem to affect them? Or were they as active in cool weather as in warm? To what period did they continue to visit the tree at nights? Or do they yet?

Answer 3. They leave the tree in the warm of the morning, circle and sport about, and return towards evening; but in cool weather, go out and return several times in a day, making but short tarry. This I have seen them do five times in one day; when their motions resembled the swarming and returning of bees. Mr. Harrison informs me they continue during the cool weather of autumn to gather, house, and disperse themselves in the same manner as this spring. On the approach of a shower, they collect and return; and on this occasion pour into the tree in such numbers as to resemble a column of water.

On the approach of a shower last Sabbath I went to the tree in company with Mr. Nathaniel Spring and others, when they collected some thousands; but their numbers were evidently greatly diminished since their last gathering, and very few have appeared there since. We are confident that this tree is their place of residence during the winter.

Question 4. Who are some of the most accurate and respectable men, that have visited the tree in thy company; and what were your conclusions respecting the number of swallows?

Answer 4. The rev. A. J. Bogue, Messrs. N. Spring, A. Harrison, Frink & Sanford, Daniel Torry, and others. We concluded there were several barrels, but how many is impossible to say.

Question 5. Are any unusual appearances about the tree; or any ordure, feathers, &c. I want the particulars, and must use thy name.

Answer 5. There is no appearance of any thing uncommon; no dung or filth. You have the particulars, and are at liberty to use my name as far as necessary.

BY THIS DAY'S MAIL.

BOSTON, July 20.

Arrived, brig Jane, of Scarborough, from Machias (Me.) 4 days. Saw a ship with ports, come into the Cape.

Brig Hamlet, Tallman, 49 days from Liverpool. Spoke, lat. 50, 20, long. 12, 10, British ship Dryade, 66 guns. June 7, lat. 49, long. 22, 30, brig Jane, of Portland, 23 days from Charleston, for Liverpool; same day, ship Sally, of Bath, 20 days from Charleston for Liverpool; several other ships in sight, standing to the eastward, with a free wind. June 29, lat. 40, 40, long. 53, ship Lydia, 42 days from Belfast, for Philadelphia. July 4, lat. 41, long. 59, ship Minerva, of Boston, 9 days from Savannah, for Liverpool.

Schooner Resolution, Atkins, 43 days from Madeira. Left no Americans. Spoke, July 8, lat. 41, 18, long. 59, 30, ship Fanny, Terry, of New Bedford, 8 days from N. York, for London. The brig Albion sailed from Madeira for Martingue, June 8.

Schooner Agenoria, Powell, from Wind-sor.

Via quarantine, brig Mary, captain Williams, of Kennebunk, 25 days from St. Kitts. Left brig —, captain Holmes, of Portsmouth, from Guadaloupe, sent in by an English privateer. Spoke, July 8, lat. 40, long. 68, 30, schr. Hannah & Betsy, Bryant, 16 days from Barbados for Boston.

Brigs Mary, Luce, from Alexandria; Fox, Dagget, 7 days from Philadelphia; schooner Ranger, Blye, 12 days from Charleston; and sloop Friendship, Blanchard, 10 days from ditto.

An English brig, 27 days from Newfoundland.

Capt. Daget was brought to and boarded (Cape May S. W. by West 30 leagues) by the British ship of war Squirrel, after firing 7 shot examined his papers opened several letters, detained him two hours and let him pass—the Squirrel boarded at the same time the ship Olive, from Liverpool for Baltimore, and let her pass. Capt. D. left the Vineyard on Friday last, in co. with schr. William, from Baltimore, and several others for this port, and schr. Packet, Smith; Mary Ann, Luce, and Mohawk, New-Comb for the Southward.

Quarantine List.

July 17, arrived ship Moses, Leman, Grenada, 22 days; ship Monsoon, White, Africa, in 44 days; ship Wilmington, Childs, Grenada, 22; brig Mary Jane McCobb, Demerara; schr. Minerva, Watts, Havana, 15 days.

Entered, Polly, Newport; Industry, Salem; Columbia, Southworth, Richmond; Margaret, Portland; Hero, Robinson, New-York; Jane, Portland; Fame, Stordivant, Philadelphia; Mary, Fairfield; William and John Ocarcock; John Allen, New York; Mary, Edwards, do. Rover, Fairfield; Regulator, Ocarcock; Fear-

Eldridge, Philadelphia; Dove, New-London.

Cleared. Beaver, Waldboro; Earl, Hallet, New-York; Lucy, Hall, do.; Almira, Saville, do. Union, Wiscasset; Octavia, do. Gerry, Biddeford; Leopard, Portland; Anne, Penobscot; Eunice, Saco; Two Friends, Hartford; Jane Portland; Mary, Portsmouth ship Golden Age, Remnick, Havana; schooners Harmony, Hopkins; do. Enterprize, Vial, Dublin; Jane, Carlisle, St. Johns; Regulator, Halifax.

NEW-YORK, July 22.

A vessel has arrived at Boston from Liverpool—she sailed about the 1st of June; and this day's mail may bring us London dates several days later than before received.

No arrivals at this port yesterday.

Cleared. ship Bristol Trader Phelps, London; brig Sarah-na, M. Conneely, St. roix; schr. Enterprize, Ingalls, Matanzas; sloop —, Watson, New Providence.

Letters from Liverpool, via Boston, of the 29th May, mention the arrival of the ship Romulus, Williams, of New York, from New Orleans; and ship George Barclay, Daniel, of do. from Amsterdam.

PHILADELPHIA, July 23.

Arrived, ship Lorenzo, Dill, Bordeaux, 44 days.

Cleared. brig S. Carolina, Serrill, Charleston; schr. Brothers, Smith, Jamaica; Polly and Nancy, Long, Norfolk; Two Friends, Rodgers, North Carolina; sloop Julian, Ingram, Norfolk.

The ship Lorenzo, Dill, from Bordeaux, left there the 28th of May, ships Illinois, Church, from New York, under quarantine; Cincinnati, Harris, for New-York, uncertain; Jane, Sammis, for do. 8th June; Fidelia, Joy, do. do.; Margaret, Myrick, for do. unloading; Ceres, Green, for do. uncertain; Susan, Howard, for do. 15th June; Charleston Packet, Silliman, for Philadelphia, 10th June; Portland, Callender, of do. for Charleston, 1st June; Acmon, Nye, for Baltimore, 10th June; Jane, Hubble, for New Orleans, uncertain; Packet, Johnson, for Marblehead, 5th; Pacific, Stevens, for N. York, do. do.; John and Francis, Silliman, for Charleston, 1st; brig Report, Carter, for do. 10th June; Huron, Hill, for New York, do.; Virginia, Roberts, for do. do.; Brunswick, Campbell, for do. unloading; Molly, Norris, for Philadelphia, 8th June; Caroline, Adams, for N. York, 15th June; Ranger, Furlong, of Boston, uncertain; Deborah, Eldridge, of New-Bedford, unloading; schr. Perseverance, Meservey, of Marblehead, unloading.

Ships Ranger, Sherburn, from Baltimore; Hare, Barry, New-York; brig Swan, Brown, Boston; Betsy, Ross, schr. do. arrived the day the Lorenzo sailed. Left, the Cordovan, the 4th June. Spoke schr. Fox, from Salem for Dominique; and brig Resolution, from Charleston for Africa. Off Bag Harbour saw the Squirrel sight of war; a squall coming on last sight of her.

The brig Betsy, Bradford from Rochelle, for this port, received a pilot on the 18th inst. 60 miles N. E. of the Cape.

Latest from Europe.—Arrived the ship Lorenzo, capt Dill, in 44 days from Bordeaux. Left the city of Bordeaux the 28th of May, and the Cordovan the 4th of June. Off the Cordovan was boarded from 3 British frigates, and treated politely. By capt. Dill. Bordeaux papers of the 28th of May, and a file of the Paris Argus to the 24th, are received. These papers do not contain any recent advices from the armies.

We have received the following interesting particulars from Mr. Miller, one of the seamen belonging to the schr. Juliet of this port.

Some time since the schr. Juliet from hence to La Guaira, off Bermuda was boarded by the British tender schr. Vesper; then in company with the Indian sloop of war. After breaking open the hatches and plundering her, permitted her to proceed, not however without impressing one man, (Mr. Miller), an American citizen, whose family resides in this city.

On the 15th instant, the Vesper tender, went into the Chesapeake with dispatches from the Indian sloop of war now off Charleston, for the commodore on board the Bellona. The Bellona immediately got under way, ordered the Vesper to follow her to Halifax. At 8 o'clock on that evening the tender lost sight of the Bellona, when several impressed Americans joined seventeen other impressed seamen, rose upon the officers and remainder of the crew, amounting to 23 in numbers, confined them in the hold, and took possession of the schooner.

On Thursday they came in under cape Henlopen, and brought too, within two musket shot of a coasting schooner and then, taking on board the boat two of the officers they all reached the coasting schooner.—They kept possession of the officers until they were out of reach of the Vesper, and then suffered them to return. These 24 spirited and injured men, reached New-Castle on Tuesday last.

The Melampus frigate has left the Chesapeake and gone to Bermuda for water. The Triumph and Leopard, were the only British vessels there on the 15th inst.

The Vespers is one of the seven vessels built at Bermuda and rigged as schooner and cutter by the British marine officers, and fitted out particularly for the purpose of pressing men and harassing the American trade. One of the above people late belonging to the Vespers, says, the Melampus had sailed from Lynhaven Bay for Bermuda, for a supply of water, and that part of the business of the Bellona to Halifax was for water.

RICHMOND, July 22.

From the Virginia Gazette.

On Thursday last a very interesting and animating scene was exhibited on the Capitol Square in this city. At an early hour in the morning about 270 men, forming a part of the detachment of 500 men, (the remainder having rendezvoused and to join at Williamsburg) ordered into immediate service from the 2d brigade, under the command of lieut. col. Mayo, appeared on the parade. After performing some evolutions, the detachment, headed by col. Mayo, march-

ed at 12 o'clock and formed in front of the house of col. Karrington, where there were a number of ladies and gentlemen collected to behold the delivery of the two pair of very elegant stand of colours prepared by Mrs. George Mayo and some patriotic ladies of Richmond for the 33d (col. Mayo's) regiment. The line being formed, Mrs. Carrington advanced and presented the standards on behalf of Mrs. Mayo (that lady being unfortunately too much indisposed to appear) and in her name delivered to col. Mayo the following address.

"Sir,

"You will gratify me by accepting for your regiment, the work bestowed on two pair of colours, done by myself and a few of the patriotic ladies of Richmond. We have made them with the greatest pleasure, feeling assured, they will never be unfurled, but in defence of the rights of our country, and for the protection of innocence. Under your auspices, they will always be displayed in those fields, to which honor and duty may conduct your regiment.

"E. A. MAYO."

To which col. Mayo replied.

"Madam,

"We shall defend them with gratitude; we will defend them with honor; we will with our lives and fortunes protect our common country and the fair and patriotic hands that presented them."

After which the detachment returned to the parade ground, and continued their evolutions till 3 o'clock: when col. Mayo having received further orders from the governor, directed the whole line to be formed in a circle; from the centre of which he communicated the orders, and read to the detachment the following letter from governor Cabell.

"Sir,

"Information received this morning, renders it necessary for the detachment of militia under your command in this city to march to Hampton. They will, therefore be permitted to return to their respective homes, with orders to hold themselves in readiness to take the field at a moments warning. They will receive two days rations in addition to what they may have already received, and funds will be put into the hands of my pay master to pay them five days pay. The staff-officers will be paid from the time they were called into service. I take a great pleasure in tendering to you and the officers, and soldiers under your command, the thanks of the executive, on the part of their country, for the very exemplary promptitude and patriotic zeal, which you and they, have so eminently manifested on this occasion.

I am with great respect,

Sir,

Your obt. servt.

WM. H. CABELL."

The circle being displayed, the music struck up Yankee Doodle, which seemed to arouse in every bosom the spirit of '76; after the music ceased, as if by an involuntary motion, six cheers resounded quite through the line. Washington's march being then played was received with enthusiastic zeal, and nine hearty cheers given.

Col. Mayo then addressed the officers and men of the detachment; highly approved the very prompt and pleasing answer they had given to the first call of their country; and thanked his brother officers for their steady attention to their duty, and aid to him in the discharge of his functions.

The line was then dismissed, to return to their respective homes, till further orders.

Upon this occasion it was particularly gratifying to observe the perfect union with which every American bosom beat. Party distinctions lost their force; and no man was heard to ask, "is he a Federalist, or is he a Republican?" One common soul seemed to pervade. Thus to behold the free and independent yeomanry of our country (the only sure defence of all governments) ready and zealous to go forth in support of our national rights, to the relinquishment of domestic enjoyments, must, while it administers to the gratification of every American, shew to all foreign nations, that whatever differences of opinion may exist among us, as to the expediency of particular fiscal measures, we are not the divided people they may have erroneously supposed us to be; and that when a common enemy assails, the common arm of the whole American people will be raised to repel their aggressions.

The detachment from the 2d brigade had left the square but a short time, when the very respectable and newly established corps of cavalry, consisting of 60 or 70, commanded by col. Edward Carrington (a name which the annals of the American revolution will forever perpetuate) as captain, took the ground for the purpose of military exercise. But the measure of patriotism was not yet complete. Before the cavalry had ceased their martial evolutions, the campus was again in requisition for another chosen band of veterans.

The hoary headed patriot, and the faithful warworn soldier, would appear to die with each other, with youthful ardor, who should out-strip in rendering services to the commonwealth. Among them we beheld a valiant, revolutionary field officer (col. Gamble) stimulated by an unbounded degree of the *amor patrie*, condescending to fill the office of a captain. And the venerable Page, the firm statesman and soldier of boisterous '76, again ready, and prompt in shouldering his fire-lock. With such sons, oh America! what have you to fear?

Extract of a letter, dated 10 o'clock at night, Norfolk, July 17.

"An express has just arrived from our troops at Lynhaven Bay, who states, that five men are taken, two of whom are midshipmen. They had left their boat, and concealed themselves in a wreck. They surrendered without the least resistance. It is said by the same express, that the Melampus and Leopard have gone to Halifax."

FEDERAL GAZETTE.

FRIDAY, JULY 24.

MARITIME LAW.

Translated from the French of Azuni, for the Federal Gazette.

"The effect of the empire of the Sea."

[Sect. 1, Art 3, Chap. 2, Vol. 1.]

"The use of seas to navigate has rendered the use of sea ports necessary; it is public, as deriving from the laws of nations; any ship can on this account approach them, provided it is furnished with the papers requisite to prove that it belongs to a friendly nation—but by the effect of the empire of the sea, every port ought to be considered as belonging to the state in which it is situated: It is consequently subject to the jurisdiction of the reigning prince.

Section 3d. "Those obligations relative to the ports are equally applicable to bays and gulfs, because they also make a part of the sovereignty of the prince, in the dominion and in the territory of whom they are placed, under his guard and under his safe keeping—consequently the asylum granted in a bay or in a gulf, is not less inviolable than in a port; and every crime committed in either ought to be considered as a manifest violation of the laws of nations.

Sect. 1.—Art. 7. "The administration of justice belongs exclusively to the government which is proprietor of the territorial sea, and the legislative and executive powers, charged with the punishment and the prevention of crimes, are exercised also on the sea. The subjects of the sovereign are not the only persons who are then under subjection. It extends to strangers who navigate there; they are considered as citizens temporarily; and as members of the same political body. It is for this reason, that whenever the delinquents are individuals they suffer, from the tribunals having jurisdiction, condemnation proportionate to the guilt—but if the guilty are nations, or societies, they are chastised by public force, until they have made satisfaction for the offence, and complete reparation for the injustices they have committed: Such is the origin of naval wars against legitimate authorities, as well as against illegitimate, such as pirates, privateers, who disturb the public tranquillity, and all such as interfere with the safety of navigation and the prosperity of commerce.

Sect. 2. "Seeing the right of sovereignty exercised even to the pain of death, by the commanders of armed vessels, in the ports and bays belonging to another sovereign, some authors, in the number of whom was Hahn, have pretended that these ships ought to be considered as foreign territory, and for this a literary and specious reason, that if they were the territory of the sovereign of the port, they could not exercise in its presence and its domain, such positive acts of entire jurisdiction.

Sect. 3. "It is easy, however, to resolve this difficulty, if it is considered that this act of supposed jurisdiction on a ship of war, is not founded on the law of territory, but in the nature of military command, which remains in fact a full plenitude of force, whenever the sovereign of the port consents to admit a ship of war as such. Without this continuation of military power, it would be impossible to govern the crew of the ship, and to maintain discipline on board. The exercise of this power in all its extent in the interior of the ship, is therefore a necessary consequence of the asylum which has been granted to it, without being a proper right of the commander, and still less a right of territory. The result of which is, that the military command remains intact by the quality and nature of the ship of war, and that in every other respect this same ship and crew are subject to the jurisdiction of the sovereign of the port. My opinion with regard to this is founded on the principle generally adopted, that a foreign army which passes or sojourns on the territory of another sovereign, is always subject to the jurisdiction of the sovereign of the place, although the military command remains intact in the hands of its chief, by virtue of the tacit consent of this same sovereign, according to the known principle of reason which establishes that a right granted, should be so with all the circumstances without which it could not be exercised as usual."

American trade to Canton.

During the year 1866, arrived at and sailed from Canton, ten Philadelphia ships, 2,960 tons; nine New-York ships, 2,265 tons; two Providence ships 470; 1 Salem ship, 220 tons, last from S. seas; one Nantucket ship, 250 tons do.; and nine Boston ships, 2675 tons; being 32 ships, amounting to 9700 tons.

Extract of a letter, dated Fort Stoddard, June 30.

The Dons of the town of Mobile are as troublesome as ever. A short time since there were taken from New-Orleans for Fort Stoddard a considerable quantity of military stores, consisting of two hundred muskets, bay nets, and cartridge boxes, a quantity of musket ball, cartridges, cannon and musket powder, lead, &c. which the commandant at Mobile would not permit to pass; but had them landed and stored until he should receive further instructions from the governor-general of the Alabama.