

ACTS OF THE FIRST CONGRESS

OF THE

UNITED STATES,

Passed at the second session, which was begun and held at the City of New York on Monday, the fourth day of January, 1790, and ended on the twelfth day of August, 1790.

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 II.

CHAPTER I.—*An Act for giving effect to the several acts therein mentioned, in respect to the state of North Carolina, and other purposes.*

Feb. 8, 1790.

[Obsolete.]

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the several and respective duties specified and laid, in and by the act, intituled "An act for laying a duty on goods, wares and merchandises imported into the United States;" and in and by the act, intituled "An act imposing duties on tonnage," shall be paid and collected upon all goods, wares and merchandises, which, after the expiration of thirty days from the passing of this act, shall be imported into the state of North Carolina, from any foreign port or place, and upon the tonnage of all ships and vessels, which, after the said day, shall be entered within the said state of North Carolina, subject to the exceptions, qualifications, allowances and abatements in the said acts contained or expressed; which acts shall be deemed to have the like force and operation within the said state of North Carolina, as elsewhere within the United States.

The provisions of the acts of 1789, ch. 2, and of the act of 1789, laying duties on imports and tonnage declared in force as to the state of N. Carolina after thirty days from the passing this act.

Act of July 4, 1789, ch. 2.
Act of July 20, 1789, ch. 3.

SEC. 2. *And be it further enacted,* That for the due collection of the said duties, there shall be in the said state of North Carolina five districts; one to be called the district of Wilmington, and to comprehend all the waters, shores, bays, harbours, creeks and inlets, from Little River inlet, inclusive, to New River inlet, inclusive. Another to be called the district of Newbern, and to comprehend all the waters, shores, bays, harbours, creeks and inlets, from New River inlet, exclusive, to Occacock inlet, inclusive, together with Pamticoe Sound, (except that part of it into which the Pamticoe, or Tarr and Machapunga rivers empty themselves, and which lies between the Royal Shoal extended to Machapunga Bluff, and the shoal which projects from the mouth of Pamticoe River towards the Royal Shoal.) Another to be called the district of Washington, and to comprehend all that part of Pamticoe Sound excepted out of the district of Newbern, and the waters, shores, bays, harbours, creeks and inlets adjacent to, and communicating with the same. Another to be called the district of Edenton, and to comprehend all the waters, bays, harbours, creeks and inlets from the channel between Pampticoe Sound and Albemarle Sound, inclusive. The other to be called the district of Cambden, and to comprehend North River, Pasquotank and Little Rivers, and all the waters, shores, bays, harbours, creeks and inlets, from the junction of Currituck and Albemarle Sounds, to the northern extremity of Back Bay. That in the district of Wilmington, the town of Wilmington shall be a port of entry and delivery, and Swansborough a port of delivery only; and there shall be a collector, naval officer and surveyor to reside at the said town of

And for due collection five districts established; their limits.

Ports of entry and delivery.

Wilmington, and a surveyor to reside at Swansborough. That in the district of Newbern, the town of Newbern shall be a port of entry and delivery, and the town of Beaufort a port of delivery only; and there shall be a collector to reside at Newbern, and a surveyor to reside at Beaufort. That in the district of Washington, the town of Washington shall be the sole port of entry and delivery, and there shall be a collector to reside at the same. That in the district of Edenton, the town of Edenton shall be a port of entry and delivery; and Hartford, Murpheysborough, Plymouth, Winsor, Skewarkey, Winton, and Bennet's Creek, ports of delivery; and there shall be a collector at the town of Edenton, and a surveyor at Hartford, another surveyor at Murpheysborough, one surveyor at each of the ports of Plymouth, Winsor, Skewarkey, Winton, and Bennet's Creek. That all ships or vessels intending to proceed to Hartford, Plymouth, Winsor, Skewarkey, Winton, Bennet's Creek, or Murpheysborough, shall first come to and enter at the port of Edenton. That in the district of Cambden, Plankbridge on Sawyer's Creek, shall be the port of entry and delivery, and Nixonton, Indiantown, Newbiggin Creek, Currituck Inlet, and Pasquotank River bridge, ports of delivery; and there shall be a collector at Plankbridge on Sawyer's Creek, and a surveyor at each of the ports of Nixonton, Indiantown, Currituck Inlet, Pasquotank River bridge, and Newbiggin Creek: and that the authority of the officers of each district shall extend over all the waters, shores, bays, harbours, creeks and inlets comprehended within such district.

Extent of the authority of the officers of each district.

Sole ports of entry for ships or vessels not registered or licensed, or ships &c. beyond the Cape of Good Hope.

Regulations, provisions, &c. for due collection.

Act of July 31, 1789, ch. 5.

Operation of parts of former laws declared to cease.

Act of Sept. 16, 1789, ch. 15.

Act for regulating the coasting trade, declared in force as to N. Carolina after thirty days from the passing this act.

Act of Sept. 16, 1789, ch. 11.

Part of another act revived as to R. Island and N. Carolina until the 1st of April.

SEC. 3. *And be it further enacted*, That the ports of Wilmington, Newbern, Washington, and Edenton, shall be the sole ports of entry within the said state of North Carolina, for ships or vessels not registered or licensed within the United States, according to law, and for all ships or vessels whatsoever, which shall arrive from the Cape of Good Hope, or any place beyond the same.

SEC. 4. *And be it further enacted*, That all the regulations, provisions, exceptions, allowances, compensations, directions, authorities, penalties, forfeitures, and other matters whatsoever, contained or expressed in the act, intituled "An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares and merchandises imported into the United States," and not locally inapplicable, shall have the like force and effect within the said state of North Carolina, for the collection of the said duties, as elsewhere within the United States, and as if the same were repeated and re-enacted in this present act.

SEC. 5. *Provided always, and be it declared*, That the thirty-ninth section of the said act, and the third section of an act, intituled "An act to suspend part of an act, intituled An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandises imported into the United States, and for other purposes," did, by virtue of the adoption of the Constitution of the United States, by the said state of North Carolina, cease to operate in respect to the same.

SEC. 6. *And be it further enacted and declared*, That the act intituled "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes," shall, after the expiration of thirty days from the passing of this act, have the like force and operation within the said state of North Carolina, as elsewhere within the United States, and as if the several clauses thereof were repeated and re-enacted in this present act.

SEC. 7. *And be it further enacted*, That the second section of the act, intituled "An act to suspend part of an act, intituled An act to regulate the collection of duties imposed by law on the tonnage of ships or vessels, and on goods, wares and merchandises imported into the United States,

and for other purposes," passed the sixteenth day of September last, shall, with respect to the inhabitants and citizens of the state of Rhode Island and Providence Plantations, be revived, and also that the fourth section of the said act shall be revived, and both continue in force until the first day of April next, and no longer.

APPROVED, February 8, 1790.

Act of Sept. 16, 1789, ch. 15.

STATUTE II.

CHAP. II.—*An Act providing for the enumeration of the Inhabitants of the United States.* (a)

March 1, 1790.

[Obsolete.] Marshals in the several districts of the U. States to take the enumeration.

Mode of enumeration.

May appoint assistants.

Marshals and assistants to take an oath.

Form of the oath.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the marshals of the several districts of the United States shall be, and they are hereby authorized and required to cause the number of the inhabitants within their respective districts to be taken; omitting in such enumeration Indians not taxed, and distinguishing free persons, including those bound to service for a term of years, from all others; distinguishing also the sexes and colours of free persons, and the free males of sixteen years and upwards from those under that age; for effecting which purpose the marshals shall have power to appoint as many assistants within their respective districts as to them shall appear necessary; assigning to each assistant a certain division of his district, which division shall consist of one or more counties, cities, towns, townships, hundreds or parishes, or of a territory plainly and distinctly bounded by water courses, mountains, or public roads. The marshals and their assistants shall respectively take an oath or affirmation, before some judge or justice of the peace, resident within their respective districts, previous to their entering on the discharge of the duties by this act required. The oath or affirmation of the marshal shall be, "I, A. B. marshal of the district of _____ do solemnly swear (or affirm) that I will well and truly cause to be made, a just and perfect enumeration and description of all persons resident within my district, and return the same to the President of the United States, agreeably to the directions of an act of Congress, intituled 'An act providing for the enumeration of the inhabitants of the United States,' according to the best of my ability." The oath or affirmation of an assistant shall be, "I, A. B. do solemnly swear (or affirm) that I will make a just and perfect enumeration and description of all persons resident within the division assigned to me by the marshal of the district of _____ and make due return thereof to the said marshal, agreeably to the directions of an act of Congress, intituled 'An act providing for the enumeration of the inhabitants of the United States,' according to the best of my ability." The enumeration shall commence on the first Monday in August next, and shall close within nine calendar months thereafter. The several assistants shall, within the said nine months, transmit to the marshals by whom they shall be respectively appointed, accurate returns of all persons, except Indians not taxed, within their respective divisions, which returns shall be made in a schedule, distinguishing the several families by the names of their master, mistress, steward, overseer, or other principal person therein, in manner following, that is to say:

The enumeration, to commence on the first Monday in August, 1790, and close in nine months.

Returns to be by schedule.

The number of persons within my division, consisting of _____ appears in a schedule hereto annexed, subscribed by me this day of _____ 179

A. B. assistant to the marshal of _____

(a) The acts providing for taking a census of the inhabitants of the United States, subsequent to this act, have been: 1800.—Act of February 28, 1800, chap. 12; act of April 12, 1800, chap. 23. 1810.—Act of March 26, 1810, chap. 17; act of May 1, 1810; act of March 2, 1811, chap. 34; act of March 3, 1811, chap. 44. 1820.—Act of March 14, 1820. 1830.—Act of March 23, 1830, chap. 39. 1840.—Act of March 3, 1839, chap. 79; act of February 26, 1840, chap. 3; act of Jan. 14, 1841, chap. 3; act of September 1, 1841, chap. 15; resolution September 1, 1841.

Form of the schedule.

Schedule of the whole Number of Persons within the Division allotted to A. B.

Names of heads of families.	Free white males of sixteen years and upwards, including heads of families.	Free white males under sixteen years.	Free white males, including heads of families.	All other free persons.	Slaves.
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Assistant failing to make a return, or making false return, penalty on.

SEC. 2. *And be it further enacted,* That every assistant failing to make return, or making a false return of the enumeration to the marshal, within the time by this act limited, shall forfeit the sum of two hundred dollars.

Marshals to file return with the clerks of the district courts, and transmit the aggregate amount thereof to the President, on or before the 1st of Sept. 1791;

SEC. 3. *And be it further enacted,* That the marshals shall file the several returns aforesaid, with the clerks of their respective district courts, who are hereby directed to receive and carefully preserve the same: And the marshals respectively shall, on or before the first day of September, one thousand seven hundred and ninety-one, transmit to the President of the United States, the aggregate amount of each description of persons within their respective districts. And every marshal failing to file the returns of his assistants, or any of them, with the clerks of their respective district courts, or failing to return the aggregate amount of each description of persons in their respective districts, as the same shall appear from said returns, to the President of the United States, within the time limited by this act, shall, for every such offence, forfeit the sum of eight hundred dollars; all which forfeitures shall be recoverable in the courts of the districts where the offences shall be committed, or in the circuit courts to be held within the same, by action of debt, information or indictment; the one half thereof to the use of the United States, and the other half to the informer; but where the prosecution shall be first instituted on behalf of the United States, the whole shall accrue to their use. And for the more effectual discovery of offences, the judges of the several district courts, at their next sessions to be held after the expiration of the time allowed for making the returns of the enumeration hereby directed, to the President of the United States, shall give this act in charge to the grand juries, in their respective courts, and shall cause the returns of the several assistants to be laid before them for their inspection.

penalty for failing so to do.

Forfeitures how recoverable,

and discovered.

Assistants, rate of compensation to.

SEC. 4. *And be it further enacted,* That every assistant shall receive at the rate of one dollar for every one hundred and fifty persons by him returned, where such persons reside in the country; and where such persons reside in a city, or town, containing more than five thousand persons, such assistant shall receive at the rate of one dollar for every three hundred persons; but where, from the dispersed situation of the inhabitants in some divisions, one dollar for every one hundred and fifty persons shall be insufficient, the marshals, with the approbation of the judges of their respective districts, may make such further allowance to the assistants in such divisions as shall be deemed an adequate compensation, provided the same does not exceed one dollar for every fifty persons by them returned. The several marshals shall receive as follows: The marshal of the district of Maine, two hundred dollars; the marshal of the district of New Hampshire, two hundred dollars; the marshal of the district of Massachusetts, three hundred dollars; the marshal of the district of Connecticut, two hundred dollars; the marshal of the district of New York, three hundred dollars; the marshal of the district of New Jersey, two hundred dollars; the marshal of the district of Pennsylvania, three hundred dollars; the marshal of the district of Delaware, one hundred dollars; the marshal of the district of Maryland, three hundred dollars; the marshal of the district of Virginia, five hundred dollars; the marshal of the district of Kentucky, two hundred and fifty dollars; the marshal of the district of North Carolina, three hundred and fifty dol-

Marshals, their compensation.

lars; the marshal of the district of South Carolina, three hundred dollars; the marshal of the district of Georgia, two hundred and fifty dollars. And to obviate all doubts which may arise respecting the persons to be returned, and the manner of making returns,

SEC. 5. *Be it enacted*, That every person whose usual place of abode shall be in any family on the aforesaid first Monday in August next, shall be returned as of such family; and the name of every person, who shall be an inhabitant of any district, but without a settled place of residence, shall be inserted in the column of the aforesaid schedule, which is allotted for the heads of families, in that division where he or she shall be on the said first Monday in August next, and every person occasionally absent at the time of the enumeration, as belonging to that place in which he usually resides in the United States.

SEC. 6. *And be it further enacted*, That each and every person more than sixteen years of age, whether heads of families or not, belonging to any family within any division of a district made or established within the United States, shall be, and hereby is, obliged to render to such assistant of the division, a true account, if required, to the best of his or her knowledge, of all and every person belonging to such family respectively, according to the several descriptions aforesaid, on pain of forfeiting twenty dollars, to be sued for and recovered by such assistant, the one half for his own use, and the other half for the use of the United States.

SEC. 7. *And be it further enacted*, That each assistant shall, previous to making his return to the marshal, cause a correct copy, signed by himself, of the schedule, containing the number of inhabitants within his division, to be set up at two of the most public places within the same, there to remain for the inspection of all concerned; for each of which copies the said assistant shall be entitled to receive two dollars, provided proof of a copy of the schedule having been so set up and suffered to remain, shall be transmitted to the marshal, with the return of the number of persons; and in case any assistant shall fail to make such proof to the marshal, he shall forfeit the compensation by this act allowed him.

APPROVED, March 1, 1790.

Rules for ascertaining residence.

What person of a family shall render an account of the numbers therein,

and penalty for refusing.

Copies of the schedule in each division to be set up at public places, and when.

Extended to Rhode Island by act of July 5, 1790, ch. 25.

To the state of Vermont, March 2, 1791, ch. 12.

STATUTE II.

March 26, 1790.

CHAP. III.—*An Act to establish an uniform Rule of Naturalization.*(a)

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That any alien, being a free white person, who shall have resided within the limits and under the jurisdiction of the United States for the term of two years, may be admitted to become a citizen thereof, on application to any common law court of record, in any one of the states wherein he shall have resided for the term of one year at least, and making proof to the satisfaction of such court, that he is a person of good character, and taking the oath or affirmation prescribed by law, to support the constitution of the United States, which oath or affirmation such court shall administer; and the clerk of such court shall record such application, and the pro-

Repealed by act of January 29, 1795, ch. 20. Alien whites may become citizens, and how.

(a) This act was repealed by an act passed January 29, 1795, chap. 20.

The acts relating to naturalization subsequent to the act of March 26, 1790, have been: "An act to establish an uniform rule of naturalization, and to repeal the acts heretofore passed on that subject," January 29, 1795, chap. 20. Repealed April 14, 1802.

An act to establish an uniform rule of naturalization, and to repeal the acts heretofore passed on the subject, passed April 14, 1802, chap. 28.

An act in addition to an act entitled, "An act to establish an uniform rule of naturalization, and to repeal the acts heretofore passed on the subject," passed March 26, 1804, chap. 47.

An act relative to evidence in cases of naturalization, passed March 22, 1816, chap. 32.

An act in further addition to "An act to establish an uniform rule of naturalization, and to repeal the acts heretofore passed on that subject," passed May 26, 1824, chap. 186.

An act to amend the acts concerning naturalization, passed May 24, 1828, chap. 116.

ceedings thereon; and thereupon such person shall be considered as a citizen of the United States. And the children of such persons so naturalized, dwelling within the United States, being under the age of twenty-one years at the time of such naturalization, shall also be considered as citizens of the United States. And the children of citizens of the United States, that may be born beyond sea, or out of the limits of the United States, shall be considered as natural born citizens: *Provided*, That the right of citizenship shall not descend to persons whose fathers have never been resident in the United States: *Provided also*, That no person heretofore proscribed by any state, shall be admitted a citizen as aforesaid, except by an act of the legislature of the state in which such person was proscribed. (a)

APPROVED, March 26, 1790.

STATUTE II.

March 26, 1790.

CHAP. IV.—*An Act making appropriations for the support of government for the year one thousand seven hundred and ninety.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there be appropriated for the service of the year one thousand seven hundred and ninety, to be paid out of the monies arising from the duties on imports and tonnage, the following sums, to wit: A sum not exceeding one hundred and forty-one thousand, four hundred and ninety-two dollars, and seventy-three cents, for defraying the expenses of the civil list, as estimated by the Secretary of the Treasury, in the statement annexed to his report made to the House of Representatives on the ninth day of January last, including therein the contingencies of the several executive offices which are hereby authorized and granted; and also, a sum not exceeding one hundred and fifty-five thousand, five hundred and thirty-seven dollars, and seventy-two cents, for defraying the expenses of the department of war; and the farther sum of ninety-six thousand, nine hundred and seventy-nine dollars, and seventy-two cents, for paying the pensions which may become due to the invalids, as estimated in the statements accompanying the aforesaid report.

SEC. 2. *And be it further enacted*, That all the expenses arising from, and incident to the sessions of Congress, which may happen in the course of the aforesaid year, agreeably to laws heretofore passed, shall be defrayed out of the monies arising from the aforesaid duties on imports and tonnage.

Appropriations of monies arising from duties, for the civil list.

War department;

Pensions to invalids.

Incidental expenses of Congress.

(a) The power of naturalization is exclusively in Congress. *Chirac v. Chirac*, 2 Wheat. 259; 4 Cond. Rep. 111.

A naturalized citizen, who in time of peace, returns to his native country for the purpose of trade, but with the intention of returning again to his adopted country, continuing in the former, a year after the war between the two countries, for the purpose of winding up his business, engaging in no new commercial transactions with the enemy, and then returning to his adopted country, has gained a domicile in his native country, and his goods are subject to condemnation. *The Frances*, 8 Cranch, 335; 3 Cond. Rep. 154.

The various acts on the subject of naturalization submit the decision upon the right of aliens to courts of record. They are to receive testimony; to compare it with the law; and to judge on both law and fact. If their judgment is entered on record in legal form, it closes all inquiry, and like other judgments, is complete evidence of its own validity. *Spratt v. Spratt*, 4 Peters, 393.

It need not appear by the record of naturalization, that all the requisites presented by law, for the admission of aliens to the rights of citizenship, have been complied with. *Starke v. The Chesapeake Ins. Comp.*, 7 Cranch, 420; 2 Cond. Rep. 556.

A certificate by a competent court, that an alien has taken the oath prescribed by the act respecting naturalization, raises the presumption that the court was satisfied as to the moral character of the alien, and of his attachment to the principles of the constitution of the United States. The oath when taken, confers the rights of a citizen. It is not necessary that there should be an order of court admitting him to be a citizen.

The children of persons duly naturalized before the 14th of April, 1802, being under age at the time of the naturalization of their parent, were, if dwelling in the United States on the 14th of April, 1802, to be considered as citizens of the United States. *Campbell v. Gordon*, 6 Cranch, 176; 2 Cond. Rep. 342. See also *ex parte Newman*, 2 Gallis' C. C. R. 11; *Peters' C. C. R.* 457.

SEC. 3. *And be it further enacted,* That the President of the United States be authorized to draw from the treasury a sum not exceeding ten thousand dollars, for the purpose of defraying the contingent charges of government, to be paid out of the monies arising as aforesaid from the duties on imports and tonnage; and that he cause a regular statement and account of such expenditures to be laid before Congress at the end of the year.

Contingent charges of government.

SEC. 4. *And be it further enacted,* That a sum not exceeding one hundred and forty-seven thousand, one hundred and sixty-nine dollars, and fifty-four cents, be appropriated out of the monies arising as aforesaid from the duties on imports and tonnage, for discharging the demands which exist against the United States, as specified by the Secretary of the Treasury in his report made to the House of Representatives on the first of March instant, including therein a provision for building a light-house on Cape Henry in the State of Virginia, and for defraying the expenses arising from the act, intituled "An act for the establishment and support of light-houses, beacons, buoys, and public piers."

Certain specific demands; and

For building a light-house on Cape Henry.

SEC. 5. *And be it further enacted,* That out of the aforesaid appropriation of one hundred and forty-seven thousand one hundred and sixty-nine dollars and fifty-four cents, the payment of the following sums, not heretofore provided for by law, and estimated in the aforesaid report of the Secretary of the Treasury of the first of March instant, is hereby authorized and intended to be made, to wit: For the expenses of the late office of foreign affairs, six hundred and fifty dollars: To Roger Alden, for his services, including his office expenses, and the allowance to his clerks, eight hundred and seventy-three dollars, and seventy cents: To the late commissioner for settling the accounts of the departments of the late quartermaster-general, and commissaries-general of purchases and issues, for his own and clerk's services, from the eighth of May to the first of August, one thousand seven hundred and eighty-nine, one thousand and ten dollars, and fifty-five cents: To the late commissioner for settling the accounts of the late marine, clothing, and hospital departments, for his own and clerk's services, from the eighth of May to the third of August, one thousand seven hundred and eighty-nine, six hundred and twenty-eight dollars, and twenty-six cents: To the late commissioner for adjusting the accounts of the secret and commercial committees of Congress, for his salary from the first of July to the third of August, one thousand seven hundred and eighty-nine, one hundred and seventy-four dollars, and sixteen cents: For defraying the extraordinary expenses of the late President of Congress, three hundred and eighteen dollars, and fifty-three cents: For paying salaries to the late loan-officers of the several states, from the thirtieth day of June to the thirty-first day of December, one thousand seven hundred and eighty-nine, including office charges, six thousand seven hundred and twenty-five dollars: For paying the interest due on the loans made by the Secretary of the Treasury, two thousand four hundred and fourteen dollars, and sixty-one cents.

Payments, not before provided for by law, are authorized, for certain purposes.

SEC. 6. *And be it further enacted,* That the sum of one hundred and twenty dollars, be paid out of the monies arising from the aforesaid duties on imports and tonnage, to Jehoiakim M'Toksin, in full compensation for his services as an interpreter and guide in the expedition commanded by Major-general Sullivan, in the year one thousand seven hundred and seventy-nine; and also the sum of ninety-six dollars to James Mathers and Gifford Dalley, each, for services during the late recess of Congress.

For Jehoiakim M'Toksin.

James Mathers, and G. Dalley.

SEC. 7. *And be it further enacted,* That the President of the United States be authorized to empower the Secretary of the Treasury, if he shall deem it necessary, to make such loans as may be requisite to carry

President, if necessary, may authorize loans to make good

these appropriations.

into effect the foregoing appropriations, for the repayment of which the aforesaid duties on imports and tonnage shall be, and are hereby pledged.

APPROVED, March 26, 1790.

STATUTE II.

April 2, 1790.

Repealed by Act of March 2, 1799, chap. 22, sec. 93 and 112. Collectors, &c. not to grant clearances, until a certificate of inspection is produced.

CHAP. V.—*An Act to prevent the exportation of goods not duly inspected according to the laws of the several States.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the collectors and other officers of the customs in the several ports of the United States, be, and they are hereby directed to pay due regard to the inspection laws of the states in which they may respectively act, in such manner, that no vessel having on board goods liable to inspection, shall be cleared out until the master or other proper person shall have produced such certificate, that all such goods have been duly inspected, as the laws of the respective states do or may require to be produced to collectors or other officers of the customs.(a)

APPROVED, April 2, 1790.

STATUTE II.

April 2, 1790.

Recital of the deed of cession, by the senators of N. Carolina, to the United States; and

CHAP. VI.—*An Act to accept a cession of the claims of the state of North Carolina to a certain district of Western territory.*

A deed of cession having been executed, and in the Senate offered for acceptance to the United States, of the claims of the state of North Carolina, to a district of territory therein described; which deed is in the words following, viz.

To all who shall see these Presents

We the underwritten Samuel Johnston and Benjamin Hawkins, Senators in the Congress of the United States of America, duly and constitutionally chosen by the legislature of the State of North Carolina, send greeting.

Whereas the General Assembly of the State of North Carolina, on the day of December, in the year of our Lord one thousand seven hundred and eighty-nine, passed an act, entitled "An act for the purpose of ceding to the United States of America, certain western lands therein described," in the words following, to wit:

Whereas the United States in Congress assembled, have repeatedly and earnestly recommended to the respective states in the Union, claiming or owning vacant western territory, to make cessions of part of the same, as a further means, as well of hastening the extinguishment of the debts, as of establishing the harmony of the United States; and the inhabitants of the said western territory being also desirous that such cession should be made, in order to obtain a more ample protection than they have heretofore received: now this state, being ever desirous of doing ample justice to the public creditors, as well as the establishing the harmony of the United States, and complying with the reasonable desires of her citizens; *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the Senators of this state, in the Congress of the United States, or one of the Senators and any two of the Representatives of this state in the Congress of the United States, are hereby authorized, empowered and required to execute a deed or deeds on the part and behalf of this state, conveying to the United States of America, all right, title

of the act of the legislature of that state, by which the execution of the said deed is authorized.

(a) The laws of the United States do not require a person, in order to entitle himself to a clearance, to produce to the collector a certificate of his having complied with the inspection laws of the State, unless the law of the State requires it. *Bass et al. v. Steele*, 3 Wash. C. C. R. 381.

and claim which this state has to the sovereignty and territory of the lands situated within the chartered limits of this state, west of a line beginning on the extreme height of the Stone Mountain, at the place where the Virginia line intersects it; running thence along the extreme height of the said mountain, to the place where Wataugo river breaks through it; thence a direct course to the top of the Yellow Mountain, where Bright's road crosses the same; thence along the ridge of said mountain, between the waters of Doe river and the waters of Rock Creek, to the place where the road crosses the Iron Mountain; from thence along the extreme height of said mountain, to where Nolichucky river runs through the same; thence to the top of the Bald Mountain; thence along the extreme height of the said mountain, to the Painted Rock, on French Broad river; thence along the highest ridge of the said mountain, to the place where it is called the Great Iron or Smoaky Mountain; thence along the extreme height of the said mountain, to the place where it is called Unicoy or Unaka Mountain, between the Indian towns of Cowee and Old Chota; thence along the main ridge of the said mountain, to the southern boundary of this state, upon the following express conditions, and subject thereto—that is to say: *First*, That neither the lands nor inhabitants westward of the said mountain shall be estimated after the cession made by virtue of this act shall be accepted, in the ascertaining the proportion of this state with the United States, in the common expense occasioned by the late war. *Secondly*, That the lands laid off, or directed to be laid off by any act or acts of the General Assembly of this state, for the officers and soldiers thereof, their heirs and assigns respectively, shall be and enure to the use and benefit of the said officers, their heirs and assigns respectively; and if the bounds of the said lands already prescribed for the officers and soldiers of the continental line of this state, shall not contain a sufficient quantity of lands fit for cultivation, to make good the several provisions intended by law, that such officer or soldier, or his assignee, who shall fall short of his allotment or proportion, after all the lands fit for cultivation within the said bounds are appropriated, be permitted to take his quota, or such part thereof as may be deficient, in any other part of the said territory intended to be ceded by virtue of this act, not already appropriated. And where entries have been made agreeable to law, and titles under them not perfected by grant or otherwise, then, and in that case, the governor for the time being shall, and he is hereby required to perfect, from time to time, such titles, in such manner as if this act had never been passed. And that all entries made by, or grants made to all and every person or persons whatsoever, agreeable to law, and within the limits hereby intended to be ceded to the United States, shall have the same force and effect as if such cession had not been made; and that all and every right of occupancy and pre-emption, and every other right reserved by any act or acts to persons settled on, and occupying lands within the limits of the lands hereby intended to be ceded as aforesaid, shall continue to be in full force, in the same manner as if the cession had not been made, and as conditions upon which the said lands are ceded to the United States. And further, it shall be understood, that if any person or persons shall have, by virtue of the act, entituled “An act for opening the land-office for the redemption of specie and other certificates, and discharging the arrears due to the army,” passed in the year one thousand seven hundred and eighty-three, made his or their entry in the office usually called John Armstrong's office, and located the same to any spot or piece of ground, on which any other person or persons shall have previously located any entry or entries, that then, and in that case, the person or persons having made such entry or entries, or their assignee or assignees, shall have leave, and be at full liberty to remove the location of such entry or entries, to any lands on which no entry has been specially located, or on

Boundaries
and conditions
of the cession.

Boundaries
and conditions
of the cession.

any vacant lands included within the limits of the lands hereby intended to be ceded: *Provided*, That nothing herein contained shall extend or be construed to extend to the making good any entry or entries, or any grant or grants heretofore declared void, by any act or acts of the General Assembly of this state. *Thirdly*, That all the lands intended to be ceded by virtue of this act to the United States of America, and not appropriated as before mentioned, shall be considered as a common fund for the use and benefit of the United States of America, North Carolina inclusive, according to their respective and usual proportion in the general charge and expenditure, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever. *Fourthly*, That the territory so ceded, shall be laid out and formed into a state or states, containing a suitable extent of territory, the inhabitants of which shall enjoy all the privileges, benefits and advantages set forth in the ordinance of the late Congress, for the government of the western territory of the United States, that is to say; whenever the Congress of the United States shall cause to be officially transmitted to the executive authority of this state, an authenticated copy of the act to be passed by the Congress of the United States, accepting the cession of territory made by virtue of this act, under the express conditions hereby specified; the said Congress shall at the same time assume the government of the said ceded territory, which they shall execute in a manner similar to that which they support in the territory west of the Ohio; shall protect the inhabitants against enemies, and shall never bar or deprive them of any privileges which the people in the territory west of the Ohio enjoy: *Provided always*, That no regulations made or to be made by Congress, shall tend to emancipate slaves. *Fifthly*, That the inhabitants of the said ceded territory shall be liable to pay such sums of money, as may, from taking their census, be their just proportion of the debt of the United States, and the arrears of the requisitions of Congress on this state. *Sixthly*, That all persons indebted to this state, residing in the territory intended to be ceded by virtue of this act, shall be held and deemed liable to pay such debt or debts in the same manner, and under the same penalty or penalties as if this act had never been passed. *Seventhly*, That if the Congress of the United States do not accept the cession hereby intended to be made, in due form, and give official notice thereof to the executive of this state, within eighteen months from the passing of this act, then this act shall be of no force or effect whatsoever. *Eighthly*, That the laws in force and use in the State of North Carolina, at the time of passing this act, shall be, and continue in full force within the territory hereby ceded, until the same shall be repealed, or otherwise altered by the legislative authority of the said territory. *Ninthly*, That the lands of non-resident proprietors within the said ceded territory, shall not be taxed higher than the lands of residents. *Tenthly*, That this act shall not prevent the people now residing south of French Broad, between the rivers Tennessee and Big Pigeon, from entering their pre-emptions in that tract, should an office be opened for that purpose, under an act of the present General Assembly. *And be it further enacted by the authority aforesaid*, That the sovereignty and jurisdiction of this state, in and over the territory aforesaid, and all and every the inhabitants thereof, shall be and remain the same in all respects, until the Congress of the United States shall accept the cession to be made by virtue of this act, as if this act had never passed.

Read three times, and ratified in General Assembly, the
day of December, A. D. 1789.

CHAS. JOHNSON, *Sp. Sen.*
S. CABARRUS, *Sp. H. C.*"

Now therefore know ye, That we, Samuel Johnston and Benjamin Hawkins, senators aforesaid, by virtue of the power and authority com-

mitted to us by the said act, and in the name, and for and on behalf of the said state, do, by these presents, convey, assign, transfer, and set over unto the United States of America, for the benefit of the said states, North Carolina inclusive, all right, title, and claim which the said state hath to the sovereignty and territory of the lands situated within the chartered limits of the said state, as bounded and described in the above recited act of the General Assembly, to and for the uses and purposes, and on the conditions mentioned in the said act.

Boundaries and conditions of the cession.

In witness whereof, we have hereunto subscribed our names, and affixed our seals, in the senate-chamber, at New York, this twenty-fifth day of February, in the year of our Lord, one thousand seven hundred and ninety, and in the fourteenth year of the independence of the United States of America.

SAM. JOHNSTON. (L.S.)
BENJAMIN HAWKINS. (L.S.)

Signed, sealed, and delivered
in the presence of
SAM. A. OTIS.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the said deed be, and the same is hereby accepted.

Accepted.

APPROVED, April 2, 1790.

STATUTE II.

April 10, 1790.

CHAP. VII.—*An Act to promote the progress of useful Arts.*(a)

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That upon the petition of any person or persons to the Secretary of State, the Secretary

Patents for useful discoveries, how applied for, and granted.

(a) The acts passed by Congress, subsequent to this statute, relating to patents for useful inventions, have been:

1. An "act to promote the progress of useful arts; and to repeal the act heretofore made for this purpose," passed February 21, 1793. Repealed by act of July 4, 1836.
2. An act supplementary to the act entitled an "act to promote the progress of useful arts," passed June 7, 1794. Repealed by act of July 4, 1836.
3. An act to extend the privilege of obtaining patents for useful discoveries and inventions to certain persons therein mentioned, and to enlarge and define the penalties for violating the rights of patentees, passed April 17, 1800. Repealed by act of July 4, 1836.
4. An act concerning patents for useful inventions, passed July 3, 1832. Repealed by act of July 4, 1836.
5. An act concerning the issuing of patents to aliens for useful discoveries and inventions, passed July 13, 1832. Repealed by act of July 4, 1836.
6. An act to promote the progress of useful arts, and to repeal all acts heretofore made for that purpose, passed July 4, 1836.
7. An act authorizing the commissioner of the patent office to issue patents to Angier Marsh Perkins, and John Howard Ryan, passed March 31, 1833.
8. An act in addition to an act to promote the progress of the useful arts, passed March 3, 1839, chap. 87. Altered by act of August 29, 1842, chap. 262.
9. An act in addition to an act to promote the progress of the useful arts, and to repeal all acts heretofore made for that purpose, passed August 29, 1842, chap. 262.

The following cases have been decided in the courts of the United States, upon the laws granting patents for new and useful inventions:—

1. On the form and subjects of patents.—*Invention and Discovery,—the Specification and Description.*
—Evans v. Eaton, 3 Wheat. 454; 4 Cond. Rep. 291. Pennock v. Dialogue, 2 Peters, 16. Grant et al. v. Raymond, 6 Peters, 218. Shaw v. Cooper, 7 Peters, 292. Prouty v. Ruggles, 16 Peters, 336. Whittemore v. Cutter, 1 Gallis. C. C. R. 429, 478. Odiorne v. Winkley, 2 Gallis. C. C. R. 51. Stearns v. Barrett, 1 Mason's C. C. R. 153. Lowell v. Lewis, 1 Mason's C. C. R. 182. Bedford v. Hunt, 1 Mason's C. C. R. 302. Kneass v. The Schuykill Bank, 4 Wash. C. C. R. 9. Barrett et al. v. Hall et al., 1 Mason's C. C. R. 447. Odiorne v. The Amesbury Nail Factory, 2 Mason's C. C. R. 28. Moody v. Fisk et al., 2 Mason's C. C. R. 112. Langdon v. De Groot, Paine's C. C. R. 203. Goodyear v. Matthews, Paine's C. C. R. 300. Morris v. Huntington, Paine's C. C. R. 348. Sullivan v. Redfield et al., Paine's C. C. R. 441. Rutgen v. Kanowers, 1 Wash. C. C. R. 168. Evans v. Chambers, 2 Wash. C. C. R. 125. Evans v. Eaton, 3 Wash. C. C. R. 443; Peters' C. C. R. 322. Dixon v. Moyer, 4 Wash. C. C. R. 68. Gray et al. v. James et al., Peters' C. C. R. 394. Mellus v. Silsbee, 4 Mason's C. C. R. 108. Ames v. Howard, 1 Sumner's C. C. R. 482. Delano v. Scott, Gilpin's D. C. R. 489. Wood v. Williams, *ibid.* 517. Evans v. Jordan et al., 1 Brockenb. C. C. R. 248. Davis v. Palmer, 2 Brockenb. C. C. R. 298. Ryan v. Goodwin, 3 Sumner's C. C. R. 514. Blanchard v. Sprague, 3 Sumner's C. C. R. 279. Alden v. Dewey, 1 Story's C. C. R. 336. Prouty v. Draper, *ibid.* 568. Reed v. Cutter, *ibid.* 590. Stone v. Sprague, *ibid.* 270.
- Infringement of Patent Rights.*—Evans v. Jordan et al., 9 Cranch, 199; 3 Cond. Rep. 368. Keplenger v. De Young, 10 Wheat. 358; 6 Cond. Rep. 135. Shaw v. Cooper, 7 Peters, 292. Whittemore v. Cutter,

Repealed by the act of 21st Feb. 1793, ch. 11.

The Secretary of State, the Sec. of war, and the Attorney General, or any two of them, if they shall deem the invention, &c. useful and important, to cause letters patent to be issued.

Continuance of a patent.

Attorney General to certify the conformity of the patent with this act.

Patents to be recorded.

Specification in writing with a draft or model thereof to be delivered and filed in the office of the Secretary of State.

for the department of war, and the Attorney General of the United States, setting forth, that he, she, or they, hath or have invented or discovered any useful art, manufacture, engine, machine, or device, or any improvement therein not before known or used, and praying that a patent may be granted therefor, it shall and may be lawful to and for the said Secretary of State, the Secretary for the department of war, and the Attorney General, or any two of them, if they shall deem the invention or discovery sufficiently useful and important, to cause letters patent to be made out in the name of the United States, to bear teste by the President of the United States, reciting the allegations and suggestions of the said petition, and describing the said invention or discovery, clearly, truly and fully, and thereupon granting to such petitioner or petitioners, his, her or their heirs, administrators or assigns for any term not exceeding fourteen years, the sole and exclusive right and liberty of making, constructing, using and vending to others to be used, the said invention or discovery; which letters patent shall be delivered to the Attorney General of the United States to be examined, who shall, within fifteen days next after the delivery to him, if he shall find the same conformable to this act, certify it to be so at the foot thereof, and present the letters patent so certified to the President, who shall cause the seal of the United States to be thereto affixed, and the same shall be good and available to the grantee or grantees by force of this act, to all and every intent and purpose herein contained, and shall be recorded in a book to be kept for that purpose in the office of the Secretary of State, and delivered to the patentee or his agent, and the delivery thereof shall be entered on the record and endorsed on the patent by the said Secretary at the time of granting the same.

SEC. 2. *And be it further enacted*, That the grantee or grantees of each patent shall, at the time of granting the same, deliver to the Secretary of State a specification in writing, containing a description, accompanied with drafts or models, and explanations and models (if the nature of the invention or discovery will admit of a model) of the thing or things, by him or them invented or discovered, and described as aforesaid, in the said patents; which specification shall be so particular, and said models so exact, as not only to distinguish the invention or discovery from other things before known and used, but also to enable a workman or other person skilled in the art or manufacture, whereof it is a branch, or wherewith it may be nearest connected, to make, construct, or use the same, to the end that the public may have the full benefit thereof, after the expiration of the patent term; which specification shall be filed in the office of the said Secretary, and certified copies

1 Gallis. C. C. R. 429. Gray and Osgood v. James, Peters' C. C. R. 394. Sawin et al. v. Guild, 1 Gallis. C. C. R. 435. Lowell v. Lewis, 1 Mason's C. C. R. 182. Kneass v. The Schuylkill Bank, 4 Wash. C. C. R. 106. Barret et al. v. Hall et al., 1 Mason's C. C. R. 447. Boston Manufacturing Company v. Fiske et al., 2 Mason's C. C. R. 119. Dawson v. Follen, 2 Wash. C. C. R. 311. Evans v. Weiss 2 Wash. C. C. R. 342. Parke v. Little et al., 3 Wash. C. C. R. 196. Evans v. Eaton, Peters' C. C. R. 322. The Philadelphia and Trenton Railroad Company v. Stimpson, 14 Peters, 448.

Proceedings and Pleadings for Violation of Patent Rights.—Ex parte Wood and Brundage, 9 Wheat. 603; 5 Cond. Rep. 702. Grant v. Raymond, 6 Peters, 218. Whittemore v. Cutter, 1 Gallis. C. C. R. 429. Stearns v. Barrett, 1 Mason's C. C. R. 153. Sullivan v. Redfield et al., Paine's C. C. R. 441. Executors of Fulton v. Meyers, 4 Wash. C. C. R. 220. Pettibone v. Derringer, 4 Wash. C. C. R. 215. Kneass v. The Schuylkill Bank, 4 Wash. C. C. R. 106. Dixon v. Moyer, 4 Wash. C. C. R. 68. Isaacs v. Cooper, 4 Wash. C. C. R. 269. Evans v. Kremer, Peters' C. C. R. 215. Ames v. Howard, 1 Sumner's C. C. R. 482.

Evidence in Actions for the Violation of Patent Rights.—Evans v. Eaton, 3 Wheat. 454; 4 Cond. Rep. 291. Evans v. Hettick, 7 Wheat. 453; 5 Cond. Rep. 317. Whittemore v. Cutter, 1 Gallis. C. C. R. 478. Odiorne v. Winkley, 2 Gallis. C. C. R. 51. Stearns v. Barrett, 1 Mason's C. C. R. 153. Kneass v. The Schuylkill Bank, 4 Wash. C. C. R. 106. Dixon v. Moyer, 4 Wash. C. C. R. 68. Evans v. Eaton, Peters' C. C. R. 322.

Surrender and Repeal of Patents.—Ex parte Wood and Brundage, 9 Wheat. 603; 5 Cond. Rep. 702. The Philadelphia and Trenton Railroad Company v. Stimpson, 14 Peters, 448. Shaw v. Cooper, 7 Peters, 292. Grant v. Raymond, 6 Peters, 218. Delano v. Scott, Gilpin's C. C. R. 469. Stearns v. Barrett, 1 Mason's C. C. R. 153. Morris v. Huntingdon, Paine's C. C. R. 348. See post 318.

See also Peters's Digest, *Patents for useful inventions*.

thereof, shall be competent evidence in all courts and before all jurisdictions, where any matter or thing, touching or concerning such patent, right, or privilege, shall come in question.

SEC. 3. *And be it further enacted*, That upon the application of any person to the Secretary of State, for a copy of any such specification, and for permission to have similar model or models made, it shall be the duty of the Secretary to give such copy, and to permit the person so applying for a similar model or models, to take, or make, or cause the same to be taken or made, at the expense of such applicant.

SEC. 4. *And be it further enacted*, That if any person or persons shall devise, make, construct, use, employ, or vend within these United States, any art, manufacture, engine, machine or device, or any invention or improvement upon, or in any art, manufacture, engine, machine or device, the sole and exclusive right of which shall be so as aforesaid granted by patent to any person or persons, by virtue and in pursuance of this act, without the consent of the patentee or patentees, their executors, administrators or assigns, first had and obtained in writing, every person so offending, shall forfeit and pay to the said patentee or patentees, his, her or their executors, administrators or assigns such damages as shall be assessed by a jury, and moreover shall forfeit to the person aggrieved, the thing or things so devised, made, constructed, used, employed or vended, contrary to the true intent of this act, which may be recovered in an action on the case founded on this act.

SEC. 5. *And be it further enacted*, That upon oath or affirmation made before the judge of the district court, where the defendant resides, that any patent which shall be issued in pursuance of this act, was obtained surreptitiously by, or upon false suggestion, and motion made to the said court, within one year after issuing the said patent, but not afterwards, it shall and may be lawful to and for the judge of the said district court, if the matter alleged shall appear to him to be sufficient, to grant a rule that the patentee or patentees, his, her, or their executors, administrators or assigns, show cause why process should not issue against him, her, or them, to repeal such patents; and if sufficient cause shall not be shown to the contrary, the rule shall be made absolute, and thereupon the said judge shall order process to be issued as aforesaid, against such patentee or patentees, his, her, or their executors, administrators, or assigns. And in case no sufficient cause shall be shown to the contrary, or if it shall appear that the patentee was not the first and true inventor or discoverer, judgment shall be rendered by such court for the repeal of such patent or patents; and if the party at whose complaint the process issued, shall have judgment given against him, he shall pay all such costs as the defendant shall be put to in defending the suit, to be taxed by the court, and recovered in such manner as costs expended by defendants, shall be recovered in due course of law.

SEC. 6. *And be it further enacted*, That in all actions to be brought by such patentee or patentees, his, her, or their executors, administrators or assigns, for any penalty incurred by virtue of this act, the said patents or specifications shall be *prima facie* evidence, that the said patentee or patentees was or were the first and true inventor or inventors, discoverer or discoverers of the thing so specified, and that the same is truly specified; but that nevertheless the defendant or defendants may plead the general issue, and give this act, and any special matter whereof notice in writing shall have been given to the plaintiff, or his attorney, thirty days before the trial, in evidence, tending to prove that the specification filed by the plaintiff does not contain the whole of the truth concerning his invention or discovery; or that it contains more than is necessary to produce the effect described; and if the concealment of part, or the addition of more than is necessary, shall appear to have been intended to

Certified copies in what cases to be evidence.

Copies of specification, and models may be taken.

Penalty for making, &c. any art, &c. for which a patent has been granted.

Damages to be assessed by a jury.

Patents surreptitiously obtained,

how to be repealed.

In actions for penalty, patents to be deemed *prima facie* evidence of the first discovery; but special matter may be given in evidence; and to what effect.

mislead, or shall actually mislead the public, so as the effect described cannot be produced by the means specified, then, and in such cases, the verdict and judgment shall be for the defendant.

Patent fees.

SEC. 7. *And be it further enacted*, That such patentee as aforesaid, shall, before he receives his patent, pay the following fees to the several officers employed in making out and perfecting the same, to wit: For receiving and filing the petition, fifty cents; for filing specifications, per copy-sheet containing one hundred words, ten cents; for making out patent, two dollars; for affixing great seal, one dollar; for indorsing the day of delivering the same to the patentee, including all intermediate services, twenty cents.

APPROVED, April 10, 1790.

STATUTE II.

April 15, 1790.

CHAP. VIII.—*An Act further to suspend part of an act intituled "An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares and merchandises imported into the United States," and to amend the said act.*

Repealed. Act of Aug. 4, 1790, chap. 35, sec. 74.

Restriction by a former act, on vessels bound up the Potomac, suspended until first May, 1791.

Act of July 31, 1789, ch. 5.

Additional ports of delivery in Connecticut.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That so much of an act, intituled, "An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares and merchandises imported into the United States," as obliges ships or vessels bound up the river Potomac to come to, and deposit manifests of their cargoes with the officers at Saint Mary's and Yeocomico, before they proceed to their port of delivery, shall be and is hereby further suspended, from the first day of May next, to the first of May in the year one thousand seven hundred and ninety-one.

SEC. 2. *And be it further enacted, by the authority aforesaid*, That the landing places in Windsor and East Windsor, in the State of Connecticut, shall be ports of delivery, and be included in the district of New London.

APPROVED, April 15, 1790.

STATUTE II.

April 30, 1790.

CHAP. IX.—*An Act for the Punishment of certain Crimes against the United States.*

Act of April 2, 1792, ch. 16, sec. 19. Act of May 27, 1796, ch. 36, sec. 7. Jan. 30, 1799, ch. 1. Act of April 24, 1800, ch. 35. Act of March 26, 1804, ch. 40. Act of March 3, 1825, ch. 65.

What cases shall be adjudged treason. How proved and punished.

Misprision of treason.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That if any person or persons, owing allegiance to the United States of America, shall levy war against them, or shall adhere to their enemies, giving them aid and comfort within the United States or elsewhere, and shall be thereof convicted, on confession in open court, or on the testimony of two witnesses to the same overt act of the treason whereof he or they shall stand indicted, such person or persons shall be adjudged guilty of treason against the United States, and shall suffer death.(a)

SEC. 2. *And be it [further] enacted*, That if any person or persons, having knowledge of the commission of any of the treasons aforesaid, shall conceal and not as soon as may be disclose and make known the same to the President of the United States, or some one of the judges thereof, or to the president or governor of a particular state, or some one of the judges or justices thereof, such person or persons on conviction shall be adjudged guilty of misprision of treason, and shall be imprisoned not exceeding seven years, and fined not exceeding one thousand dollars.

(a) *Treason*.—To constitute a levying of war, there must be an assemblage of persons for the purpose of effecting by force, a treasonable purpose. Ex parte Bollman and Swartwout, 4 Cranch, 75; 2 Cond. Rep. 33. The United States v. Vigol, 2 Dall. 346. The United States v. Vilatto, 2 Dall. 370. The United States v. The Insurgents of Pennsylvania, 2 Dall. 335. The United States v. Mitchell, 2 Dall. 348. The United States v. Stuart, 2 Dall. 343; 1 Burr's Trial, 14; 2 Burr's Trial, 401.

SEC. 3. *And be it [further] enacted*, That if any person or persons shall, within any fort, arsenal, dock-yard, magazine, or in any other place or district of country, under the sole and exclusive jurisdiction of the United States, commit the crime of wilful murder, such person or persons on being thereof convicted shall suffer death. (a)

SEC. 4. *And be it also enacted*, That the court before whom any person shall be convicted of the crime of murder, for which he or she shall be sentenced to suffer death, may at their discretion, add to the judgment, that the body of such offender shall be delivered to a surgeon for dissection; and the marshal who is to cause such sentence to be executed, shall accordingly deliver the body of such offender, after execution done, to such surgeon as the court shall direct, for the purpose aforesaid: *Provided*, That such surgeon, or some other person by him appointed for the purpose, shall attend to receive and take away the dead body at the time of the execution of such offender.

SEC. 5. *And be it further enacted*, That if any person or persons shall, after such execution had, by force rescue or attempt to rescue the body of such offender out of the custody of the marshal or his officers, during the conveyance of such body to any place for dissection as aforesaid; or shall by force rescue or attempt to rescue such body from the house of any surgeon, where the same shall have been deposited in pursuance of this act; every person so offending, shall be liable to a fine not exceeding one hundred dollars, and an imprisonment not exceeding twelve months.

SEC. 6. *And be it [further] enacted*, That if any person or persons having knowledge of the actual commission of the crime of wilful murder or other felony, upon the high seas, or within any fort, arsenal, dock-yard, magazine, or other place or district of country, under the sole and exclusive jurisdiction of the United States, shall conceal, and not as soon as may be disclose and make known the same to some one of the judges or other persons in civil or military authority under the United States, on conviction thereof, such person or persons shall be adjudged guilty of misprision of felony, and shall be imprisoned not exceeding three years, and fined not exceeding five hundred dollars.

SEC. 7. *And be it [further] enacted*, That if any person or persons shall within any fort, arsenal, dock-yard, magazine, or other place or district of country, under the sole and exclusive jurisdiction of the United States, commit the crime of manslaughter, and shall be thereof convicted, such person or persons shall be imprisoned not exceeding three years, and fined not exceeding one thousand dollars.

SEC. 8. *And be it [further] enacted*, That if any person or persons shall commit upon the high seas, or in any river, haven, basin or bay, out of the jurisdiction of any particular state, murder or robbery, or any other offence which if committed within the body of a county, would by the

Murder in a fort or arsenal, under the exclusive jurisdiction of the U. S. to punish with death.

Act of March 3, 1825, ch. 65, sec. 4. and court may order offender's body to be dissected.

Rescue of a body ordered for dissection, punishment for.

Misprision of felony, what cases shall be judged, and how punished.

Manslaughter in a fort, arsenal, &c. how punished.

Act of March 3, 1825, ch. 65, sec. 4, 6, 7.

Act of March 3, 1829, ch. 64.

Piracy and felony, what cases shall be judged, where

(a) *Murder*.—Congress have not in the 8th section of the act of April 30, 1790, for the prevention of certain crimes against the United States, exercised the power, if any such is given by the constitution of the United States, of conferring jurisdiction on the courts of the United States of a murder committed on the waters of a State where the tide ebbs and flows. *United States v. Bevans*, 3 Wheat. 336; 4 Cond. Rep. 275.

The 3d article of the constitution of the United States, which declares that "the judicial power of the United States shall extend to all cases of admiralty and maritime jurisdiction," vests in the United States exclusive jurisdiction of all such cases; and a murder committed on the waters of a State where the tide ebbs and flows, is a case of admiralty and maritime jurisdiction. *Ibid*.

The courts of the United States have jurisdiction of a murder committed on the high seas from a vessel belonging to the United States, by a foreigner being on board of such vessel, upon another foreigner being on board of another vessel. 5 Wheat. 184; 4 Cond. Rep. 623.

The courts of the United States have jurisdiction, under the act of April 30, 1790, of a murder committed on the high seas, although not committed on board of a vessel of the United States, as if she had no national character, but was held by pirates or persons not sailing under the flag of any foreign nation. *The United States v. Holmes et al.*, 5 Wheat. 412; 4 Cond. Rep. 708. See also *United States v. Magill*, 1 Wash. C. C. R. 463. *United States v. Drew*, 5 Mason's C. C. R. 28. *United States v. Freeman*, 4 Mason's C. C. R. 505. *United States v. Ross*, 1 Gallis. C. C. R. 624. *Dexter v. Spear*, 4 Mason's C. C. R. 115. *The United States v. Cornell*, 2 Mason's C. C. R. 91.

tried and how punished.

Act of May 15, 1820, ch. 113.

laws of the United States be punishable with death; or if any captain or mariner of any ship or other vessel, shall piratically and feloniously run away with such ship or vessel, or any goods or merchandise to the value of fifty dollars, or yield up such ship or vessel voluntarily to any pirate; or if any seaman shall lay violent hands upon his commander, thereby to hinder and prevent his fighting in defence of his ship or goods committed to his trust, or shall make a revolt in the ship; every such offender shall be deemed, taken and adjudged to be a pirate and felon, and being thereof convicted, shall suffer death; and the trial of crimes committed on the high seas, or in any place out of the jurisdiction of any particular state, shall be in the district where the offender is apprehended, or into which he may first be brought. (a)

SEC. 9. *And be it [further] enacted*, That if any citizen shall commit any piracy or robbery aforesaid, or any act of hostility against the United States, or any citizen thereof, upon the high sea, under colour of any commission from any foreign prince, or state, or on pretence of authority from any person, such offender shall, notwithstanding the pretence of any such authority, be deemed, adjudged and taken to be a pirate, felon, and robber, and on being thereof convicted shall suffer death.

Accessaries therein, how punished.

SEC. 10. *And be it [further] enacted*, That every person who shall, either upon the land or the seas, knowingly and wittingly aid and assist, procure, command, counsel or advise any person or persons, to do or commit any murder or robbery, or other piracy aforesaid, upon the sea, which shall affect the life of such person, and such person or persons shall thereupon do or commit any such piracy or robbery, then all and every such person so as aforesaid aiding, assisting, procuring, commanding, counselling or advising the same, either upon the land or the sea, shall be, and they are hereby declared, deemed and adjudged to be accessory to such piracies before the fact, and every such person being thereof convicted shall suffer death.

Concealing a pirate or property taken by a pirate.

SEC. 11. *And be it [further] enacted*, That after any murder, felony, robbery, or other piracy whatsoever aforesaid, is or shall be committed by any pirate or robber, every person who knowing that such pirate or robber has done or committed any such piracy or robbery, shall on the land or at sea receive, entertain or conceal any such pirate or robber, or receive or take into his custody any ship, vessel, goods or chattels, which have been by any such pirate or robber piratically and feloniously taken, shall be, and are hereby declared, deemed and adjudged to be accessory to such piracy or robbery, after the fact; and on conviction thereof, shall be imprisoned not exceeding three years, and fined not exceeding five hundred dollars.

(a) A robbery committed on the high seas, although such robbery, if committed on land, would not, by the laws of the United States, be punishable with death, is piracy, under the 8th section of the law of the United States; and the Circuit Courts have jurisdiction thereof. *United States v. Palmer*, 3 Wheat. 610; 4 Cond. Rep. 352.

The crime of robbery as mentioned in the act, is the crime of robbery as recognized at common law. *Ibid.* See also *United States v. Klinton*, 5 Wheat. 144; 4 Cond. Rep. 614. *The United States v. Smith*, 5 Wheat. 153; 4 Cond. Rep. 619. *United States v. Furlong et al.*, 5 Wheat. 184; 4 Cond. Rep. 623. *United States v. Holmes*, 5 Wheat. 412; 4 Cond. Rep. 708.

Pirates may be lawfully captured by the public or private ships of any nation, in peace or war, for they are *hostes humani generis*. *The Marianna Flora*, 11 Wheat. 1; 6 Cond. Rep. 201. See also *The Josefa Segunda*, 5 Wheat. 338; 4 Cond. Rep. 672. *The Palmyra*, 12 Wheat. 1; 6 Cond. Rep. 397. *The Bello Corrunnes*, 6 Wheat. 152; 5 Cond. Rep. 45.

To constitute the offence of piracy within the act of 1790, "by piratically and feloniously running away with a vessel," personal force and violence are not necessary. 1 *Gallis' C. C. R.* 247. See also *The United States v. Ross*, 1 *Gallis' C. C. R.* 624. *United States v. Kessler*, 1 *Baldwin's C. C. R.* 15. *United States v. Gibert*, 2 *Sumner's C. C. R.* 19.

In the act of April 30, 1790, the description of places contained in the 8th section, within which the offences therein enumerated must be committed, in order to give the courts of the United States jurisdiction over them, cannot be transferred to the 12th section, so as to give those courts jurisdiction over a manslaughter committed in a port of a foreign country, and not on the high seas. *The Hoppet v. The United States*, 7 *Cranch*, 339; 2 *Cond. Rep.* 542. See *United States v. Wiltberger*, 5 *Wheat.* 76; 4 *Cond. Rep.* 593.

SEC. 12. *And be it [further] enacted*, That if any seaman or other person shall commit manslaughter upon the high seas, or confederate, or attempt or endeavour to corrupt any commander, master, officer or mariner, to yield up or to run away with any ship or vessel, or with any goods, wares, or merchandise, or to turn pirate, or to go over to or confederate with pirates, or in any wise trade with any pirate knowing him to be such, or shall furnish such pirate with any ammunition, stores or provisions of any kind, or shall fit out any vessel knowingly and with a design to trade with or supply or correspond with any pirate or robber upon the seas; or if any person or persons shall any ways consult, combine, confederate or correspond with any pirate or robber on the seas, knowing him to be guilty of any such piracy or robbery; or if any seaman shall confine the master of any ship or other vessel, or endeavour to make a revolt in such ship; (a) such person or persons so offending, and being thereof convicted, shall be imprisoned not exceeding three years, and fined not exceeding one thousand dollars.

Confederacy to become pirates, how punished.
Act of March 3, 1825, ch. 65, sec. 6, sec. 22.

SEC. 13. *And be it [further] enacted*, That if any person or persons, within any of the places upon the land under the sole and exclusive jurisdiction of the United States, or upon the high seas, in any vessel belonging to the United States, or to any citizen or citizens thereof, on purpose and of malice aforethought, shall unlawfully cut off the ear or ears, or cut out or disable the tongue, put out an eye, slit the nose, cut off the nose or a lip, or cut off or disable any limb or member of any person, with intention in so doing to maim or disfigure such person in any the manners before mentioned, then and in every such case the person or persons so offending, their counsellors, aiders and abettors (knowing of and privy to the offence aforesaid) shall on conviction, be imprisoned not exceeding seven years, and fined not exceeding one thousand dollars.

Maiming, what cases shall be judged, and how punished.

Act of March 3, 1825, ch. 65, sec. 22.

SEC. 14. *And be it [further] enacted*, That if any person or persons shall falsely make, alter, forge or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or willingly act or assist in the false making, altering, forging or counterfeiting any certificate, indent, or other public security of the United States, or shall utter, put off, or offer, or cause to be uttered, put off, or offered in payment or for sale any such false, forged, altered or counterfeited certificate, indent or other public security, with intention to defraud any person, knowing the same to be false, altered, forged or counterfeited, and shall be thereof convicted, every such person shall suffer death. (b)

Forgery, what cases shall be judged, and how punished.

Act of March 3, 1825, ch. 65, sec. 17, 18, 19, 20, act of March 3, 1823, ch. 36.

SEC. 15. *And be it [further] enacted*, That if any person shall feloniously steal, take away, alter, falsify, or otherwise avoid any record, writ, process, or other proceedings in any of the courts of the United States, by means whereof any judgment shall be reversed, made void, or not take effect, or if any person shall acknowledge or procure to be acknowledged in any of the courts aforesaid, any recognizance, bail or judgment, in the name or names of any other person or persons not privy or consenting to the same, every such person or persons on conviction thereof, shall be fined not exceeding five thousand dollars, or be impr-

Stealing or falsifying any record, process, &c. how punished.

(a) Although the crimes act of 1790, sec. 12, does not define the offence of endeavouring to make a revolt, it is competent for the court to give a judicial definition of it. *United States v. Kelley*, 11 Wheat. 417; 6 Cond. Rep. 370.

A revolt, is the usurpation of the authority and command of the ship, and an overthrow of that of the master, or commanding officer. Any conspiracy to accomplish such an object, or to resist a lawful command of the master for such purpose; any endeavour to stir up others of the crew to such resistance, is an endeavour to make a revolt, within the meaning of the 12th section of the act of 1790. *United States v. Hemmer et al.*, 4 Mason's C. C. R. 105. See also *United States v. Keefe*, 3 Mason's C. C. R. 475; 5 Mason's C. C. R. 460. *United States v. Smith*, 1 Mason's C. C. R. 147. *United States v. Hamilton*, 1 Mason's C. C. R. 443. *United States v. Kelley*, 4 Wash. C. C. R. 528.

(b) See *United States v. Turner*, 7 Peters, 132. *United States v. Brewster*, 7 Peters, 164. *United States v. Stewart*, 4 Wash. C. C. R. 226. *United States v. Reuben Moses*, 4 Wash. C. C. R. 726. *United States v. Morrow*, 4 Wash. C. C. R. 733. *United States v. Britton*, 2 Mason's C. C. R. 464. *United States v. Hinman*, 1 Baldwin's C. C. R. 292. *United States v. Mitchell*, 1 Baldwin's C. C. R. 366.

Exceptions.

soned not exceeding seven years, and whipped not exceeding thirty-nine stripes. *Provided nevertheless*, That this act shall not extend to the acknowledgment of any judgment or judgments by any attorney or attorneys, duly admitted for any person or persons against whom any such judgment or judgments shall be had or given.

Larceny, what cases shall be judged, and how punished.
Act of March 3, 1825, ch. 27.

SEC. 16. *And be it [further] enacted*, That if any person within any of the places under the sole and exclusive jurisdiction of the United States, or upon the high seas, shall take and carry away, with an intent to steal or purloin the personal goods of another; or if any person or persons, having at any time hereafter the charge or custody of any arms, ordnance, munition, shot, powder, or habiliments of war belonging to the United States, or of any victuals provided for the victualing of any soldiers, gunners, marines or pioneers, shall for any lucre or gain, or wittingly, advisedly, and of purpose to hinder or impede the service of the United States, embezzle, purloin or convey away any of the said arms, ordnance, munition, shot or powder, habiliments of war, or victuals, that then and in every of the cases aforesaid, the person or persons so offending, their counsellors, aiders and abettors (knowing of and privy to the offences aforesaid) shall, on conviction, be fined not exceeding the fourfold value of the property so stolen, embezzled or purloined; the one moiety to be paid to the owner of the goods, or the United States, as the case may be, and the other moiety to the informer and prosecutor, and be publicly whipped, not exceeding thirty-nine stripes. (a)

Receivers of stolen goods, &c. how punished.
Act of March 3, 1825, ch. 27.

SEC. 17. *And be it further enacted*, That if any person or persons, within any part of the jurisdiction of the United States as aforesaid, shall receive or buy any goods or chattels that shall be feloniously taken or stolen from any other person, knowing the same to be stolen, or shall receive, harbour or conceal any felons or thieves, knowing them to be so, he or they being of either of the said offences legally convicted, shall be liable to the like punishments as in the case of larceny before are prescribed.

Perjury how punished.

SEC. 18. *And be it [further] enacted*, That if any person shall wilfully and corruptly commit perjury, (b) or shall by any means procure any person to commit corrupt and wilful perjury, on his or her oath or affirmation in any suit, controversy, matter or cause depending in any of the courts of the United States, or in any deposition taken pursuant to the laws of the United States, every person so offending, and being thereof convicted, shall be imprisoned not exceeding three years, and fined not exceeding eight hundred dollars; and shall stand in the pillory for one hour, and be thereafter rendered incapable of giving testimony in any of the courts of the United States, until such time as the judgment so given against the said offender shall be reversed.

In prosecutions for perjury, shall be sufficient to set forth substance of the charge.

SEC. 19. *And be it [further] enacted*, That in every presentment or indictment to be prosecuted against any person for wilful and corrupt perjury, it shall be sufficient to set forth the substance of the offence charged upon the defendant, and by what court, or before whom the oath or affirmation was taken, (averring such court, or person or persons to have a competent authority to administer the same) together with the proper averment or averments to falsify the matter or matters wherein the perjury or perjuries is or are assigned; without setting forth the bill, answer, information, indictment, declaration, or any part of any record or proceeding, either in law or equity, other than as aforesaid, and without setting forth the commission or authority of the court, or person or persons before whom the perjury was committed.

SEC. 20. *And be it further enacted*, That in every presentment or

(a) United States v. Davis, 5 Mason's C. C. R. 356. United States v. Clew, 4 Wash. C. C. R. 700. United States v. Hamilton, 1 Mason's C. C. R. 152. United States v. Lawrence Coombs, 12 Peters, 72.

(b) United States v. Bailey, 9 Peters, 298. United States v. Kendrick, 2 Mason's C. C. R. 69. United States v. Clark, 1 Gallis' C. C. R. 497. United States v. Passmore, 4 Dall. 372, 378.

indictment for subornation of perjury, or for corrupt bargaining or contracting with others to commit wilful and corrupt perjury, it shall be sufficient to set forth the substance of the offence charged upon the defendant, without setting forth the bill, answer, information, indictment, declaration, or any part of any record or proceeding, either in law or equity, and without setting forth the commission or authority of the court, or person or persons before whom the perjury was committed, or was agreed or promised to be committed.

Proceedings
for subornation
of perjury.

SEC. 21. *And be it [further] enacted*, That if any person shall, directly or indirectly, give any sum or sums of money, or any other bribe, present or reward, or any promise, contract, obligation or security, for the payment or delivery of any money, present or reward, or any other thing to obtain or procure the opinion, judgment or decree of any judge or judges of the United States, in any suit, controversy, matter or cause depending before him or them, and shall be thereof convicted, such person or persons so giving, promising, contracting or securing to be given, paid or delivered, any sum or sums of money, present, reward or other bribe as aforesaid, and the judge or judges who shall in any wise accept or receive the same, on conviction thereof shall be fined and imprisoned at the discretion of the court; and shall forever be disqualified to hold any office of honour, trust or profit under the United States. (a)

Bribery, what
cases shall be
judged, and
how punished.

SEC. 22. *And be it [further] enacted*, That if any person or persons shall knowingly and wilfully obstruct, resist or oppose any officer of the United States, in serving or attempting to serve or execute any mesne process, or warrant, or any rule or order of any of the courts of the United States, or any other legal or judicial writ or process whatsoever, or shall assault, beat or wound any officer, or other person duly authorized, in serving or executing any writ, rule, order, process or warrant aforesaid, every person so knowingly and wilfully offending in the premises, shall, on conviction thereof, be imprisoned not exceeding twelve months, and fined not exceeding three hundred dollars. (b)

Obstruction of
process, how
punished.

SEC. 23. *And be it further enacted*, That if any person or persons shall by force set at liberty, or rescue any person who shall be found guilty of treason, murder, or any other capital crime, or rescue any person convicted of any of the said crimes, going to execution, or during execution, every person so offending, and being thereof convicted, shall suffer death. And if any person shall by force set at liberty, or rescue any person who before conviction shall stand committed for any of the capital offences aforesaid; or if any person or persons shall by force set at liberty, or rescue any person committed for or convicted of any other offence against the United States, every person so offending shall, on conviction, be fined not exceeding five hundred dollars, and imprisoned not exceeding one year.

Rescue of
persons convicted,
or before
conviction to be
punished by
death.

Rescue before
conviction.

SEC. 24. *Provided always, and be it enacted*, That no conviction or judgment for any of the offences aforesaid, shall work corruption of blood, or any forfeiture of estate.

No conviction
to work
corruption of blood,
or forfeiture of
estate.

SEC. 25. *And be it [further] enacted*, That if any writ or process shall at any time hereafter be sued forth or prosecuted by any person or persons, in any of the courts of the United States, or in any of the courts

Article 3, sec.
2, Constitution
U. States.

(a) An offer of a bribe made in a letter directed to New York, and put into the post-office in Philadelphia, will sustain an indictment in the district of Pennsylvania. *United States v. Worrall*, 2 Dall. 388.

(b) The offence of obstructing process consists in refusing to give up possession, or opposing or obstructing the execution of the writ by threats of violence, which it is in the power of the person to enforce; and thus preventing the officer from executing his writ. *United States v. Lowry*, 2 Wash. C. C. R. 169.

The 22d section of the act of 1790, prohibits the obstruction of process of every species, legal and judicial; whether issued by the court in session, or by a judge or magistrate acting in that capacity out of court, in execution of the laws of the United States. On an indictment under this section, for resisting an officer, it is not necessary that it should appear that the accused used, or even threatened violence. *United States v. Lukins*, 3 Wash. C. C. R. 335.

Process sued in any court of the U. States, or of a particular state, against a foreign minister, void ; and

Persons suing the same, how punished :

Exception as to debts contracted prior to entering into the service of ambassador, &c.

Violation of a safe conduct, or to the person of public minister, how punished.

In cases of treason, prisoner shall have copy of indictment, list of the jury and witnesses, &c.

In other capital cases, copy of indictment and list of the jury ; also to be allowed counsel.

of a particular state, or by any judge or justice therein respectively, whereby the person of any ambassador or other public minister of any foreign prince or state, authorized and received as such by the President of the United States, or any domestic or domestic servant of any such ambassador or other public minister, may be arrested or imprisoned, or his or their goods or chattels be distrained, seized or attached, such writ or process shall be deemed and adjudged to be utterly null and void to all intents, construction and purposes whatsoever. (a)

SEC. 26. *And be it [further] enacted*, That in case any person or person shall sue forth or prosecute any such writ or process, such person or persons, and all attorneys or solicitors prosecuting or soliciting in such case, and all officers executing any such writ or process, being thereof convicted, shall be deemed violaters of the laws of nations, and disturbers of the public repose, and imprisoned not exceeding three years, and fined at the discretion of the court.

SEC. 27. *Provided nevertheless*, That no citizen or inhabitant of the United States, who shall have contracted debts prior to his entering into the service of any ambassador or other public minister, which debts shall be still due and unpaid, shall have, take or receive any benefit of this act ; nor shall any person be proceeded against by virtue of this act, for having arrested or sued any other domestic servant of any ambassador or other public minister, unless the name of such servant be first registered in the office of the Secretary of State, and by such secretary transmitted to the marshal of the district in which Congress shall reside, who shall upon receipt thereof affix the same in some public place in his office, whereto all persons may resort and take copies without fee or reward.

SEC. 28. *And be it [further] enacted*, That if any person shall violate any safe-conduct or passport duly obtained and issued under the authority of the United States, or shall assault, strike, wound, imprison, or in any other manner infract the law of nations, by offering violence to the person of an ambassador or other public minister, such person so offending, on conviction, shall be imprisoned not exceeding three years, and fined at the discretion of the court.

SEC. 29. *And be it [further] enacted*, That any person who shall be accused and indicted of treason, shall have a copy of the indictment, and a list of the jury and witnesses, to be produced on the trial for proving the said indictment, mentioning the names and places of abode of such witnesses and jurors, delivered unto him at least three entire days before he shall be tried for the same ; and in other capital offences, shall have such copy of the indictment and list of the jury two entire days at least before the trial : And that every person so accused and indicted for any of the crimes aforesaid, shall also be allowed and admitted to make his full defence by counsel learned in the law ; and the court before whom such person shall be tried, or some judge thereof, shall, and they are hereby authorized and required immediately upon his request to assign to such person such counsel, not exceeding two, as such person shall desire, to whom such counsel shall have free access at all reasonable hours ; and every such person or persons accused or in-

(a) The decisions of the courts of the United States upon the provisions of the sections of this statute, relative to process against foreign ministers and officers, for the violation of their immunities, have been : *The United States v. Hand*, 2 Wash. C. C. R. 435. *United States v. William Liddle*, 2 Wash. C. C. R. 205. *Ex parte Cabrera*, 1 Wash. C. C. R. 232.

An indictment under the 27th section of the act of 1790, for infracting the laws of nations by offering violence to the person of a foreign minister, is not a case affecting ambassadors, other public ministers, and consuls, within the first clause of the 2d section of the 3d article of the constitution of the United States. *The United States v. Ortega*, 11 Wheat. 467 ; 6 Cond. Rep. 394.

If a foreign minister commits the first assault, he forfeits his immunity, so far as to excuse the defendant for returning it. *Ibid.*

It is no defence upon such indictment, that the defendant was ignorant of the public character of the minister. *Ibid.* See also *United States v. Benner*, Baldwin's C. C. R. 240.

dicted of the crimes aforesaid, shall be allowed and admitted in his said defence to make any proof that he or they can produce, by lawful witness or witnesses, and shall have the like process of the court where he or they shall be tried, to compel his or their witnesses to appear at his or their trial, as is usually granted to compel witnesses to appear on the prosecution against them.

and with process to compel the attendance of witnesses.

SEC. 30. *And be it further enacted*, That if any person or persons be indicted of treason against the United States, and shall stand mute or refuse to plead, or shall challenge peremptorily above the number of thirty-five of the jury; or if any person or persons be indicted of any other of the offences herein before set forth, for which the punishment is declared to be death, if he or they shall also stand mute or will not answer to the indictment, or challenge peremptorily above the number of twenty persons of the jury; the court, in any of the cases aforesaid, shall notwithstanding proceed to the trial of the person or persons so standing mute or challenging, as if he or they had pleaded not guilty, and render judgment thereon accordingly.

In cases of treason or other capital offence, prisoner standing mute, how to be proceeded against.

Act of March 3, 1825, ch. 65, sec. 14.

SEC. 31. *And be it further enacted*, That the benefit of clergy shall not be used or allowed, upon conviction of any crime, for which, by any statute of the United States, the punishment is or shall be declared to be death.

No benefit of clergy in cases where the punishment is death.

SEC. 32. *And be it further enacted*, That no person or persons shall be prosecuted, tried or punished for treason or other capital offence aforesaid, wilful murder or forgery excepted, unless the indictment for the same shall be found by a grand jury within three years next after the treason or capital offence aforesaid shall be done or committed; nor shall any person be prosecuted, tried or punished for any offence, not capital, nor for any fine or forfeiture under any penal statute, unless the indictment or information for the same shall be found or instituted within two years from the time of committing the offence, or incurring the fine or forfeiture aforesaid: *Provided*, That nothing herein contained shall extend to any person or persons fleeing from justice.

No prosecution or punishment for treason or other capital offence unless indictment be found within three years, nor in other cases unless within two years;

except the offender flee.

SEC. 33. *And be it further enacted*, That the manner of inflicting the punishment of death, shall be by hanging the person convicted by the neck until dead.

Punishment of death to be by hanging.

APPROVED, April 30, 1790.

STATUTE II.

April 30, 1790.

CHAP. X.—*An Act for regulating the Military Establishment of the United States.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the commissioned officers herein after mentioned, and the number of one thousand two hundred and sixteen non-commissioned officers, privates and musicians, shall be raised for the service of the United States, for the period of three years, unless they should previously by law be discharged.

Repealed by Act of March 3, 1795, ch. 44, sec. 18.

Number of troops, and term of service.

SEC. 2. *And be it further enacted*, That the non-commissioned officers and privates aforesaid shall, at the time of their enlistments respectively, be able-bodied men, not under five feet six inches in height, without shoes; nor under the age of eighteen, nor above the age of forty-six years.

Of what size and age.

SEC. 3. *And be it further enacted*, That the commissioned officers herein after mentioned, and the said non-commissioned officers, privates and musicians, shall be formed into one regiment of infantry, to consist of three battalions, and one battalion of artillery. The regiment of infantry to be composed of one lieutenant-colonel commandant, three majors, three adjutants, three quartermasters, one paymaster, one surgeon, two surgeon's mates, and twelve companies, each of which shall consist of one captain, one lieutenant, one ensign, four sergeants, four

How formed into regiments and battalions.

corporals, sixty-six privates, and two musicians. The battalion of artillery shall be composed of one major commandant, one adjutant, one quartermaster, one paymaster, one surgeon's mate, and four companies; each of which shall consist of one captain, two lieutenants, four sergeants, four corporals, sixty-six privates, and two musicians: *Provided always*, That the adjutants, quartermasters, and paymasters, shall be appointed from the line of subalterns of the aforesaid corps respectively.

Inspectors;
their duty, &c.

SEC. 4. *And be it further enacted*, That the President of the United States may from time to time appoint one or two inspectors, as to him shall seem meet, to inspect the said troops, who shall also muster the same, and each of whom shall receive the like pay and subsistence as a captain, and be allowed ten dollars per month for forage.

Pay of the
troops;

SEC. 5. *And be it further enacted*, That the troops aforesaid shall receive for their services the following enumerated monthly rates of pay: Lieutenant-colonel commandant, sixty dollars; major commandant of artillery, forty-five dollars; majors, forty dollars; captains, thirty dollars; lieutenants, twenty-two dollars; ensigns, eighteen dollars; surgeons, thirty dollars; surgeon's mates, twenty-four dollars; sergeants, five dollars; corporals, four dollars; privates, three dollars; senior musician in each battalion of infantry, and in the battalion of artillery, five dollars; musicians, three dollars: *Provided always*, That the sums herein after specified, shall be deducted from the pay of the non-commissioned officers, privates and musicians stipulated as aforesaid, for the purposes of forming a fund for clothing and hospital stores. From the monthly pay of each sergeant and senior musician, there shall be deducted for uniform clothing, the sum of one dollar and forty cents, and the farther sum of ten cents for hospital stores; and from the monthly pay of each corporal, for uniform clothing, one dollar and fifteen cents, and the farther sum of ten cents for hospital stores; and from the monthly pay of each private and musician, for uniform clothing, the sum of ninety cents, and the farther sum of ten cents for hospital stores.

deductions for
clothing and
hospital stores.

Adjutants,
quarter, and
paymaster's ad-
ditional pay.

SEC. 6. *And be it further enacted*, That the subalterns who may be appointed to act as adjutants, shall each receive for the same, in addition to their regimental pay, ten dollars per month; and quarter and paymasters so appointed, each five dollars per month.

Officers, what
rations allowed
to for daily sub-
sistence.

SEC. 7. *And be it further enacted*, That the commissioned officers aforesaid, shall receive for their daily subsistence, the following number of rations of provisions—to wit: Lieutenant-colonel commandant, six; a major, four; a captain, three; a lieutenant, two; an ensign, two; a surgeon, three; a surgeon's mate, two, or money in lieu thereof, at the option of the said officers, at the contract price at the posts respectively where the rations shall become due.

Also, money
in lieu of for-
age.

SEC. 8. *And be it further enacted*, That the commissioned officers herein after described, shall receive monthly the following enumerated sums, instead of forage: Lieutenant-colonels commandant, twelve dollars; major commandant of artillery, majors and surgeon each, ten dollars; surgeon's mates each, six dollars.

Privates, what
clothing shall
receive annu-
ally;

SEC. 9. *And be it further enacted*, That every non-commissioned officer, private and musician aforesaid, shall receive annually the following articles of uniform clothing: One hat or helmet, one coat, one vest, two pair of woollen and two pair of linen overalls, four pair of shoes, four shirts, two pair of socks, one blanket, one stock and clasp, and one pair of buckles.

and daily ra-
tions.

SEC. 10. *And be it further enacted*, That every non-commissioned officer, private and musician aforesaid, shall receive daily the following rations of provisions, or the value thereof: One pound of beef, or three quarters of a pound of pork, one pound of bread or flour, half a gill of rum, brandy or whisky, or the value thereof at the contract price where the same shall become due, and at the rate of one quart of salt,

two quarts of vinegar, two pounds of soap, and one pound of candles, to every hundred rations.

SEC. 11. *And be it further enacted*, That if any commissioned officer, non-commissioned officer, private or musician aforesaid, shall be wounded or disabled while in the line of his duty in public service, he shall be placed on the list of the invalids of the United States, at such rate of pay, and under such regulations as shall be directed by the President of the United States, for the time being: *Provided always*, That the rate of compensation for such wounds or disabilities, shall never exceed for the highest disability, half the monthly pay received by any commissioned officer, at the time of being so wounded or disabled; and that the rate of compensation to non-commissioned officers, privates and musicians, shall never exceed five dollars per month. *And provided also*, That all inferior disabilities shall entitle the persons so disabled, to receive only a sum in proportion to the highest disability.

If wounded or disabled, what compensation.

SEC. 12. *And be it further enacted*, That every commissioned officer, non-commissioned officer, private and musician aforesaid, shall take and subscribe the following oath or affirmation—to wit: "I, A. B. do solemnly swear or affirm (as the case may be) to bear true allegiance to the United States of America, and to serve them honestly and faithfully against all their enemies or opposers whomsoever, and to observe and obey the orders of the President of the United States of America, and the orders of the officers appointed over me, according to the articles of war."

Officers and privates to take an oath of allegiance to the United States; and

SEC. 13. *And be it further enacted*, That the commissioned officers, non-commissioned officers, privates and musicians aforesaid, shall be governed by the rules and articles of war, which have been established by the United States in Congress assembled, as far as the same may be applicable to the constitution of the United States, or by such rules and articles as may hereafter by law be established.

be governed by the articles of war.

SEC. 14. *And be it further enacted*, That the "act for recognizing and adapting to the constitution of the United States, the establishment of the troops raised under the resolves of the United States in Congress assembled, and for other purposes therein mentioned," passed the twenty-ninth day of September, one thousand seven hundred and eighty-nine, be, and the same is hereby repealed.

Former establishment of troops repealed.

Act of Sept. 29, 1789, ch. 25.

SEC. 15. *Provided always*, That the non-commissioned officers and privates continued and engaged under the aforesaid act of the twenty-ninth day of September, one thousand seven hundred and eighty-nine, and who shall decline to re-enlist under the establishment made by this act, shall be discharged whenever the President of the United States shall direct the same. *Provided further*, That the whole number of non-commissioned officers, privates and musicians, in the service of the United States at any one time, either by virtue of this act, or by virtue of the aforesaid act, passed the twenty-ninth day of September, one thousand seven hundred and eighty-nine, shall not exceed the number of one thousand two hundred and sixteen.

Certain exceptions; and

SEC. 16. *And be it further enacted*, That for the purpose of aiding the troops now in service, or to be raised by this act, in protecting the inhabitants of the frontiers of the United States, the President is hereby authorized to call into service from time to time such part of the militia of the states respectively, as he may judge necessary for the purpose aforesaid; and that their pay and subsistence while in service, be the same as the pay and subsistence of the troops above mentioned, and they shall be subject to the rules and articles of war.

for further defence, President may call out militia.

APPROVED, April 30, 1790.

STATUTE II.

May 26, 1790.

CHAP. XI.—*An Act to prescribe the mode in which the public Acts, Records, and judicial Proceedings in each State, shall be authenticated so as to take effect in every other State.*

Act of March 27, 1804, ch. 56. Legislative acts, records and judicial proceedings of the several states how to be authenticated; and the effect thereof.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the acts of the legislatures of the several states shall be authenticated by having the seal of their respective states affixed thereto: That the records and judicial proceedings of the courts of any state, shall be proved or admitted in any other court within the United States, by the attestation of the clerk, and the seal of the court annexed, if there be a seal, together with a certificate of the judge, chief justice, or presiding magistrate, as the case may be, that the said attestation is in due form. And the said records and judicial proceedings authenticated as aforesaid, shall have such faith and credit given to them in every court within the United States, as they have by law or usage in the courts of the state from whence the said records are or shall be taken.(a)

APPROVED, May 26, 1790.

STATUTE II.

May 26, 1790.

CHAP. XII.—*An Act to provide for mitigating or remitting the forfeitures and penalties accruing under the revenue laws, in certain cases therein mentioned.*

[Expired.] Act of March 3, 1797, ch. 13. Act of Feb. 11, 1800, ch. 6. Act of March 2, 1821, ch. 13, sec. 3. Act of March 1, 1823, ch. 21, sec. 8. Mitigation or remission of penalties, &c. how to be applied for; and

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whenever any person who now is, or hereafter shall be liable to a fine, penalty or forfeiture, or interested in any vessel, goods, wares or merchandise, or other thing which may be subject to seizure and forfeiture, by force of the laws of the United States now existing, or which may hereafter exist, for collecting duties of impost and tonnage, and for regulating the coasting trade, shall prefer his petition to the judge of the district in which such fine, penalty or forfeiture may have accrued, truly and particularly setting forth the circumstances of his case, and shall pray that the same may be mitigated or remitted; the said judge shall inquire in a summary manner into the circumstances of the case, first causing reasonable notice to be given to the person or persons claiming such fine, penalty or forfeiture, and to the attorney of the United States for such district, that each may have an opportunity of showing cause against the mitigation or remission thereof; and shall cause the facts which shall appear upon such inquiry, to be stated and annexed to the petition, and direct their transmission to the Secretary of the Treasury

(a) Art. 4, sec. 1, Constitution of the United States.—The decisions of the courts of the United States upon this statute, and on the introduction in evidence of the “acts, records, and judicial proceedings of the States,” have been:

Under the fourth article and 1st section of the constitution of the United States, and the act of 26th May, 1790, if a judgment has the effect of record evidence in the courts of the State from which it is taken, it has the same effect in the courts of every other State; and the plea of *nil debet* is not a good plea to an action brought upon such judgment in a court of another State. *Mills v. Duryee*, 7 Cranch, 433; 2 Cond. Rep. 578. See *Leland v. Wilkinson*, 6 Peters, 317. *United States v. Johns*, 4 Dall. 412. *Ferguson v. Harwood*, 7 Cranch, 403; 2 Cond. Rep. 548. *Drummond’s adm’rs v. Magruder’s trustees*, 9 Cranch, 122; 3 Cond. Rep. 303.

Under the act of May 26, 1790, prescribing the mode in which the public records in each State shall be authenticated, so as to take effect in every other State, copies of the legislative acts of the several States, authenticated by having the seal of the State affixed thereto, are conclusive evidence of such acts in every other State. No other formality is required, than the annexation of the seal, and in the absence of all contrary proof, it must be presumed to have been done by an officer having the custody thereof, and competent authority to do the act. *United States v. Amedy*, 11 Wheat. 392; 6 Cond. Rep. 362.

The record of a judgment in one State is conclusive in another, although it appears that the suit in which it was rendered was commenced by an attachment of property, the defendant having afterwards appeared and taken defence. *Mayhew v. Thatcher*, 6 Wheat. 129; 5 Cond. Rep. 34.

In an action upon a judgment, in another State, the defendant cannot plead any fact in bar which contradicts the record on which the suit is brought. *Field v. Gibbs*, Peters’ C. C. R. 155. See *Green v. Sarmiento*, Peters’ C. C. R. 74. *Blount v. Darrah*, 4 Wash. C. C. R. 657. *Turner v. Waddington*, 3 Wash. C. C. R. 126.

of the United States, who shall thereupon have power to mitigate or remit such fine, penalty or forfeiture, or any part thereof, if in his opinion the same was incurred without wilful negligence or any intention of fraud, and to direct the prosecution, if any shall have been instituted for the recovery thereof, to cease and be discontinued, upon such terms or conditions as he may deem reasonable and just. (a) *Provided*, That nothing herein contained shall be construed to affect the right or claim of any person, to that part of any fine, penalty or forfeiture, incurred by breach of either of the laws aforesaid, which such person may be entitled to by virtue of the said laws, in cases where a prosecution has been commenced, or information has been given before the passing of this act; the amount of which right and claim shall be assessed and valued by the judge of the district, in a summary manner.

by whom granted;

Not to affect cases of previous information.

Continuance of the act.

SEC. 2. *And be it further enacted*, That this act shall continue and be in force until the end of the next session of Congress, and no longer.

APPROVED, May 26, 1790.

STATUTE II.

CHAP. XIII.—*An Act to continue in force an act passed at the last session of Congress, entitled "An act to regulate processes in the Courts of the United States."*

May 26, 1790.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act, entitled "An act to regulate processes in the courts of the United States," passed on the twenty-ninth day of September last, shall be, and the same is hereby continued in force until the end of the next session of Congress, and no longer.

[Expired.]
Act of Sept. 29, 1789, ch. 21.

APPROVED, May 26, 1790.

STATUTE II.

CHAP. XIV.—*An Act for the Government of the Territory of the United States, south of the river Ohio.*(b)

May 26, 1790.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the territory of the United States south of the river Ohio, for the purposes of temporary government, shall be one district; the inhabitants of which shall enjoy all the privileges, benefits and advantages set forth in the ordinance of the late Congress, for the government of the territory of the United States northwest of the river Ohio. And the government of the said territory south of the Ohio, shall be similar to that which is now exercised in the territory northwest of the Ohio; except so far as is otherwise provided in the conditions expressed in an act of Congress of the present session, entitled "An act to accept a cession of the claims of the State of North Carolina, to a certain district of western territory."

Act of June 1, 1796, ch. 46.
Act of April 7, 1798, ch. 26.
Territory south of the Ohio, to be one district; its privileges and government:
Act of August 7, 1789, ch. 8.
Exceptions.

SEC. 2. *And be it further enacted*, That the salaries of the officers, which the President of the United States shall nominate, and with the advice and consent of the Senate appoint, by virtue of this act, shall be the same as those, by law established, of similar officers in the government northwest of the river Ohio. And the powers, duties and emoluments of a superintendent of Indian affairs for the southern department, shall be united with those of the governor.

Act of April 2, 1790, ch. 6.
Salaries of the officers therein.

APPROVED, May 26, 1790.

(a) The decisions of the courts of the United States upon this act, and on subsequent acts, in pari materia, have been: *M'Lean v. The United States*, 6 Peters, 404. *United States v. Morris*, 10 Wheat. 246; 6 Cond. Rep. 90. *Cross v. The United States*, 1 Gallis' C. C. R. 26. *The Margareta*, 2 Gallis' C. C. R. 515. *The United States v. The Hunter*, Peters' C. C. R. 10. *The United States v. Lancaster*, 4 Wash. C. C. R. 64.

(b) Ordinance for the government of the territory of the United States, northwest of the river Ohio, in note to page 51.

STATUTE II.
May 31, 1790.

Repealed.

Act of April 29, 1802, ch. 36. Act of Feb. 15, 1819, ch. 19. Act of Feb. 3, 1831, ch. 16. June 30, 1834, ch. 157.

Authors of maps, charts and books; and purchasers from them, to have the sole right of publication &c. for 14 years;

recording the title, &c.

Also, if living at the end of that term, to have the further term of 14 years; recording the title, &c.

Other persons printing, &c. without consent of the author, how to be proceeded against and punished.

CHAP. XV.—*An Act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned.* (a)

SECTION 1. *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 author and authors of any map, chart, book or books already printed within these United States, being a citizen or citizens thereof, or resident within the same, his or their executors, administrators or assigns, who hath or have not transferred to any other person the copyright of such map, chart, book or books, share or shares thereof; and any other person or persons, being a citizen or citizens of these United States, or residents therein, his or their executors, administrators or assigns, who hath or have purchased or legally acquired the copyright of any such map, chart, book or books, in order to print, reprint, publish or vend the same, shall have the sole right and liberty of printing, reprinting, publishing and vending such map, chart, book or books, for the term of fourteen years from the recording the title thereof in the clerk's office, as is herein after directed: And that the author and authors of any map, chart, book or books already made and composed, and not printed or published, or that shall hereafter be made and composed, being a citizen or citizens of these United States, or resident therein, and his or their executors, administrators or assigns, shall have the sole right and liberty of printing, reprinting, publishing and vending such map, chart, book or books, for the like term of fourteen years from the time of recording the title thereof in the clerk's office as aforesaid. And if, at the expiration of the said term, the author or authors, or any of them, be living, and a citizen or citizens of these United States, or resident therein, the same exclusive right shall be continued to him or them, his or their executors, administrators or assigns, for the further term of fourteen years: *Provided*, he or they shall cause the title thereof to be a second time recorded and published in the same manner as is herein after directed, and that within six months before the expiration of the first term of fourteen years aforesaid.

SEC. 2. *And be it further enacted,* That if any other person or persons, from and after the recording the title of any map, chart, book or books, and publishing the same as aforesaid, and within the times limited and granted by this act, shall print, reprint, publish, or import, or cause to be printed, reprinted, published, or imported from any foreign kingdom or state, any copy or copies of such map, chart, book or books, without the consent of the author or proprietor thereof, first had and obtained in writing, signed in the presence of two or more credible witnesses; or knowing the same to be so printed, reprinted, or imported, shall publish, sell, or expose to sale, or cause to be published, sold, or

(a) *Wheaton and Donaldson v. Peters et al.*, 8 Peters, 591. *Binns v. Woodruff*, 4 Wash. C. C. R. 48. *Ewer v. Cox* et al., 4 Wash. C. C. R. 487.

Congress, by the act of 1790, instead of sanctioning an existing, perpetual copyright in an author in his works, created the right, secured for a limited time by the provisions of the law. *Wheaton et al. v. Peters et al.*, 8 Peters, 591.

The acts required by the laws of the United States to be done by an author to secure his copyright, are in the order in which they must naturally transpire. First, the title of the book must be deposited with the clerk, and the record he makes must be inserted on the first or second page; then public notice in the newspapers must be given; and within six months after the publication of the book, a copy must be deposited in the department of state. These are acts which the law requires to be done. Every requisite under both acts of Congress is essential to the title. *Ibid.*

In the 8th section of the 1st article of the constitution of the United States, it is declared that Congress shall have power "to promote the progress of the useful arts by securing for a limited time to authors and inventors, the exclusive right to their writings and inventions." The word "secure," as used in the constitution, could not mean the protection of an acknowledged legal right. It refers to inventors as well as authors, and it has never been pretended by any one, either in this country or in England, that an inventor has a perpetual right at common law, to sell the thing invented. *Ibid.*

Every requisite under both acts of Congress relative to copyrights, is essential to the title. *Ibid.*

exposed to sale, any copy of such map, chart, book or books, without such consent first had and obtained in writing as aforesaid, then such offender or offenders shall forfeit all and every copy and copies of such map, chart, book or books, and all and every sheet and sheets, being part of the same, or either of them, to the author or proprietor of such map, chart, book or books, who shall forthwith destroy the same: And every such offender and offenders shall also forfeit and pay the sum of fifty cents for every sheet which shall be found in his or their possession, either printed or printing, published, imported or exposed to sale, contrary to the true intent and meaning of this act, the one moiety thereof to the author or proprietor of such map, chart, book or books who shall sue for the same, and the other moiety thereof to and for the use of the United States, to be recovered by action of debt in any court of record in the United States, wherein the same is cognizable. *Provided always*, That such action be commenced within one year after the cause of action shall arise, and not afterwards.

1802, ch. 36,
sec. 3.

SEC. 3. *And be it further enacted*, That no person shall be entitled to the benefit of this act, in cases where any map, chart, book or books, hath or have been already printed and published, unless he shall first deposit, and in all other cases, unless he shall before publication deposit a printed copy of the title of such map, chart, book or books, in the clerk's office of the district court where the author or proprietor shall reside: And the clerk of such court is hereby directed and required to record the same forthwith, in a book to be kept by him for that purpose, in the words following, (giving a copy thereof to the said author or proprietor, under the seal of the court, if he shall require the same.) "Dis-
trict of _____ to wit: *Be it remembered*, That on the

Conditions on
which the bene-
fit of this act
shall be obtain-
ed.

_____ day of _____ in the _____ year of the independence of the United States of America, A. B. of the said district, hath deposited in this office the title of a map, chart, book or books, (as the case may be) the right whereof he claims as author or proprietor, (as the case may be) in the words following, to wit: [here insert the title] in conformity to the act of the Congress of the United States, intituled 'An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned.' C. D. clerk of the district of _____." For which the said clerk shall be entitled to receive sixty cents from the said author or proprietor, and sixty cents for every copy under seal actually given to such author or proprietor as aforesaid. And such author or proprietor shall, within two months from the date thereof, cause a copy of the said record to be published in one or more of the newspapers printed in the United States, for the space of four weeks.

1802, ch. 36,
sec. 1, 2.

SEC. 4. *And be it further enacted*, That the author or proprietor of any such map, chart, book or books, shall, within six months after the publishing thereof, deliver, or cause to be delivered to the Secretary of State a copy of the same, to be preserved in his office.

Authors to de-
liver a copy of
their work to
the Secretary
of State.

SEC. 5. *And be it further enacted*, That nothing in this act shall be construed to extend to prohibit the importation or vending, reprinting or publishing within the United States, of any map, chart, book or books, written, printed, or published by any person not a citizen of the United States, in foreign parts or places without the jurisdiction of the United States.

No prohibition
against import-
ing, reprinting,
&c. of foreign
writings or pub-
lications.

SEC. 6. *And be it further enacted*, That any person or persons who shall print or publish any manuscript, without the consent and approbation of the author or proprietor thereof, first had and obtained as aforesaid, (if such author or proprietor be a citizen of or resident in these United States) shall be liable to suffer and pay to the said author or proprietor all damages occasioned by such injury, to be recovered by a

Penalty for
publishing man-
uscripts without
consent of the
authors.

special action on the case founded upon this act, in any court having cognizance thereof.

Persons sued for any thing done under this act may give special matter in evidence.

SEC. 7. *And be it further enacted*, That if any person or persons shall be sued or prosecuted for any matter, act or thing done under or by virtue of this act, he or they may plead the general issue, and give the special matter in evidence.

APPROVED, May 31, 1790.

STATUTE II.

June 4, 1790.

CHAP. XVII.—*An Act for giving effect to an Act entitled "An Act to establish the Judicial Courts of the United States," within the State of North Carolina.*

Act of April 13, 1792 ch. 21. Judicial act declared in force as to N. Carolina. 1790, ch. 1. District court, its sessions, and

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the act intituled "An act to establish the judicial courts of the United States," shall have the like force and effect within the State of North Carolina, as elsewhere within the United States.

where held.

Annexed to southern circuit.

Circuit courts, their sessions.

SEC. 2. *And be it further enacted*, That the said state shall be one district, to be called North Carolina district; and there shall be a district court therein to consist of one judge, who shall reside in the district, and be called a district judge, and shall hold annually four sessions; the first to commence on the first Monday in July next, and the other three sessions progressively on the like Monday of every third calendar month afterwards. The stated district court shall be held at the town of Newbern.

SEC. 3. *And be it further enacted*, That the said district shall be, and the same is hereby annexed to the southern circuit. And there shall be held annually in the said district two circuit courts; the first session of the circuit court shall commence on the eighteenth day of June next, the second session on the eighth day of November next, and the subsequent sessions on the like days of every June and November afterwards, except when any of the days shall happen on a Sunday, and then the session shall commence on the next day following. And the sessions of the said circuit courts shall be held at Newbern.

Where held.

Salary of the judge.

SEC. 4. *And be it further enacted*, That there shall be allowed to the judge of the said district, the yearly compensation of fifteen hundred dollars, to commence from his appointment, and to be paid at the treasury of the United States in quarterly payments.

APPROVED, June 4, 1790.

STATUTE II.

June 4, 1790.

CHAP. XVIII.—*An Act supplemental to the Act for establishing the Salaries of the Executive Officers of Government, with their assistants and Clerks.*

Act of Sep. 11, 1789, ch. 13. Act of March 2, 1799, ch. 23. Secretary of State to appoint an additional clerk; with what salary.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the more effectually to do and perform the duties in the Department of State, the Secretary of the said department be, and is hereby authorized to appoint an additional clerk in his office, who shall be allowed an equal salary, to be paid in the same manner as is allowed by law to the chief clerk.

APPROVED, June 4, 1790.

STATUTE II.

June 14, 1790.

CHAP. XIX.—*An Act for giving effect to the several Acts therein mentioned, in respect to the State of Rhode Island and Providence Plantations.*

[Obsolete.] Acts of import and tonnage, declared in force as to

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the several and respective duties specified, and laid in and by the act, intituled "An act for laying a duty on goods, wares and merchandises im-

ported into the United States," and in and by the act, intituled "An act imposing duties on tonnage," shall be paid and collected upon all goods, wares and merchandises, which after the expiration of five days from the passing of this act, shall be imported into the state of Rhode Island and Providence Plantations, from any foreign port or place, and upon the tonnage of all ships and vessels, which after the said day shall be entered within the said state of Rhode Island and Providence Plantations, subject to the exceptions, qualifications, allowances and abatements in the said acts contained or expressed, which acts shall be deemed to have the like force and operation within the said state of Rhode Island and Providence Plantations, as elsewhere within the United States.

the state of R. Island.

Act of July 4, 1789, ch. 2.

Act of July 20, 1789, ch. 3.

SEC. 2. *And be it further enacted*, That for the due collection of the said duties, there shall be in the said State of Rhode Island and Providence Plantations, two districts—to wit: the district of Newport, and the district of Providence. The district of Newport shall comprehend all the waters, shores, bays, harbors, creeks and inlets, from the west line of the said state, all along the sea-coast, and northward up the Narraganset Bay, as far as the most easterly part of Kinnimicut Point at high water mark; and shall include the several towns, harbors and landing-places at Westerly, Charlestown, South Kingstown, North Kingstown, East Greenwich, and all that part of the town of Warwick southward of the latitude of said Kinnimicut Point; and also the towns, harbors and landing-places of Barrington, Warren, Bristol, Tiverton, Little Compton, and all the towns, harbors and landing-places of the island of Rhode Island, Kinnimicut, Prudence, New Shoreham, and every other island and place within the said state southward of the latitude of the said Kinnimicut Point. The district of Providence shall comprehend all the waters, shores, bays, harbors, creeks and inlets within the said state northward of the latitude of said Kinnimicut Point. The town of Newport shall be sole port of entry in the said district of Newport; and a collector, naval officer and surveyor shall be appointed, to reside at the said town of Newport; and North Kingstown, East Greenwich, Barrington, Warren, Bristol, and Pawcatuck river in Westerly, shall be ports of delivery only; and a surveyor shall be appointed, to reside at each of the ports of North Kingstown, East Greenwich, Warren, Bristol and Pawcatuck river, and the surveyor to reside at Warren shall be surveyor for the port of Barrington. The town of Providence shall be the sole port of entry in the said district of Providence; and Patuxet in the same district shall be a port of delivery only; and a collector, naval officer and surveyor shall be appointed, to reside at Providence, and a surveyor shall be appointed, to reside at Patuxet.

And for due collection, two districts established;

their limits and boundaries;

Ports of entry and delivery.

SEC. 3. *And be it further enacted*, That all the regulations, provisions, exceptions, allowances, compensations, directions, authorities, penalties, forfeitures, and other matters whatsoever contained or expressed in the act, intituled "An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares and merchandises imported into the United States," and not locally inapplicable, shall have the like force and effect within the said state of Rhode Island and Providence Plantations, for the collection of the said duties, as elsewhere within the United States, and as if the same were repeated and re-enacted in this present act: *Provided always, and be it declared*, That the thirty-ninth section of the said act, and the third section of an act, intituled "An act to suspend part of an act, intituled An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, or merchandises imported into the United States, and for other purposes," did, by virtue of the adoption of the constitution of the United States by the said state of Rhode Island and Providence Plantations, cease to operate in respect to the same.

Regulations, exceptions, &c.

1789, ch. 2.

Operation of parts of former acts to cease.

1789, ch. 15.

Act for registering vessels, and to regulate coasting trade declared in force.

Act of Sept. 1, 1789, ch. 11.

SEC. 4. *And be it further enacted*, That the act, intituled "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes," shall, after the expiration of five days from the passing of this act, have the like force and operation within the state of Rhode Island and Providence Plantations, as elsewhere within the United States, and as if the several clauses thereof were repeated and re-enacted in this present act.

APPROVED, June 14, 1790.

STATUTE II.

June 23, 1790.

CHAP. XXI.—*An act for giving effect to an act intituled "An act to establish the Judicial Courts of the United States," within the State of Rhode Island and Providence Plantations.*

Act of April 13, 1792.

[Obsolete.]
Judicial act of Sep. 24, 1789, declared in force as to R. Island.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the act, intituled "An act to establish the judicial courts of the United States," shall have the like force and effect, within the State of Rhode Island and Providence Plantations, as elsewhere within the United States.

District court, its sessions,

SEC. 2. *And be it further enacted*, That the said state shall be one district, to be called Rhode Island district: and there shall be a district court therein, to consist of one judge, who shall reside in the district, and be called a district judge, and shall hold annually four sessions; the first to commence on the first Monday in August next, and the other three sessions progressively on the like Monday of every third calendar month afterwards. The stated district court shall be held alternately at the towns of Newport and Providence, beginning at the first.

where held.

Annexed to eastern circuit.

Circuit courts, their sessions,

SEC. 3. *And be it further enacted*, That the said district shall be, and the same is hereby annexed to the eastern circuit: and there shall be held annually in the said district two circuit courts; the first session of the circuit court shall commence on the fourth day of December next, the second session on the fourth day of June next, and the subsequent sessions on the like days of every December and June afterwards, except when any of the days shall happen on a Sunday, and then the session shall commence on the day following. And the sessions of the said circuit courts shall be held alternately at the said towns of Newport and Providence, beginning at the last.

where held.

Salary of the Judge.

SEC. 4. *And be it further enacted*, That there shall be allowed to the judge of the said district, the yearly compensation of eight hundred dollars, to commence from his appointment, and to be paid at the treasury of the United States, in quarterly payments.

APPROVED, June 23, 1790.

STATUTE II.

July 1, 1790.

CHAP. XXII.—*An Act providing the means of intercourse between the United States and foreign nations.*

Act of Feb. 9, 1793, ch. 4.

Act of March 20, 1794, ch. 7.

President authorized to draw \$40,000.

SECTION 1. *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 shall be, and he hereby is authorized to draw from the treasury of the United States, a sum not exceeding forty thousand dollars annually, to be paid out of the monies arising from the duties on imports and tonnage, for the support of such persons as he shall commission to serve the United States in foreign parts, and for the expense incident to the business in which they may be employed: *Provided*, That exclusive of an outfit, which shall in no case exceed the amount of one year's full salary to the minister plenipotentiary or charge des affaires to whom the same may be allowed, the President shall not allow to any minister plenipotentiary a greater sum than at the rate of

for outfit;

and salaries of ministers plenipotentiary, and

nine thousand dollars per annum, as a compensation for all his personal services and other expenses; nor a greater sum for the same, than four thousand five hundred dollars per annum to a charge des affaires; nor a greater sum for the same, than one thousand three hundred and fifty dollars per annum to the secretary of any minister plenipotentiary: *And provided also*, That the President shall account specifically for all such expenditures of the said money as in his judgment may be made public, and also for the amount of such expenditures as he may think it advisable not to specify, and cause a regular statement and account thereof to be laid before Congress annually, and also lodged in the proper office of the treasury department.

SEC. 2. *And be it further enacted*, That this act shall continue and be in force for the space of two years, and from thence until the end of the next session of Congress thereafter, and no longer.

APPROVED, July 1, 1790.

charge des affaires, and minister's secretary; and to account specifically.

Continuance of this act.

STATUTE II.

July 5, 1790.

CHAP. XXV.—*An Act for giving effect to an act intituled "An act providing for the enumeration of the Inhabitants of the United States," in respect to the state of Rhode Island and Providence Plantations.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the act passed the present session of Congress, intituled "An act providing for the enumeration of the inhabitants of the United States," shall be deemed to have the like force and operation within the state of Rhode Island and Providence Plantations, as elsewhere within the United States; and all the regulations, provisions, directions, authorities, penalties, and other matters whatsoever, contained or expressed in the said act, and which are not locally inapplicable, shall have the like force and effect within the said state, as if the same were repeated and re-enacted in and by this present act.

SEC. 2. *And be it further enacted*, That the marshal of the district of Rhode Island shall receive, in full compensation for the performance of all the duties and services confided to, and enjoined upon him by this act, one hundred dollars.

APPROVED, July 5, 1790.

[Obsolete.] Act for enumeration declared in force as to R. Island. Act of March 1, 1790, ch. 2.

Salary of the marshal.

STATUTE II.

July 5, 1790.

CHAP. XXVI.—*An Act to authorize the purchase of a tract of land for the use of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the President of the United States, and he is hereby authorized to cause to be purchased for the use of the United States, the whole or such part of that tract of land situate in the state of New York, commonly called West Point, as shall be by him judged requisite for the purpose of such fortifications and garrisons as may be necessary for the defence of the same.

APPROVED, July 5, 1790.

President authorized to purchase West Point, for purposes of fortifications, &c.

STATUTE II.

July 16, 1790.

CHAP. XXVII.—*An Act further to provide for the Payment of the Invalid Pensioners of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the military pensions which have been granted and paid by the states respectively, in pursuance of former acts of the United States in Congress assembled, and such as by acts passed in the present session of Congress, are or shall be declared to be due to invalids who were wounded and disabled during

Military pensions to be paid from 4th March, for one year, and under what regulations. Act of March 3, 1791, ch. 24.

the late war, shall be continued and paid by the United States from the fourth day of March last, for the space of one year, under such regulations as the President of the United States may direct.

APPROVED, July 16, 1790.

STATUTE II.

July 16, 1790.

CPAP. XXVIII.—*An Act for establishing the temporary and permanent seat of the Government of the United States.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a district of territory, not exceeding ten miles square, to be located as hereafter directed on the river Potomac, at some place between the mouths of the Eastern Branch and Connogochegue, be, and the same is hereby accepted for the permanent seat of the government of the United States. *Provided nevertheless,* That the operation of the laws of the state within such district shall not be affected by this acceptance, until the time fixed for the removal of the government thereto, and until Congress shall otherwise by law provide.

SEC. 2. *And be it further enacted,* That the President of the United States be authorized to appoint, and by supplying vacancies happening from refusals to act or other causes, to keep in appointment as long as may be necessary, three commissioners, who, or any two of whom, shall, under the direction of the President, survey, and by proper metes and bounds define and limit a district of territory, under the limitations above mentioned; and the district so defined, limited and located, shall be deemed the district accepted by this act, for the permanent seat of the government of the United States.

SEC. 3. *And be it [further] enacted,* That the said commissioners, or any two of them, shall have power to purchase or accept such quantity of land on the eastern side of the said river, within the said district, as the President shall deem proper for the use of the United States, and according to such plans as the President shall approve, the said commissioners, or any two of them, shall, prior to the first Monday in December, in the year one thousand eight hundred, provide suitable buildings for the accommodation of Congress, and of the President, and for the public offices of the government of the United States.

SEC. 4. *And be it [further] enacted,* That for defraying the expense of such purchases and buildings, the President of the United States be authorized and requested to accept grants of money.

SEC. 5. *And be it [further] enacted,* That prior to the first Monday in December next, all offices attached to the seat of the government of the United States, shall be removed to, and until the said first Monday in December, in the year one thousand eight hundred, shall remain at the city of Philadelphia, in the state of Pennsylvania, at which place the session of Congress next ensuing the present shall be held.

SEC. 6. *And be it [further] enacted,* That on the said first Monday in December, in the year one thousand eight hundred, the seat of the government of the United States shall, by virtue of this act, be transferred to the district and place aforesaid. And all offices attached to the said seat of government, shall accordingly be removed thereto by their respective holders, and shall, after the said day, cease to be exercised elsewhere; and that the necessary expense of such removal shall be defrayed out of the duties on imposts and tonnage, of which a sufficient sum is hereby appropriated.

APPROVED, July 16, 1790.

Act of March 3, 1791, ch. 17. District on the Potomac accepted for permanent seat of government, and state laws, when to cease therein.

President to appoint commissioners for locating the same;

who may purchase or accept grants of land; and, prior to Dec. 1800, provide buildings, for the accommodation of Congress.

Expense thereof, how to be defrayed.

Prior to first Monday in Dec. next, seat of government to be removed to Philadelphia, and so remain until the year 1800.

In December, 1800, seat of government to be removed to district accepted by this act.

Act of May 6, 1796, chap. 21.

CHAP. XXIX.—*An Act for the government and regulation of Seamen in the merchants service.*

STATUTE II.
July 20, 1790.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the first day of December next, every master or commander of any ship or vessel bound from a port in the United States to any foreign port, or of any ship or vessel of the burthen of fifty tons or upwards, bound from a port in one state to a port in any other than an adjoining state, shall, before he proceed on such voyage, make an agreement in writing or in print, with every seaman or mariner on board such ship or vessel (except such as shall be apprentice or servant to himself or owners) declaring the voyage or voyages, term or terms of time, for which such seaman or mariner shall be shipped. (a) And if any master or commander of such ship or vessel shall carry out any seaman or mariner (except apprentices or servants as aforesaid) without such contract or agreement being first made and signed by the seamen and mariners, such master or commander shall pay to every such seaman or mariner the highest price or wages which shall have been given at the port or place where such seaman or mariner shall have been shipped, for a similar voyage, within three months next before the time of such shipping: *Provided* such seaman or mariner shall perform such voyage: or if not, then for such time as he shall continue to do duty on board such ship or vessel; and shall moreover forfeit twenty dollars for every such seaman or mariner, one half to the use of the person prosecuting for the same, the other half to the use of the United States: and such seaman or mariner, not having signed such contract, shall not be bound by the regulations, nor subject to the penalties and forfeitures contained in this act.

SEC. 2. *And be it [further] enacted,* That at the foot of every such contract, there shall be a memorandum in writing, of the day and the hour on which such seaman or mariner, who shall so ship and subscribe, shall render themselves on board, to begin the voyage agreed upon. And if any such seaman or mariner shall neglect to render himself on board the ship or vessel, for which he has shipped, at the time mentioned in such memorandum, and if the master, commander, or other officer of the ship or vessel, shall, on the day on which such neglect happened, make an entry in the log-book of such ship or vessel, of the name of such seaman or mariner, and shall in like manner note the time that he so neglected to render himself (after the time appointed); every such seaman or mariner shall forfeit for every hour which he shall so neglect to render himself, one day's pay, according to the rate of wages agreed upon, to be deducted out of his wages. (b) And if

Master and seamen to execute a shipping agreement.
1792, ch. 24.
1796, ch. 36.
1798, ch. 77.
1799, ch. 36.

Exception as to apprentices, &c.

1802, ch. 51.
1805, ch. 28.

Penalties on the master for omission; the highest rate of wages at the place of shipping.

Proviso, as to performance of the voyage by the seaman.

1813, ch. 42.
1814, ch. 8.

Memorandum at the foot of the articles.

Penalty for a seaman neglecting to render himself on board at the time agreed upon.

(a) It seems that no stipulation contrary to the maritime law, to the injury of the seamen, will be allowed to stand, unless an adequate compensation be given to the seamen. *Harden v. Gordon et al.*, 2 Mason's C. C. R. 541. *The Lady Waterstoff*, 1 Adm. Decisions, 214.

The crew of a ship who have signed articles for the voyage under a particular master, without any clause providing for the change of master, are not discharged from the articles by the dismissal of the master by reason of sickness or any other reasonable cause, and the appointment of a new master. They are bound to obey the new master. *The United States v. Ruggles*, 5 Mason's C. C. R. 192.

If the shipping articles are to the final port of discharge, the voyage is not ended until the cargo is wholly unladen. The owner may order the vessel from port to port, until the whole cargo is discharged. *The United States v. Barker*, 5 Mason's C. C. R. 404.

In the shipping articles used in the United States, though wages are designated by the month, yet the contract is entire for the voyage. 1 Adm. Decisions, 142.

A seaman shipped for the voyage, without signing the articles, must be paid the highest rate of wages at the port within three months, and be subject to all the forfeitures imposed and fixed by the maritime law existing before the act of Congress. *The Regulus*, 1 Admiralty Decisions, 215.

The shipping articles must declare, explicitly, the ports at which the voyage is to commence and terminate. *Magee v. The Moss*, Gilpin's Rep. 219.

(b) To justify the forfeiture of a seaman's wages for absence, under the provisions of the act of 1790, the entry in the log-book is indispensable. *Wood v. The Nimrod*, Gilpin's Rep. 86, 212. *Brower v. The Maiden*, Gilpin's Rep. 296.

To receive mariners on board after desertion, is a waiver or pardon of the forfeitures incurred previously. 1 Adm. Decisions, 163.

- Desertion.** any such seaman or mariner shall wholly neglect to render himself on board of such ship or vessel, or having rendered himself on board, shall afterwards desert and escape, so that the ship or vessel proceed to sea without him, every such seaman or mariner shall forfeit and pay to the master, owner or consignee of the said ship or vessel, a sum equal to that which shall have been paid to him by advance at the time of signing the contract, over and besides the sum so advanced, both which sums shall be recoverable in any court, or before any justice of justices of any state, city, town or county within the United States, which, by the laws thereof, have cognizance of debts of equal value, against such seaman or mariner, or his surety or sureties, in case he shall have given surety to proceed the voyage.
- Recovery of forfeitures.** **SEC. 3.** *And be it [further] enacted,* That if the mate or first officer under the master, and a majority of the crew of any ship or vessel, bound on a voyage to any foreign port, shall, after the voyage is begun (and before the ship or vessel shall have left the land) discover that the said ship or vessel is too leaky, or is otherwise unfit in her crew, body, tackle, apparel, furniture, provisions or stores, to proceed on the intended voyage, and shall require such unfitness to be inquired into, the master or commander shall, upon the request of the said mate (or other officer) and such majority, forthwith proceed to or stop at the nearest or most convenient port or place where such inquiry can be made, and shall there apply to the judge of the district court, if he shall there reside, or if not, to some justice of the peace of the city, town or place, taking with him two or more of the said crew who shall have made such request; and thereupon such judge or justice is hereby authorized and required to issue his precept directed to three persons in the neighbourhood, the most skilful in maritime affairs that can be procured, requiring them to repair on board such ship or vessel, and to examine the same in respect to the defects and insufficiencies complained of, and to make report to him the said judge or justice, in writing under their hands, or the hands of two of them, whether in any, or in what respect the said ship or vessel is unfit to proceed on the intended voyage, and what addition of men, provisions or stores, or what repairs or alterations in the body, tackle or apparel will be necessary; and upon such report the said judge or justice shall adjudge and determine, and shall endorse on the said report his judgment, whether the said ship or vessel is fit to proceed on the intended voyage; and if not, whether such repairs can be made or deficiencies supplied where the ship or vessel then lays, or whether it be necessary for the said ship or vessel to return to the port from whence she first sailed, to be there refitted; and the master and crew shall in all things conform to the said judgment; and the master or commander shall, in the first instance, pay all the costs of such view, report and judgment, to be taxed and allowed on a fair copy thereof, certified by the said judge or justice. But if the complaint of the said crew shall appear upon the said report and judgment, to have been without foundation, then the said master, or the owner or consignee of such ship or vessel, shall deduct the amount thereof, and of reasonable damages for the detention (to be ascertained by the said judge or justice) out of the wages growing due to the complaining seamen or mariners. And if after such judgment, such ship or vessel is fit to proceed on her intended voyage, or after procuring such men, provisions, stores, repairs or alterations as may be directed, the said seamen or mariners, or either of them, shall refuse to proceed on the voyage, it shall and may be lawful for any justice of the peace to commit by warrant under his hand and
- Vessel leaky, or unfit for the voyage.**
- Proceedings.**
- Application by the master to the district judge, or some justice of the peace.**
- Precept from the judge. &c.**
- Master to pay costs in the first instance.**
- If complaint groundless, costs to be charged to seamen.**

As to the forfeiture of their wages by seamen, see *Brown v. Jones*, 2 Gallis. C. C. R. 477. *The Two Catherinees*, 2 Mason's C. C. R. 319. *The Ship Mentor*, 4 Mason's C. C. R. 84. *Orne v. Townsend*, 4 Mason's C. C. R. 541. *The Phoebe*, 1 Wash. C. C. R. 48. *The Maria*, 1 Adm. Decisions, 186. *Sims v. Mariners*, 2 Adm. Decisions, 393. *Sprague v. Kain*, Bce's Rep. 184. *Peters' Digest*,—"Admiralty."

seal, every such seaman or mariner (who shall so refuse) to the common gaol of the county, there to remain without bail or main prize, until he shall have paid double the sum advanced to him at the time of subscribing the contract for the voyage, together with such reasonable costs as shall be allowed by the said justice, and inserted in the said warrant, and the surety or sureties of such seaman or mariner (in case he or they shall have given any) shall remain liable for such payment; nor shall any such seaman or mariner be discharged upon any writ of habeas corpus or otherwise, until such sum be paid by him or them, or his or their surety or sureties, for want of any form of commitment, or other previous proceedings. *Provided*, That sufficient matter shall be made to appear, upon the return of such habeas corpus, and an examination then to be had, to detain him for the causes herein before assigned.

SEC. 4. *And be it [further] enacted*, That if any person shall harbor or secrete any seaman or mariner belonging to any ship or vessel, knowing them to belong thereto, every such person, on conviction thereof before any court in the city, town or county where he, she or they may reside, shall forfeit and pay ten dollars for every day which he, she or they shall continue so to harbor or secrete such seaman or mariner, one half to the use of the person prosecuting for the same, the other half to the use of the United States; and no sum exceeding one dollar, shall be recoverable from any seaman or mariner by any one person, for any debt contracted during the time such seaman or mariner shall actually belong to any ship or vessel, until the voyage for which such seaman or mariner engaged shall be ended.

SEC. 5. *And be it [further] enacted*, That if any seaman or mariner, who shall have subscribed such contract as is herein before described, shall absent himself from on board the ship or vessel in which he shall so have shipped, without leave of the master or officer commanding on board; (a) and the mate, or other officer having charge of the log-book, shall make an entry therein of the name of such seaman or mariner, on the day on which he shall so absent himself, and if such seaman or mariner shall return to his duty within forty-eight hours, such seaman or mariner shall forfeit three days pay for every day which he shall so absent himself, to be deducted out of his wages; but if any seaman or mariner shall absent himself for more than forty-eight hours at one time, he shall forfeit all the wages due to him, and all his goods and chattels which were on board the said ship or vessel, or in any store where they may have been lodged at the time of his desertion, to the use of the owners of the ship or vessel, and moreover shall be liable to pay to him or them all damages which he or they may sustain by being obliged to hire other seamen or mariners in his or their place, and such damages shall be recovered with costs, in any court or before any justice or justices having jurisdiction of the recovery of debts to the value of ten dollars or upwards.

SEC. 6. *And be it [further] enacted*, That every seaman or mariner shall be entitled to demand and receive from the master or commander of the ship or vessel to which they belong, one third part of the wages which shall be due to him at every port where such ship or vessel shall unlade and deliver her cargo before the voyage be ended, unless the contrary be expressly stipulated in the contract: and as soon as the voyage is ended, and the cargo or ballast be fully discharged at the last port of delivery, every seaman or mariner shall be entitled to the wages which shall be then due

Seamen refusing to proceed to sea, after proceedings, if vessel found sea worthy, to be imprisoned.

Not to be discharged on Habeas Corpus, until damages be paid.

Penalty for harboring runaway seamen.

No sum exceeding one dollar to be recoverable for any debt from seamen during the voyage.

Mariner absenting himself from duty, penalty on, and how to be proceeded against.

Penalty.

Damages recoverable.

When, and at what port entitled to demand his wages.

(a) Desertion during the voyage, is, by the maritime law, a forfeiture of all the wages antecedently due. But a desertion to work this effect, must not be merely an absence without leave, or in disobedience of orders, but an intention to abandon the ship and the service. 1 Sumner's Rep. 373.

As to desertion, see the following cases. *Emmerson v. Howland*, 1 Mason's C. C. R. 45. *Sims v. Mariners*, 2 Adm. Decisions, 393. *Wood v. The Nimrod*, Gilpin's Rep. 86. *Magee v. The Moss*, Gilpin's Rep. 219.

How wages to be recovered if withheld.

All the seamen may join in the suit.

Contract to be produced by master.

Remedy at common law.

Mariner deserting at any port or place, how to be proceeded against and punished.

Proceedings.

1842, ch. 28.

Every ship or vessel outward bound, to be furnished with a medicine chest:

according to his contract; (a) and if such wages shall not be paid within ten days after such discharge, or if any dispute shall arise between the master and seamen or mariners touching the said wages, it shall be lawful for the judge of the district where the said ship or vessel shall be, or in case his residence be more than three miles from the place, or of his absence from the place of his residence, then, for any judge or justice of the peace, to summon the master of such ship or vessel to appear before him, to show cause why process should not issue against such ship or vessel, her tackle, furniture and apparel, according to the course of admiralty courts, to answer for the said wages: and if the master shall neglect to appear, or appearing, shall not show that the wages are paid, or otherwise satisfied or forfeited, and if the matter in dispute shall not be forthwith settled, in such case the judge or justice shall certify to the clerk of the court of the district, that there is sufficient cause of complaint whereon to found admiralty process, and thereupon the clerk of such court shall issue process against the said ship or vessel, and the suit shall be proceeded on in the said court, and final judgment be given according to the course of admiralty courts in such cases used; and in such suit all the seamen or mariners (having cause of complaint of the like kind against the same ship or vessel) shall be joined as complainants; and it shall be incumbent on the master or commander to produce the contract and log-book, if required, to ascertain any matters in dispute; otherwise the complainants shall be permitted to state the contents thereof, and the proof of the contrary shall lie on the master or commander; but nothing herein contained shall prevent any seaman or mariner from having or maintaining any action at common law for the recovery of his wages, or from immediate process out of any court having admiralty jurisdiction, wherever any ship or vessel may be found, in case she shall have left the port of delivery where her voyage ended, before payment of the wages, or in case she shall be about to proceed to sea before the end of the ten days next after the delivery of her cargo or ballast.

SEC. 7. *And be it [further] enacted*, That if any seaman or mariner, who shall have signed a contract to perform a voyage, shall, at any port or place, desert, or shall absent himself from such ship or vessel, without leave of the master, or officer commanding in the absence of the master, it shall be lawful for any justice of peace within the United States (upon the complaint of the master) to issue his warrant to apprehend such deserter, and bring him before such justice; and if it shall then appear by due proof, that he has signed a contract within the intent and meaning of this act, and that the voyage agreed for is not finished, altered, or the contract otherwise dissolved, and that such seaman or mariner has deserted the ship or vessel, or absented himself without leave, the said justice shall commit him to the house of correction or common gaol of the city, town or place, there to remain until the said ship or vessel shall be ready to proceed on her voyage, or till the master shall require his discharge, and then to be delivered to the said master, he paying all the cost of such commitment, and deducting the same out of the wages due to such seaman or mariner.

SEC. 8. *And be it [further] enacted*, That every ship or vessel belonging to a citizen or citizens of the United States, of the burthen of one hundred and fifty tons or upwards, navigated by ten or more persons in the whole, and bound on a voyage without the limits of the United States, shall be provided with a chest of medicines, put up by some apothecary of known reputation, and accompanied by directions for administering the same; and the said medicines shall be examined by the same or some other

(a) Wages are payable in ten days from the end of the voyage, but in some cases fifteen days are allowed for the discharge of the cargo and payment of the freight. *Edwards v. The Susan*, 1 Adm. Decisions, 165.

The end of the voyage is the period when wages are due. *Ibid.*

apothecary, once at least in every year, and supplied with fresh medicines in the place of such as shall have been used or spoiled; and in default of having such medicine chest so provided, and kept fit for use, the master or commander of such ship or vessel shall provide and pay for all such advice, medicine, or attendance of physicians, as any of the crew shall stand in need of in case of sickness, at every port or place where the ship or vessel may touch or trade at during the voyage, without any deduction from the wages of such sick seaman or mariner.(a)

Penalty on the master for default.

SEC. 9. *And be it [further] enacted*, That every ship or vessel, belonging as aforesaid, bound on a voyage across the Atlantic ocean, shall, at the time of leaving the last port from whence she sails, have on board, well secured under deck, at least sixty gallons of water, one hundred pounds of salted flesh meat, and one hundred pounds of wholesome ship-bread, for every person on board such ship or vessel, over and besides such other provisions, stores and live-stock as shall by the master or passengers be put on board, and in like proportion for shorter or longer voyages; and in case the crew of any ship or vessel, which shall not have been so provided, shall be put upon short allowance in water, flesh or bread, during the voyage, the master or owner of such ship or vessel shall pay to each of the crew, one day's wages beyond the wages agreed on, for every day they shall be so put to short allowance, to be recovered in the same manner as their stipulated wages.(b)

Act of March 2, 1805, ch. 28. Ships, &c. bound across the Atlantic, what supply of provisions and water shall be laid in.

Penalty for short allowance of provisions and water.

APPROVED, July 20, 1790.

STATUTE II.

CHAP. XXX.—*An Act imposing duties on the tonnage of ships or vessels.*

July 20, 1790.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That upon all ships or vessels which after the first day of September next, shall be entered in the United States from any foreign port or place, there shall be paid the several and respective duties following, that is to say: On ships or vessels of the United States at the rate of six cents per ton: on ships or vessels built within the United States after the twentieth day of July last, but belonging wholly or in part to subjects of foreign powers, at the rate of thirty cents per ton: on other ships or vessels at the rate of fifty cents per ton.(c)

Tonnage duty on ships or vessels of U. States,

on those of foreigners;

on all others.

SEC. 2. *And be it further enacted*, That the aforesaid duty of six cents per ton, shall be also paid upon every ship or vessel of the United States, which after the said first day of September next, shall be entered in a district in one state from a district in another state, other than an ad-

On ships or vessels of the U. States, trading between district and district.

(a) The act of Congress of July 20, 1790, for the government and regulation of seamen in the merchant service, has not changed the maritime law, except, perhaps, so far as respects medicines and medical advice, when there is a proper medicine chest, and medical directions on board the vessel. The charges for nursing and lodging are not affected by the act. *Harden v. Gordon et al.*, 2 Mason, 541.

The expense of curing a sick seaman, in the course of a voyage, is a charge on the ship by the maritime law. *Ibid.*

The onus probandi in respect to the sufficiency of the medicine chest, lies on the owner, in an action by the seamen for wages. *Ibid.*

A stipulation that the seamen shall pay for medical advice and medicine, without any condition that there shall be a suitable medicine chest, &c., is void as contrary to the act of Congress. *Ibid.*

When a seaman at a foreign port, contracts an ordinary disease, without any fault of his own, and remains on board a vessel which is properly provided with a medicine chest, the expense of a physician, if necessary for the safety of his life is to be deducted from his wages. *Holmes v. Hutchinson*, Gilpin's Rep. 448.

(b) In reference to the claims of seamen for "short allowance," it was decided that the navy rations furnish a rule by which the allowance to seamen shall be determined. That when the articles mentioned in the act of Congress can be procured, no substitute shall be allowed; but it is otherwise if they cannot be obtained. *The ship Washington*, 1 Adm. Decisions, 219.

The provisions of the act of Congress relative to short allowance, do not apply to seamen shipped while the ship is at a foreign port. *Ibid.*

(c) See act of March 3, 1815, obsolete; act of April 20, 1818, obsolete; act of March 3, 1819, obsolete.

joining state on the sea-coast, or on a navigable river, having on board goods, wares and merchandise taken in one state to be delivered in another state: *Provided*, That it shall not be paid on any ship or vessel having a license to trade between the different districts of the United States, or to carry on the bank or whale fisheries, whilst employed therein, more than once a year. (a)

On ships or vessels not of U. States, trading between district and district.

Payment of foreign tonnage heretofore exacted on certain vessels of the U. States, employed in coasting trade and fisheries.

Restitution to be made for.

Act of 1789, ch. 11. sec. 23.

See acts of 1799, ch. 22, sec. 63, 64.

1802, ch. 45, sec. 8.

Not demandable in future.

Repeal of former act.

1789, ch. 3.

SEC. 3. *And be it further enacted*, That upon every ship or vessel not of the United States, which after the said first day of September next, shall be entered in one district from another district, having on board goods, wares and merchandise taken in, in one district to be delivered in another district, there shall be paid at the rate of fifty cents per ton.

And whereas it is declared by the twenty-third section of the act, intituled "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes," "That if any vessel of the burthen of twenty tons or upwards, not having a certificate of registry or enrolment, and a license, shall be found trading between different districts, or be employed in the bank or whale fisheries, every such ship or vessel shall be subject to the same tonnage and fees as foreign ships or vessels," which, from the impracticability in some cases of obtaining licenses in due season, and from misapprehension in others, has operated to the prejudice of individuals; and it being proper that relief should be granted in cases where the strict operation of new laws may have occasioned hardship and inconvenience:

SEC. 4. *Be it therefore further enacted*, That in all cases in which the said foreign duty shall have been heretofore paid on ships or vessels of the United States, whether registered at the time of payment or afterwards, restitution thereof shall be made, and that no such foreign duty shall hereafter be demanded on the said ships or vessels.

SEC. 5. *And be it further enacted*, That the act, intituled "An act imposing duties on tonnage," shall, after the said first day of September next, be repealed, and shall thenceforth cease to operate, except as to the collection of the duties which shall have accrued prior to the said repeal, for which purpose the said act shall continue in force.

APPROVED, July 20, 1790.

STATUTE II.

July 22, 1790.

CHAP. XXXI.—*An Act providing for holding a Treaty or Treaties to establish Peace with certain Indian tribes.*

[Expired.]
\$20,000 arising from imports and tonnage, appropriated.

1789, ch. 10.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the balance unexpended, of the sum of twenty thousand dollars, appropriated by the act, intituled "An act providing for the expenses which may attend negotiations or treaties with the Indian tribes, and the appointment of commissioners for managing the same," a farther sum, not exceeding twenty thousand dollars, arising from the duties on imports and tonnage, shall be, and the same is hereby appropriated for defraying the expenses of negotiating, and holding a treaty or treaties, and for promoting a friendly intercourse, and preserving peace with the Indian tribes.

APPROVED, July 22, 1790.

(a) The acts imposing duties on the tonnage of domestic ships or vessels, have been:

Act of July 20, 1790, chap. 30; act of March 2, 1799, chap. 23; act of May 1, 1802, chap. 45; act of April 27, 1816, chap. 107; act of January 14, 1817, chap. 3; act of March 1, 1817, chap. 31; act of May 31, 1830, chap. 219; act of August 30, 1842, chap. 270.

Tonnage duties on foreign ships.—Act of July 20, 1790, chap. 30; act of March 2, 1799, chap. 23; act of May 1, 1802, chap. 45; act of April 27, 1816, chap. 107; act of January 14, 1817, chap. 3; act of March 1, 1817, chap. 31, sec. 6; act of May 31, 1830, chap. 219; act of August 30, 1842, chap. 270.

CHAP. XXXII.—*An Act to amend the act for the establishment and support of Lighthouses, beacons, buoys, and public piers.*

STATUTE II.
July 22, 1790.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all expenses which shall accrue from and after the fifteenth day of August next, for the necessary support, maintenance and repairs of all lighthouses, beacons, buoys and public piers, within the United States, shall continue to be defrayed by the United States, until the first day of July, one thousand seven hundred and ninety-one, notwithstanding such lighthouses, beacons, buoys, and public piers, with the lands and tenements thereunto belonging, and the jurisdictions of the same, shall not in the mean time be ceded to or vested in the United States, by the state or states respectively, in which the same may be, and that the said time be further allowed to the states respectively to make such cessions.

APPROVED, July 22, 1790.

Expense of lighthouses, &c. to be defrayed until 1st July, 1791, although not ceded, and States allowed till that day to make cessions.

CHAP. XXXIII.—*An Act to regulate trade and intercourse with the Indian tribes.*(a)

STATUTE II.
July 22, 1790.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That no person shall be permitted to carry on any trade or intercourse with the Indian tribes, without a license for that purpose under the hand and seal of the superintendent of the department, or of such other person as the President of the United States shall appoint for that purpose; which superintendent, or other person so appointed, shall, on application, issue such license to any proper person, who shall enter into bond with one or more sureties, approved of by the superintendent, or person issuing such license, or by the President of the United States, in the penal sum of one thousand dollars, payable to the President of the United States for the time being, for the use of the United States, conditioned for the true and faithful observance of such rules, regulations and restrictions, as now are, or hereafter shall be made for the government of trade and intercourse with the Indian tribes. The said superintendents, and persons by them licensed as aforesaid, shall be governed in all things touching the said trade and intercourse, by such rules and regulations as the President shall prescribe. And no other person shall be permitted to carry on any trade or intercourse with the Indians without such license as aforesaid. No license shall be granted for a longer term than two years. *Provided nevertheless,* That the President may make such order respecting the tribes surrounded in their settlements by the citizens of the United States, as to secure an intercourse without license, if he may deem it proper.

Licenses to trade with the Indians, by whom to be granted,

and how to be obtained.

SEC. 2. *And be it further enacted,* That the superintendent, or person issuing such license, shall have full power and authority to recall all such licenses as he may have issued, if the person so licensed shall transgress any of the regulations or restrictions provided for the government of trade and intercourse with the Indian tribes, and shall put in suit such bonds as he may have taken, immediately on the breach of any condition in said bond: *Provided always,* That if it shall appear on trial, that the person from whom such license shall have been recalled, has not offended against any of the provisions of this act, or the regulations prescribed for the trade and intercourse with the Indian tribes, he shall be entitled to receive a new license.

May be recalled for certain transgressions.

SEC. 3. *And be it further enacted,* That every person who shall attempt to trade with the Indian tribes, or be found in the Indian country

Penalty for trading without license.

(a) See act of March 1, 1793, chap. 19. (Repealed.)

with such merchandise in his possession as are usually vended to the Indians, without a license first had and obtained, as in this act prescribed, and being thereof convicted in any court proper to try the same, shall forfeit all the merchandise so offered for sale to the Indian tribes, or so found in the Indian country, which forfeiture shall be one half to the benefit of the person prosecuting, and the other half to the benefit of the United States.

Sales of lands by Indians, in what cases valid.

SEC. 4. *And be it enacted and declared,* That no sale of lands made by any Indians, or any nation or tribe of Indians within the United States, shall be valid to any person or persons, or to any state, whether having the right of pre-emption to such lands or not, unless the same shall be made and duly executed at some public treaty, held under the authority of the United States.

Offences committed within the Indian territory, how to be punished.

SEC. 5. *And be it further enacted,* That if any citizen or inhabitant of the United States, or of either of the territorial districts of the United States, shall go into any town, settlement or territory belonging to any nation or tribe of Indians, and shall there commit any crime upon, or trespass against, the person or property of any peaceable and friendly Indian or Indians, which, if committed within the jurisdiction of any state, or within the jurisdiction of either of the said districts, against a citizen or white inhabitant thereof, would be punishable by the laws of such state or district, such offender or offenders shall be subject to the same punishment, and shall be proceeded against in the same manner as if the offence had been committed within the jurisdiction of the state or district to which he or they may belong, against a citizen or white inhabitant thereof.

Proceedings therein.

SEC. 6. *And be it further enacted,* That for any of the crimes or offences aforesaid, the like proceedings shall be had for apprehending, imprisoning or bailing the offender, as the case may be, and for recognizing the witnesses for their appearance to testify in the case, and where the offender shall be committed, or the witnesses shall be in a district other than that in which the offence is to be tried, for the removal of the offender and the witnesses or either of them, as the case may be, to the district in which the trial is to be had, as by the act to establish the judicial courts of the United States, are directed for any crimes or offences against the United States.

Act of Sep. 24, 1789.

Continuance of this act.

SEC. 7. *And be it further enacted,* That this act shall be in force for the term of two years, and from thence to the end of the next session of Congress, and no longer.

APPROVED, July 22, 1790.

STATUTE II.

August 4, 1790.

CHAP. XXXIV.—*An Act making provision for the [payment of the] Debt of the United States.*(a)

[Obsolete.]
Recital.

WHEREAS, justice and the support of public credit require, that provision should be made for fulfilling the engagements of the United States, in respect to their foreign debt, and for funding their domestic debt upon equitable and satisfactory terms :

Duties on imports and tonnage appropriated to pay interest on the foreign debt and future loans, reserving

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That reserving out of the monies which have arisen since the last day of December last past, and which shall hereafter arise from the duties on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels, the yearly sum of six hundred thousand

(a) The acts making provision for the debt of the United States, contracted during the war of the revolution, have been: Act of August 4, 1790, chap. 34; act of August 10, 1790, chap. 39; act of December 27, 1790, chap. 1; act of August 12, 1790, chap. 47; act of May 8, 1792, chap. 38; act of March 2, 1793, chap. 25; act of May 30, 1794, chap. 36; act of January 28, 1795, chap. 13; act of February 19, 1796, chap. 2; act of March 3, 1797, chap. 25; act of March 3, 1791, chap. 25.

dollars, or so much thereof as may be appropriated from time to time, towards the support of the government of the United States, and their common defence, the residue of the said monies, or so much thereof, as may be necessary, as the same shall be received in each year, next after the sum reserved as aforesaid, shall be, and is hereby appropriated to the payment of the interest which shall from time to time become due on the loans heretofore made by the United States in foreign countries; and also to the payment of interest on such further loans as may be obtained for discharging the arrears of interest thereupon, and the whole or any part of the principal thereof; to continue so appropriated until the said loans, as well those already made as those which may be made in virtue of this act, shall be fully satisfied, pursuant to the contracts relating to the same, any law to the contrary notwithstanding. *And provided*, That nothing herein contained, shall be construed to annul or alter any appropriation by law made prior to the passing of this act.

600,000 dollars annually for support of government.

And as new loans are and will be necessary for the payment of the aforesaid arrears of interest, and the instalments of the principal of the said foreign debt due and growing due, and may also be found expedient for effecting an entire alteration in the state of the same:

For payment of interest and instalments of foreign debt.

Sec. 2. Be it further enacted, That the President of the United States be, and he is hereby authorized, to cause to be borrowed on behalf of the United States, a sum or sums, not exceeding in the whole twelve million of dollars; and that so much of this sum as may be necessary to the discharge of the said arrears and instalments, and (if it can be effected upon terms advantageous to the United States) to the paying off the whole of the said foreign debt, be appropriated solely to those purposes: And the President is moreover further authorized to cause to be made such other contracts respecting the said debt as shall be found for the interest of the said States. *Provided nevertheless*, That no engagement nor contract shall be entered into which shall preclude the United States from reimbursing any sum or sums borrowed within fifteen years after the same shall have been lent or advanced.

President may make new loans and contracts.

And whereas it is desirable to adapt the nature of the provision to be made for the domestic debt to the present circumstances of the United States, as far as it shall be found practicable, consistently with good faith and the rights of the creditors; which can only be done by a voluntary loan on their part:

Sec. 3. Be it therefore further enacted, That a loan to the full amount of the said domestic debt be, and the same is hereby proposed; and that books for receiving subscriptions to the said loan be opened at the treasury of the United States, and by a commissioner to be appointed in each of the said states, on the first day of October next, to continue open until the last day of September following, inclusively; and that the sums which shall be subscribed thereto, be payable in certificates issued for the said debt, according to their specie value, and computing the interest upon such as bear interest to the last day of December next, inclusively; which said certificates shall be of these several descriptions, to wit:

Domestic debt to be loaned to its full amount, and subscriptions thereto, how to be made;

Those issued by the register of the treasury.

in what payable.

Those issued by the commissioners of loans in the several states, including certificates given pursuant to the act of Congress of the second of January, one thousand seven hundred and seventy-nine, for bills of credit of the several emissions of the twentieth of May, one thousand seven hundred and seventy-seven, and the eleventh of April, one thousand seven hundred and seventy-eight.

Those issued by the commissioners for the adjustment of the accounts of the quartermaster, commissary, hospital, clothing, and marine departments.

Those issued by the commissioners for the adjustment of accounts in the respective states.

Those issued by the late and present paymaster-general, or commissioner of army accounts.

Those issued for the payment of interest, commonly called indents of interest.

And in the bills of credit issued by the authority of the United States in Congress assembled, at the rate of one hundred dollars in the said bills, for one dollar in specie.

Subscribers paying in principal of domestic debt, what proportions of principal, rate of interest and terms of payment entitled to.

SEC. 4. *And be it further enacted*, That for the whole or any part of any sum subscribed to the said loan, by any person or persons, or body politic, which shall be paid in the principal of the said domestic debt, the subscriber or subscribers shall be entitled to a certificate, purporting that the United States owe to the holder or holders thereof, his, her, or their assigns, a sum to be expressed therein, equal to two thirds of the sum so paid, bearing an interest of six per centum per annum, payable quarter yearly, and subject to redemption by payments not exceeding in one year, on account both of principal and interest, the proportion of eight dollars upon a hundred of the sum mentioned in such certificate; and to another certificate purporting that the United States owe to the holder or holders thereof, his, her or their assigns, a sum to be expressed therein, equal to the proportion of thirty-three dollars and one third of a dollar upon a hundred of the sum so paid, which after the year one thousand eight hundred shall bear an interest of six per centum per annum, payable quarter yearly, and subject to redemption by payments not exceeding in one year, on account both of principal and interest, the proportion of eight dollars upon a hundred of the sum mentioned in such certificate: *Provided*, That it shall not be understood that the United States shall be bound or obliged to redeem in the proportion aforesaid; but it shall be understood only that they have a right so to do.

Subscribers paying in interest of domestic debt, what proportions of principal, rate of interest, and terms of payment entitled to.

SEC. 5. *And be it further enacted*, That for the whole or any part of any sum subscribed to the said loan by any person or persons, or body politic, which shall be paid in the interest of the said domestic debt, computed to the said last day of December next, or in the said certificates issued in payment of interest, commonly called indents of interest, the subscriber or subscribers shall be entitled to a certificate purporting that the United States owe to the holder or holders thereof, his, her or their assigns, a sum to be specified therein, equal to that by him, her or them so paid, bearing an interest of three per centum per annum, payable quarter yearly, and subject to redemption by payment of the sum specified therein, whenever provision shall be made by law for that purpose.

Commissioner to be appointed in each state to receive subscriptions, &c.

SEC. 6. *And be it further enacted*, That a commissioner be appointed for each state, to reside therein, whose duty it shall be to superintend the subscriptions to the said loan; to open books for the same; to receive the certificates which shall be presented in payment thereof; to liquidate the specie value of such of them as shall not have been before liquidated; to issue the certificates above mentioned in lieu thereof, according to the terms of each subscription; to enter in books to be by him kept for that purpose, credits to the respective subscribers to the said loan for the sums to which they shall be respectively entitled; to transfer the said credits upon the said books from time to time as shall be requisite; to pay the interest thereupon as the same shall become due, and generally to observe and perform such directions and regulations as shall be prescribed to him by the Secretary of the Treasury, touching the execution of his office.

SEC. 7. *And be it further enacted*, That the stock which shall be created pursuant to this act, shall be transferable only on the books of

the treasury, or of the said commissioners respectively, upon which the credit for the same shall exist at the time of transfer, by the proprietor or proprietors of such stock, his, her or their attorney: but it shall be lawful for the Secretary of the Treasury, by special warrant under his hand and the seal of the treasury, countersigned by the comptroller, and registered by the register, at the request of the respective proprietors, to authorize the transfer of such stock from the books of one commissioner to those of another commissioner, or to those of the treasury, and from those of the treasury to those of a commissioner.

Stock created by this act, how transferable,

SEC. 8. *And be it further enacted*, That the interest upon the said stock, as the same shall become due, shall be payable quarter yearly—that is to say: One fourth part thereof on the last day of March: one other fourth part thereof on the last day of June: one other fourth part thereof on the last day of September; and the remaining fourth part thereof on the last day of December in each year, beginning on the last day of March next ensuing; and payment shall be made wheresoever the credit for the said stock shall exist at the time such interest shall become due—that is to say: At the treasury, if the credit for the same shall then exist on the books of the treasury, or at the office of the commissioner upon whose books such credit shall then exist. But if the interest for one quarter shall not be demanded before the expiration of a third quarter, the same shall be afterwards demandable only at the treasury.

and interest thereon payable quarterly.

And as it may happen that some of the creditors of the United States may not think fit to become subscribers to the said loan:

Non-subscribing creditors, their rights not to be impaired, and

SEC. 9. *Be it further enacted*, That nothing in this act contained shall be construed in any wise to alter, abridge or impair the rights of those creditors of the United States, who shall not subscribe to the said loan, or the contracts upon which their respective claims are founded; but the said contracts and rights shall remain in full force and virtue.

And that such creditors may not be excluded from a participation in the benefit hereby intended to the creditors of the United States in general, while the said proposed loan shall be depending, and until it shall appear from the event thereof what farther or other arrangements may be necessary respecting the said domestic debt:

SEC. 10. *Be it therefore further enacted*, That such of the creditors of the United States as may not subscribe to the said loan, shall nevertheless receive during the year one thousand seven hundred and ninety-one, a rate per centum on the respective amounts of their respective demands, including interest to the last day of December next, equal to the interest payable to subscribing creditors, to be paid at the same times, at the same places, and by the same persons as is herein before directed, concerning the interest on the stock which may be created in virtue of the said proposed loan. But as some of the certificates now in circulation have not heretofore been liquidated to specie value, as most of them are greatly subject to counterfeit, and counterfeits have actually taken place in numerous instances, and as embarrassment and imposition might, for these reasons, attend the payment of interest on those certificates in their present form, it shall therefore be necessary to entitle the said creditors to the benefit of the said payment, that those of them who do not possess certificates issued by the register of the treasury, for the registered debt, should produce previous to the first day of June next, their respective certificates, either at the treasury of the United States, or to some one of the commissioners to be appointed as aforesaid, to the end that the same may be cancelled, and other certificates issued in lieu thereof; which new certificates shall specify the specie amount of those in exchange for which they are given, and shall be otherwise of the like tenor with those heretofore issued by the said register of the treasury for the said registered debt, and shall be trans-

to be paid a rate per cent. on the amount of their demands equal to the interest allowed to subscribing creditors.

All certificates in circulation, to be cancelled and new ones issued.

ferable on the like principles with those directed to be issued on account of the subscriptions to the loan hereby proposed.

Commissioners
their salaries,

SEC. 11. *And be it further enacted*, That the commissioners who shall be appointed pursuant to this act, shall respectively be entitled to the following yearly salaries, that is to say: The commissioner for the state of New Hampshire, six hundred and fifty dollars: The commissioner for the state of Massachusetts, fifteen hundred dollars: The commissioner for the state of Rhode Island and Providence Plantations, six hundred dollars: The commissioner for the state of Connecticut, one thousand dollars: The commissioner for the state of New York, fifteen hundred dollars: The commissioner for the state of New Jersey, seven hundred dollars: The commissioner for the state of Pennsylvania, fifteen hundred dollars: The commissioner for the state of Delaware, six hundred dollars: The commissioner for the state of Maryland, one thousand dollars: The commissioner for the state of Virginia, fifteen hundred dollars: The commissioner for the state of North Carolina, one thousand dollars: The commissioner for the state of South Carolina, one thousand dollars: The commissioner for the state of Georgia, seven hundred dollars: Which salaries shall be in full compensation for all services and expenses.

to take an oath
and enter into
bond.

SEC. 12. *And be it further enacted*, That the said commissioners, before they enter upon the execution of their several offices, shall respectively take an oath or affirmation for the diligent and faithful execution of their trust, and shall also become bound with one or more sureties to the satisfaction of the Secretary of the Treasury, in a penalty not less [than] five thousand, nor more than ten thousand dollars, with condition for their good behaviour in their said offices respectively.

State debts

And whereas a provision for the debts of the respective states by the United States, would be greatly conducive to an orderly, economical and effectual arrangement of the public finances:

assumed, to
amount of
\$21,500,000
and a loan pro-
posed, payable
in certificates of
the states,

SEC. 13. *Be it therefore further enacted*, That a loan be proposed to the amount of twenty-one million and five hundred thousand dollars, and that subscriptions to the said loan be received at the same times and places, and by the same persons, as in respect to the loan herein before proposed concerning the domestic debt of the United States. And that the sums which shall be subscribed to the said loan, shall be payable in the principal and interest of the certificates or notes, which prior to the first day of January last, were issued by the respective states, as acknowledgments or evidences of debts by them respectively owing, except certificates issued by the commissioners of army accounts in the state of North Carolina, in the year one thousand seven hundred and eighty-six.

not exceeding a
certain sum in
each.

Provided, That no greater sum shall be received in the certificates of any state than as follows; that is to say:

In those of New Hampshire, three hundred thousand dollars.

In those of Massachusetts, four million dollars.

In those of Rhode Island and Providence Plantations, two hundred thousand dollars.

In those of Connecticut, one million six hundred thousand dollars.

In those of New York, one million two hundred thousand dollars.

In those of New Jersey, eight hundred thousand dollars.

In those of Pennsylvania, two million two hundred thousand dollars.

In those of Delaware, two hundred thousand dollars.

In those of Maryland, eight hundred thousand dollars.

In those of Virginia, three million five hundred thousand dollars.

In those of North Carolina, two million four hundred thousand dol-
lars.

In those of South Carolina, four million dollars.

In those of Georgia, three hundred thousand dollars.

And provided, That no such certificate shall be received, which from the tenor thereof, or from any public record, act, or document, shall appear or can be ascertained to have been issued for any purpose, other than compensations and expenditures for services or supplies towards the prosecution of the late war, and the defence of the United States, or of some part thereof during the same.

What certificates shall not be received.

SEC. 14. *Provided also, and be it further enacted,* That if the total amount of the sums which shall be subscribed to the said loan in the debt of any state, within the time limited for receiving subscriptions thereto, shall exceed the sum by this act allowed to be subscribed within such state, the certificates and credits granted to the respective subscribers, shall bear such proportion to the sums by them respectively subscribed, as the total amount of the said sums shall bear to the whole sum so allowed to be subscribed in the debt of such state within the same. And every subscriber to the said loan shall, at the time of subscribing, deposit with the commissioner the certificates or notes to be loaned by him.

Subscriptions exceeding the sum allowed to any state, what proportion shall be paid.

SEC. 15. *And be it further enacted,* That for two thirds of any sum subscribed to the said loan, by any person or persons, or body politic, which shall be paid in the principal and interest of the certificates or notes issued as aforesaid by the respective states, the subscriber or subscribers shall be entitled to a certificate, purporting that the United States owe to the holder or holders thereof, or his, her or their assigns, a sum to be expressed therein, equal to two thirds of the aforesaid two thirds, bearing an interest of six per centum per annum, payable quarter yearly, and subject to redemption by payments, not exceeding in one year, on account both of principal and interest, the proportion of eight dollars upon a hundred of the sum mentioned in such certificate; and to another certificate, purporting that the United States owe to the holder or holders thereof, his, her or their assigns, a sum to be expressed therein, equal to the proportion of thirty-three dollars and one third of a dollar upon a hundred of the said two thirds of such sum so subscribed, which after the year one thousand eight hundred shall bear an interest of six per centum per annum, payable quarter yearly, and subject to redemption by payments, not exceeding in one year, on account both of principal and interest, the proportion of eight dollars upon a hundred of the sum mentioned in such certificate; and that for the remaining third of any sum so subscribed, the subscriber or subscribers shall be entitled to a certificate, purporting that the United States owe to the holder or holders thereof, his, her or their assigns, a sum to be expressed therein, equal to the said remaining third, bearing an interest of three per cent. per annum, payable quarter yearly, and subject to redemption by payment of the sum specified therein whenever provision shall be made by law for that purpose.

Subscribers to said loan, what proportion of principal, rate of interest, and terms of payment entitled to.

SEC. 16. *And be it further enacted,* That the interest upon the certificates which shall be received in payment of the sums subscribed towards the said loan, shall be computed to the last day of the year one thousand seven hundred and ninety-one, inclusively; and the interest upon the stock which shall be created by virtue of the said loan, shall commence or begin to accrue on the first day of the year one thousand seven hundred and ninety-two, and shall be payable quarter yearly, at the same time, and in like manner as the interest on the stock to be created by virtue of the loan above proposed in the domestic debt of the United States.

Interest, how to be computed, and payable quarter yearly.

SEC. 17. *And be it further enacted,* That if the whole sum allowed to be subscribed in the debt or certificates of any state as aforesaid, shall not be subscribed within the time for that purpose limited, such state shall be entitled to receive, and shall receive from the United States, an interest per centum per annum, upon so much of the said sum as

Sum allowed to any state, not being subscribed, the

state to receive interest on amount of deficiency.

shall not have been so subscribed, equal to that which would have accrued on the deficiency, had the same been subscribed in trust for the non-subscribing creditors of such state, who are holders of certificates or notes issued on account of services or supplies towards the prosecution of the late war, and the defence of the United States or of some part thereof, to be paid in like manner as the interest on the stock which may be created by virtue of the said loan, and to continue until there shall be a settlement of accounts between the United States and the individual states; and in case a balance shall then appear in favour of such state, until provision shall be made for the said balance.

But as certain states have respectively issued their own certificates, in exchange for those of the United States, whereby it might happen that interest might be twice payable on the same sums:

State certificates issued in lieu of those of the U. States, payment of interest on, suspended.

SEC. 18. *Be it further enacted*, That the payment of interest whether to states or to individuals, in respect to the debt of any state, by which such exchange shall have been made, shall be suspended, until it shall appear to the satisfaction of the secretary of the treasury, that certificates issued for that purpose by such state, have been re-exchanged or redeemed, or until those which shall not have been re-exchanged or redeemed, shall be surrendered to the United States.

States chargeable with amount of subscriptions.

SEC. 19. *And be it further enacted*, That so much of the debt of each state as shall be subscribed to the said loan, and the monies (if any) that shall be advanced to the same pursuant to this act, shall be a charge against such state, in account with the United States.

Farther appropriation of monies arising from the revenue laws to the purposes of this act;

SEC. 20. *And be it further enacted*, That the monies arising under the revenue laws, which have been or during the present session of Congress may be passed, or so much thereof as may be necessary, shall be and are hereby pledged and appropriated for the payment of the interest on the stock which shall be created by the loans aforesaid, pursuant to the provisions of this act, first paying that which shall arise on the stock created by virtue of the said first mentioned loan, to continue so pledged and appropriated, until the final redemption of the said stock, any law to the contrary notwithstanding, subject nevertheless to such reservations heretofore made, and which during the present session of Congress may be made by law, including the sums herein before reserved and appropriated: and to the end that the said monies may be inviolably applied in conformity to this act, and may never be diverted to any other purpose, an account shall be kept of the receipts and disposition thereof, separate and distinct from the product of any other duties, imposts, excises and taxes whatsoever, except such as may be hereafter laid, to make good any deficiency which may be found in the product thereof towards satisfying the interest aforesaid.

and faith of U. States pledged to make good deficiencies.

SEC. 21. *And be it further enacted*, That the faith of the United States be, and the same is hereby pledged to provide and appropriate hereafter such additional and permanent funds as may be requisite towards supplying any such deficiency, and making full provision for the payment of the interest which shall accrue on the stock to be created by virtue of the loans aforesaid, in conformity to the terms thereof respectively, and according to the tenor of the certificates to be granted for the same pursuant to this act.

Proceeds from sales of western lands, to form a sinking fund.

SEC. 22. *And be it further enacted*, That the proceeds of the sales which shall be made of lands in the western territory, now belonging, or that may hereafter belong to the United States, shall be, and are hereby appropriated towards sinking or discharging the debts, for the payment whereof the United States now are, or by virtue of this act may be holden, and shall be applied solely to that use until the said debts shall be fully satisfied.

APPROVED, August 4, 1790.

STATUTE II.
August 4, 1790.

[Obsolete.]

Repealed by
Act of March 2,
1799 ch. 22.

District and
ports in New
Hampshire.

Districts and
ports in Massa-
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CHAP. XXXV.—*An Act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the collection of the duties imposed by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels, there shall be established and appointed, districts, ports and officers, in manner following—to wit:

The state of New Hampshire shall be one district, to be called the district of Portsmouth, of which the town of Portsmouth shall be the sole port of entry; and the towns of Newcastle, Dover and Exeter, ports of delivery only: but all ships or vessels bound to or from either of the said ports of delivery, shall first come to, enter and clear at Portsmouth; and a collector, naval officer and surveyor for the said district shall be appointed, to reside at Portsmouth.

In the state of Massachusetts shall be twenty districts and ports of entry—to wit: Newburyport, Gloucester, Salem and Beverly, as one; Marblehead, Boston and Charlestown, as one; Plymouth, Barnstable, Nantucket, Edgartown, New Bedford, Dighton, York, Biddeford and Pepperelborough, as one; Portland and Falmouth, as one; Bath, Wiscasset, Penobscot, Frenchman's Bay, Machias and Passamaquady. To the district of Newburyport shall be annexed the several towns or landing places of Almsbury, Salisbury and Haverhill, which shall be ports of delivery only; and a collector, naval officer and surveyor for the district shall be appointed, to reside at Newburyport. To the district of Gloucester shall be annexed the town of Manchester, as a port of delivery only; and a collector and surveyor shall be appointed, to reside at Gloucester. To the district of Salem and Beverly, shall be annexed the towns or landing places of Danvers and Ipswich, as ports of delivery only; and a collector, naval officer and surveyor for the district shall be appointed, to reside at Salem, and a surveyor to reside at each of the towns of Beverly and Ipswich. To the district of Marblehead shall be annexed the town of Lynn, as a port of delivery only; and a collector for the district shall be appointed, to reside at Marblehead. To the district of Boston and Charlestown shall be annexed the towns or landing places of Medford, Cohasset and Hingham, as ports of delivery only; and a collector, naval officer and surveyor shall be appointed, to reside at Boston. To the district of Plymouth shall be annexed the several towns or landing places of Scituate, Duxbury and Kingston, as ports of delivery only; and a collector for the district shall be appointed, to reside at Plymouth. To the district of Barnstable shall be annexed the several towns or landing places of Sandwich, Falmouth, Harwich, Welfleet, Provincetown and Chatham, as ports of delivery only; and a collector for the district shall be appointed, to reside at Barnstable. To the district of Nantucket the port of Sherburne shall be the sole port of entry and delivery within the same, and a collector shall be appointed, to reside at Sherburne. In the district of Edgartown a collector shall be appointed, to reside at Edgartown. To the district of New Bedford shall be annexed Westport, Rochester and Wareham, as ports of delivery only; and a collector for the district shall be appointed, to reside at New Bedford. To the district of Dighton shall be annexed Swansey and Freetown, as ports of delivery only; and a collector for the district shall be appointed, to reside at Dighton. To the district of York shall be annexed Kittery and Berwick, as ports of delivery only; and a collector for the district shall be appointed, to reside at York. To the district of Biddiford and Pepperelborough shall be annexed Scarborough, Wells, Kennebunk and Cape Porpoise, as ports of delivery only; and a

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collector for the district shall be appointed, to reside at Biddeford. To the district of Portland and Falmouth shall be annexed North Yarmouth and Brunswick, as ports of delivery only; and a collector and surveyor shall be appointed for the district, to reside at Portland. To the district of Bath shall be annexed Hallowell, Pittstown and Topsham, as ports of delivery only; and a collector for the district shall be appointed, to reside at Bath. To the district of Wiscasset shall be annexed Bristol, Boothbay, Warren, Thomaston and Waldoborough, as ports of delivery only; and a collector for the district shall be appointed, to reside at Wiscasset. To the district of Penobscot shall be annexed Frankfort, Sedgwick Point and Deer Island, as ports of delivery only; and a collector for the district shall be appointed, to reside at Penobscot. To the district of Frenchman's Bay shall be annexed Union River, as a port of delivery only; and a collector for the district shall be appointed, to reside at Frenchman's Bay. For each of the districts of Machias and Passamaquady shall be appointed a collector, to reside at the said ports of Machias and Passamaquady, respectively. The district of Newburyport shall include all the waters and shores from the state of New Hampshire to the north line of Ipswich. The district of Gloucester shall include all the waters and shores in the towns of Gloucester and Manchester. The district of Salem and Beverly shall include all the shores and waters within the towns of Ipswich, Beverly, Salem and Danvers. The district of Marblehead shall include all the waters and shores within the towns of Marblehead and Lynn. The district of Boston and Charlestown shall include all the waters and shores within the counties of Middlesex and Suffolk. The district of Plymouth shall include all the waters and shores within the county of Plymouth, excepting the towns of Wareham and Rochester. The district of Barnstable shall include all the shores and waters within the county of Barnstable. The district of Nantucket shall include the island of Nantucket. The district of Edgartown shall include all the waters and shores within the county of Duke's County. The district of New Bedford shall include all the waters and shores within the towns of New Bedford, Dartmouth, Westport, Rochester and Wareham, together with all the islands within the county of Bristol. The district of Dighton shall include all the waters and shores on Taunton river, and in the town of Rehoboth; and the collectors of the several districts within that part of the state of Massachusetts eastward of New Hampshire, shall agree, as soon as may be, upon a divisional line between their respective districts, and transmit the same to the comptroller of the treasury; and such districts so agreed upon, shall include all the shores, waters and islands within the same. And in case of disagreement between any of the said collectors, concerning such divisional line, the Secretary of the Treasury shall determine the same.

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ports in Rhode
Island, &c.

In the state of Rhode Island and Providence Plantations, there shall be two districts—to wit: the district of Newport, and the district of Providence. The district of Newport shall comprehend all the waters, shores, bays, harbors, creeks and inlets, from the west line of the said state all along the sea coast, and northward up the Narraganset Bay, as far as the most easterly part of Kinnimicut Point at high water mark; and shall include the several towns, harbors, and landing places at Westerly, Charleston, South Kingstown, North Kingstown, East Greenwich, and all that part of Warwick southward of the latitude of said Kinnimicut Point; and also the towns, harbors and landing-places of Barrington, Warren, Bristol, Tiverton, Little Compton, and all the towns, harbors and landing-places of the island of Rhode Island, James Town, Prudence, New Shoreham, and every other island and place within the said state southward of the latitude of the said Kinnimicut Point. The district of Providence shall comprehend all the waters, shores, bays,

harbors, creeks and inlets within the said state, northward of the latitude of Kinnimicut Point. The town of Newport shall be the sole port of entry in the said district of Newport; and a collector, naval officer, and surveyor shall be appointed, to reside at the said town of Newport; and North Kingstown, East Greenwich, Barrington, Warren, Bristol, and Pawcatuck river in Westerly, shall be ports of delivery only; and a surveyor shall be appointed, to reside at each of the ports of North Kingstown, East Greenwich, Warren, Bristol, and Pawcatuck river, and the surveyor to reside at Warren shall be surveyor for the port of Barrington. The town of Providence shall be the sole port of entry in the said district of Providence, and Patuxet in the same district shall be a port of delivery only; and a collector, naval officer and surveyor shall be appointed, to reside at Providence, and a surveyor shall be appointed, to reside at Patuxet.

In the state of Connecticut shall be three districts, to wit: New London, New Haven, and Fairfield. The district of New London shall extend from the east line of the said state of Connecticut, to the west line of the town of Killingsworth, and north to the south line of the state of Massachusetts; and shall also include the several towns or landing places of Norwich, Stonington, Groton, Lyme, Saybrook, Haddam, East Haddam, Middletown, Chatham, Weathersfield, Glastenbury, Hartford, East Hartford, Windsor, East Windsor, and Killingsworth, as ports of delivery only; New London to be the sole port of entry; and a collector and surveyor for the district shall be appointed, to reside at New London; and a surveyor to reside at each of the ports of Stonington and Middletown. The district of New Haven shall extend from the west line of the district of New London, westerly to Ousatumnick river; to which shall be annexed the several towns or landing places of Guildford, Branford, Milford and Derby, as ports of delivery only; New Haven to be the sole port of entry; and a collector and surveyor for the district shall be appointed, to reside at New Haven. The district of Fairfield shall include all the ports and places in the said state of Connecticut west of the district of New Haven; to which shall be annexed the several towns or landing places of Norwalk, Stratford, Stamford, and Greenwich, as ports of delivery only; Fairfield to be the sole port of entry; and a collector for the district shall be appointed, to reside at Fairfield. And New London, New Haven, and Fairfield, shall severally be ports of entry.

Districts and ports in Connecticut.

In the state of New York shall be two districts—to wit: Sag Harbor on Nassau or Long Island, and the city of New York, each of which shall be a port of entry. The district of Sag Harbor shall include all bays, harbors, rivers and shores within the two points of land which are called Oyster Pond Point, and Montauk Point; and a collector for the district shall be appointed, to reside at Sag Harbor, which shall be the only place of delivery in the said district. The district of the city of New York shall include such part of the coasts, rivers, bays and harbors of the said state, not included in the district of Sag Harbor; and moreover the several towns or landing places of New Windsor, Newburgh, Poughkeepsie, Esopus, city of Hudson, Kinderhook, and Albany, as ports of delivery only; and a naval officer, collector and surveyor for the district shall be appointed, to reside at the city of New York; also two surveyors, one to reside at the city of Albany, and the other at the city of Hudson; and all ships or vessels bound to or from any port of delivery within the last named district, shall be obliged to come to, and enter or clear out at the city of New York.

Districts and ports in New York.

In the state of New Jersey shall be four districts—to wit: Perth Amboy, Burlington, Bridgetown, and Great Egg Harbor, which shall severally be ports of entry. The district of Perth Amboy shall comprehend all that part of the state of New Jersey, known by the name of

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East New Jersey, (that part excepted which is hereafter included in the district of Burlington) together with all the waters thereof heretofore within the jurisdiction of the said state; in which district the towns or landing places of New Brunswick, Middletown Point, Elizabethtown, and Newark, shall be ports of delivery only; and a collector for the district shall be appointed, to reside at Perth Amboy. The district of Burlington shall comprehend that part of the said state known by the name of West New Jersey, which lies to the eastward and northward of the county of Gloucester, with all the waters thereof heretofore within the jurisdiction of the said state, including the river and inlet of Little Egg Harbor, with the waters emptying into the same, and the sea-coast, sound, inlets and harbors thereof, from Barnegat inlet to Brigantine inlets, in which district the landing places of Lamberton and Little Egg Harbor shall be ports of delivery only; and a collector shall be appointed for the district, to reside at Burlington, and a surveyor at Little Egg Harbor. The district of Bridgetown shall comprehend the counties of Gloucester, Salem, Cumberland, and Cape May, (such part of the counties of Gloucester and Cape May as shall be herein after included in the district of Great Egg Harbor, excepted,) and all the waters thereof heretofore within the jurisdiction of the said state; and the town of Salem and Port Elizabeth, on Maurice river, shall be ports of delivery only; and a collector shall be appointed, to reside at Bridgetown. The district of Great Egg Harbor shall comprehend the river of Great Egg Harbor, together with all the inlets, bays, sound, rivers and creeks, along the sea coast, from Brigantine inlet to Cape May; and a collector shall be appointed, to reside at Somers's Point, on the said river of Great Egg Harbor.

Districts and port in Pennsylvania.

The state of Pennsylvania shall be one district, and Philadelphia shall be the sole port of entry and delivery for the same; and a collector, naval officer and surveyor for the district shall be appointed, to reside at the said port of Philadelphia.

Districts and ports in Delaware.

The state of Delaware shall be one district, and the borough of Wilmington shall be the port of entry, to which shall be annexed Newcastle and Port Penn as ports of delivery only; and a collector for the district shall be appointed, to reside at the said port of Wilmington.

Districts and ports in Maryland.

In the state of Maryland shall be nine districts—to wit: Baltimore, Chester, Oxford, Vienna, Snowhill, Annapolis, Nottingham, Cedar Point, and Georgetown. The district of Baltimore shall include Patapsco, Susquehanna, and Elk rivers, and all the waters and shores on the west side of Chesapeake Bay, from the mouth of Magetty river to the south side of Elk river, inclusive, in which Havre de Grace and Elkton shall be ports of delivery only; and a collector, naval officer and surveyor shall be appointed for the said district, to reside at the town of Baltimore, which shall be the sole port of entry. The district of Chester shall include Chester river, and all the waters and shores on the eastern side of Chesapeake Bay, from the south side of Elk river to the north side of the Eastern Bay, and Wye river, inclusive; in which Georgetown on Sassafra river shall be a port of delivery only; and a collector for the district shall be appointed, to reside at Chester, which shall be the sole port of entry. The district of Oxford shall include all the waters and shores on the eastern side of Chesapeake Bay, from the north side of Wye river and the Eastern Bay, to the south side of Great Choptank river, inclusive; and Cambridge shall be a port of delivery only; and a collector for the district shall be appointed, to reside at Oxford, which shall be the sole port of entry. The district of Vienna shall include all the waters and shores on the eastern side of Chesapeake Bay, from the south side of Great Choptank river, to the south side of Hooper's Strait, Haynes's Point and Wicomico river, inclusive; and Salisbury shall be the port of delivery only; and a collector for the district shall

be appointed, to reside at Vienna, which shall be the sole port of entry. The district of Snowhill shall include all the waters and shores on the sea-coast, from the north line of Virginia to the south line of Delaware, together with all the waters and shores on the eastern side of Chesapeake Bay, from the south side of Wicomico river to the south side of Pocomoke river, inclusive, so far as the jurisdiction of the said state of Maryland extends; to which Sinnipuxent shall be a port of delivery for West India produce only; and a collector for the district shall be appointed, to reside at Snowhill, which shall be the sole port of entry. The district of Annapolis shall include Magetty river, and all the waters and shores from thence to Drum Point, on Patuxent river; and a collector for the district shall be appointed, to reside at Annapolis, which shall be the sole port of entry and delivery for the same. The district of Nottingham shall include all the waters and shores on the west side of Chesapeake Bay, to Drum Point, on the river Patuxent, together with the said river, and all the navigable waters emptying into the same, to which Benedict, Lower Marlborough, Town Creek, and Sylvey's Landing, shall be annexed as ports of delivery only; a collector for the district shall be appointed, to reside at Nottingham, and a surveyor at Town Creek; and Nottingham shall be the sole port of entry. The district of Cedar Point shall include all the waters of Potomac within the jurisdiction of the state of Maryland, from Point-look-out to Pomonky Creek, inclusive; to which Nanjemoy, Saint Mary's and Lewellensburg, shall be annexed as a port of delivery only; and a collector for the district shall be appointed, to reside at Cedar Point; also a surveyor to reside at each of the ports of Saint Mary's and Lewellensburg; and Cedar Point shall be the sole port of entry. The district of Georgetown shall include all the waters and shores from Pomonky Creek, on the north side of Potomac river, to the head of the navigable waters of the said river within the jurisdiction of the state of Maryland; to which Digges's landing and Carrolsburg shall be annexed as ports of delivery only; and a collector for the district shall be appointed, to reside at Georgetown, which shall be the sole port of entry.

In the state of Virginia shall be twelve districts—to wit: Hampton as one port; Norfolk and Portsmouth as one port; Bermuda Hundred and City Point as one port; Yorktown, Tappahannock, Yeocomico river, including Kinsale, Dumfries, including Newport, Alexandria, Foley Landing, Cherrystone, South Quay, and Louisville. The authority of the officers at Hampton shall extend over all the waters, shores, bays, harbors and inlets, between the south side of the mouth of York river, along the west shore of Chesapeake Bay to Hampton, and thence up James river to the west side of Chickahominy river; and a collector shall be appointed, to reside at Hampton, which shall be the sole port of entry. To the district of Norfolk and Portsmouth shall be annexed Suffolk and Smithfield as ports of delivery only; and the authority of the officers of the said district shall extend over all the waters, shores, bays, harbors and inlets comprehended within a line drawn from Cape Henry to the mouth of James river, and thence up James river to Jordan's point, and up Elizabeth river to the highest tide water thereof; and Norfolk and Portsmouth shall be the sole port of entry; and a collector, naval officer and surveyor for the district shall be appointed, to reside at Norfolk; also a surveyor to reside at each of the ports of Suffolk and Smithfield. To the district of Bermuda Hundred or City Point, shall be annexed Richmond, Petersburg, and Manchester, as ports of delivery only; and a collector and surveyor shall be appointed, to reside at Bermuda Hundred or City Point, which shall be the sole port of entry; also a surveyor for Petersburg to reside thereat, and a surveyor for Richmond and Manchester to reside at Richmond; and the authority of the officers of the said district shall extend over all the waters, shores, bays,

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harbors and inlets, comprehended between Jordan's Point and the highest tide water on James and Appamattox rivers. To the district of Yorktown shall be annexed West Point and Cumberland as ports of delivery only; and a collector for the district shall be appointed, to reside at Yorktown, which shall be the sole port of entry; also a surveyor for the two ports of delivery, to reside at West Point; and the authority of the officers of the said district shall extend over all the waters, shores, bays, harbors and inlets, comprehended between the point forming the south shore of the mouth of Rappahannock river, and the point forming the south shore of the mouth of York river, and thence up the said river to West Point, and thence up Pamunkey and Mattaponi rivers to the highest navigable waters thereof. To the district of Tappahannock shall be annexed Urbanna, Port Royal and Fredericksburg (including Falmouth) as ports of delivery only; and a collector for the district shall be appointed, to reside at Tappahannock, which shall be the sole port of entry; also a surveyor for each of the ports of Urbanna, Port Royal, and Fredericksburg; and the authority of the officers of the said district shall extend over all the waters, shores, bays, harbors and inlets, comprehended between Smith's Point, at the mouth of Potomac river, and the point forming the south shore of the mouth of Rappahannock river, and thence up the last mentioned river to the highest tide water thereof. The district of Yeocomico river including Kinsale, shall extend from Smith's Point on the south side of Potomac river, to Boyd's Hole on the same river, including all the waters, shores, bays, rivers, creeks, harbors and inlets along the south shore of Potomac river to Boyd's Hole aforesaid; and Yeocomico including Kinsale, shall be the sole port of entry; and a collector shall be appointed to reside on Yeocomico river. The district of Dumfries including Newport, shall extend from Boyd's Hole to Cockpit Point on the south side of Potomac river; and a collector shall be appointed, to reside at Dumfries, which shall be the sole port of entry; and the authority of the officers of this district shall extend over all the waters, shores, bays, harbors and inlets comprehended between Boyd's Hole and Cockpit Point aforesaid. For the district of Alexandria shall be appointed a collector and surveyor, to reside at Alexandria, which shall be the sole port of entry; and the authority of the officers of the said district shall extend over all the waters, shores, bays, harbors and inlets on the south side of the river Potomac, from the last mentioned Cockpit Point to the highest tide water of the said river. For the district of Foley Landing shall be appointed a collector, who shall reside at Accomack Court House, and whose authority shall extend over all the waters, shores, bays, harbors and inlets of the county of Accomack. For the district of Cherrystone shall be appointed a collector, to reside at Cherrystone, whose authority shall extend over all the waters, shores, bays, harbors and inlets comprehended within Northampton county. For the district of South Quay a collector shall be appointed, to reside thereat, whose authority shall extend over all the waters, shores, bays, harbors and inlets in that part of Virginia, comprehended within the limits of the said state. For the district of Louisville a collector shall be appointed, to reside thereat, whose authority shall extend over all the waters, shores and inlets included between the rapids and the mouth of the Ohio river on the south side thereof.

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ports in North
Carolina.

In the state of North Carolina shall be five districts: one to be called the district of Wilmington, and to comprehend all the waters, shores, bays, harbors, creeks and inlets, from Little River inlet, inclusive, to New River inlet, inclusive; another to be called the district of Newbern, and to comprehend all the waters, shores, bays, harbors, creeks and inlets, from New River inlet, exclusive, to Ocracoke inlet, inclusive together with that part of Pampticoe sound which lies southward and westward of the shoal projecting from the mouth of Pampticoe river

towards the Royal Shoal, and southward of the said Royal Shoal. Another to be called the district of Washington, and to comprehend all that part of Pampticoe sound not included in the district of Newbern, as far north as the Marshes. Another to be called the district of Edenton, and to comprehend all the waters, bays, harbors, creeks and inlets, from the Marshes, inclusive, northward and westward, except those included in the district of Cambden. The other to be called the district of Cambden, and to comprehend North River, Pasquotank and Little Rivers, and all the waters, shores, bays, harbors, creeks and inlets, from the junction of Currituck and Albemarle sounds to the north extremity of Back Bay. That in the district of Wilmington, the town of Wilmington shall be a port of entry and delivery, and there shall be a collector, naval officer and surveyor, to reside at the said town of Wilmington. That in the district of Newbern, the town of Newbern shall be a port of entry and delivery, and the towns of Beaufort and Swansborough shall be ports of delivery only, and there shall be a collector to reside at Newbern, and a surveyor to reside at Beaufort, and one at Swansborough. That in the district of Washington, the town of Washington shall be the sole port of entry and delivery, and there shall be a collector to reside within the same. That in the district of Edenton, the town of Edenton shall be a port of entry and delivery, and Hertford, Murfreesborough, Princeton, Winton, Bennet's Creek, Plymouth, Windsor and Skewarkey, ports of delivery; and there shall be a collector to reside at the town of Edenton, and a surveyor at each of the ports of Hertford, Winton, Bennet's Creek, Plymouth, Windsor and Skewarkey; and one at Murfreesborough, for said port and for Princeton. That all ships or vessels intending to proceed to Plymouth, Windsor, Skewarkey, Winton, Bennet's Creek bridge, Murfreesborough, or Princeton, shall first come to and enter at the port of Edenton. That in the district of Cambden, Plankbridge on Sawyer's Creek, shall be the port of entry and delivery, and Nixonton, Indiantown, Newbiggin Creek, Currituck inlet, Pasquotank River bridge, ports of delivery; and there shall be a collector at Plankbridge on Sawyer's Creek, and a surveyor at each of the ports of Nixonton, Indiantown, Currituck inlet, Pasquotank River bridge, and Newbiggin Creek; and that the authority of the officers of each district shall extend over all the waters, shores, bays, harbors, creeks and inlets comprehended within such district. *Provided*, That any vessels coming in at Ocracoke inlet, that may be under the necessity of employing lighters before they pass the Royal Shoal, may be at liberty to enter at any port of entry connected with the waters of said inlet, to which such vessels are bound. And that any vessel coming in at the said inlet in ballast, with the purpose of loading without the Royal Shoal, shall be at liberty to enter at any port of entry connected with the waters of the said inlet.

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ports in North
Carolina.

In the state of South Carolina shall be three districts, to wit: Georgetown, Charleston, and Beaufort, each of which shall be a port of entry. The district of Georgetown shall include the shores, inlets and rivers, from the boundary of North Carolina to the point of Cape Romain. The district of Charleston shall include all the shores, inlets and rivers, from Cape Romain to Combahee river inclusive: and the district of Beaufort shall include the shores, inlets and rivers, from Combahee river to Back river in Georgia, comprehending also the shores, inlets and harbors formed by the different bars and sea islands lying within each district respectively. At the port of Charleston shall be a collector, naval officer and surveyor; and a collector at each of the other ports.

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Carolina.

In the state of Georgia shall be four districts, to wit: Savannah, Sunbury, Brunswick, and Saint Mary's, each of which shall be a port of entry. The district of Savannah shall include Savannah river, and all the waters, shores, harbors, rivers, creeks, bays, and inlets, from the said

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ports in Georgia.

river to the north point of Ossabaw island, and Great Ogeeche rivers, inclusive; and a naval officer, collector and surveyor shall be appointed for the said district, to reside at Savannah. The district of Sunbury shall comprehend all the waters, shores, harbors, rivers, creeks, bays and inlets, south of the north point of Ossabaw island and Great Ogeeche river, exclusive; and north of the south point of Sapelo island, inclusive, and a collector for the said district shall be appointed, to reside at Sunbury. The district of Brunswick shall comprehend all the waters, shores, harbors, rivers, creeks, bays and inlets, from the south point of Sapelo island, exclusive, to the south point of Jekyl island, inclusive: Frederica shall be a port of delivery only; and a collector for the district shall be appointed, to reside at Brunswick. The district of Saint Mary's shall comprehend all the waters, shores, harbors, rivers, creeks, bays, and inlets, from the south point of Jekyl island, exclusive, to Saint Mary's river, inclusive; and a collector for the said district shall be appointed, to reside at Saint Mary's: and in each of the said districts it shall be lawful for the collector to grant a permit to unlade at any port or place within the district, and to appoint or put on board any ship or vessel for which a permit is granted, one or more searchers or inspectors as may be necessary for the security of the revenue.

SEC. 2. *And be it further enacted*, That it shall not be lawful to make entry of any ship or vessel which shall arrive from any foreign port or place within the United States, or of the cargo on board such ship or vessel, elsewhere than at one of the ports of entry herein before established, nor to unlade the said cargo, or any part thereof, elsewhere than at one of the ports of delivery herein established: *Provided always*, That every port of entry shall be also a port of delivery: *And provided further*, That none but ships or vessels of the United States shall be admitted to unlade at any other than the ports following—to wit: Portsmouth, in the state of New Hampshire: Portland and Falmouth, New Bedford, Dighton, Salem and Beverly, Gloucester, Newburyport, Marblehead, Sherburne, Boston and Charlestown, Plymouth, Bath, Frenchman's Bay, Wiscasset, Machias, and Penobscot, in the state of Massachusetts: Newport and Providence, in the state of Rhode Island and Providence Plantations: New London and New Haven, in the state of Connecticut: New York, in the state of New York: Perth Amboy, and Burlington, in the state of New Jersey: Philadelphia, in the state of Pennsylvania: Wilmington, New Castle and Port Penn, in the state of Delaware: Baltimore, Annapolis, Vienna, Oxford, Georgetown on Potomac, Chestertown, Town Creek, Nottingham, Cedar Point, Digges's Landing, Snowhill, and Carrolsburgh, in the state of Maryland: Alexandria, Kinsale, Newport, Tappahannock, Port Royal, Fredericksburg, Urbanna, Yorktown, West Point, Hampton, Bermuda Hundred, City Point, Rocket's Landing, Norfolk, and Portsmouth, in the state of Virginia: Wilmington, Newbern, Washington, Edenton, and Plankbridge, in the state of North Carolina: Charleston, Georgetown, and Beaufort, in the state of South Carolina: and in either of the districts of Savannah, Sunbury, Brunswick, Frederica, and Saint Mary's, in the state of Georgia: or to make entry in any other district than in one in which they shall be so admitted to unlade: *And provided lastly*, That no ship or vessel arriving from the Cape of Good Hope, or from any place beyond the same, shall be admitted to make entry at any other than the ports following—to wit: Portsmouth, in the state of New Hampshire: Boston and Charlestown, Newburyport, Salem and Beverly, Gloucester, Portland and Falmouth, in the state of Massachusetts: Newport, and Providence, in the state of Rhode Island and Providence Plantations: New London, and New Haven, in the state of Connecticut: New York, in the state of New York: Perth Amboy, in the state of New Jersey: Philadelphia, in the state of Pennsylvania: Wilmington, in the state of

Ports of entry to be ports of delivery. Ports of delivery to which foreign vessels are restricted.

Ports of entry to which vessels arriving from the Cape of G. Hope or beyond it are restricted.

Delaware: Baltimore, Annapolis, and Georgetown, in the state of Maryland: Alexandria, Norfolk and Portsmouth, in the state of Virginia: Wilmington, Newbern, Washington, and Edenton, in the state of North Carolina: Charleston, Georgetown, and Beaufort, in the state of South Carolina: and Sunbury, and Savannah, in the state of Georgia: *Provided*, That nothing herein contained shall prevent the master or commander of any ship or vessel, from making entry with the collector in any district in which such ship or vessel may be owned, or from which she may have sailed on the voyage from which she shall then have returned.

SEC. 3. *And be it further enacted*, That the master or commander of every ship or vessel bound to a port of delivery only, in any of the following districts—to wit: Portland and Falmouth, Bath, Newburyport, New London, (except the port of Stonington, in the said district) Norfolk and Portsmouth, Bermuda Hundred and City Point, Yorktown, or Tappahannock, (except the port of Urbanna, in the said district) and Edenton, shall first come to at the port of entry of such district, with his ship or vessel, and there make report or entry, and pay, or secure to be paid, all legal duties, port fees and charges in manner by this act provided, before such ship or vessel shall proceed to her port of delivery; and that any ship or vessel bound to a port of delivery in any district other than those above mentioned, or to either of the ports of Stonington or Urbanna, may first proceed to her port of delivery, and afterwards make report or entry within the time by this act limited.

Ports of delivery to which vessels bound shall first come to at the port of entry.

SEC. 4. *And be it further enacted*, That the master or commander of every ship or vessel, if bound to the district of Nottingham, shall, before he pass by the port of Town Creek, and immediately after his arrival, deposit with the surveyor of the said port, a true manifest of the cargo on board such ship or vessel: if bound to the district of Tappahannock, shall, before he pass by the port of Urbanna, and immediately after his arrival, deposit with the surveyor for that port a like manifest: if bound to the district of Bermuda Hundred or City Point, shall, before he pass by Elizabeth River, and immediately after his arrival, deposit with the collector of the port of Norfolk and Portsmouth, or with the collector of the port of Hampton, a like manifest: and if bound to the district of South Quay, shall, before he pass by the port of Edenton, and immediately after his arrival, deposit with the collector of the port of Edenton, a like manifest. And the said surveyors and collectors respectively, shall, after registering the manifest, transmit the same, duly certified to have been so deposited, to the officer with whom the entries are to be made. And if the master or commander of any ship or vessel shall neglect or omit to deposit a manifest in manner aforesaid, and as the case shall require, he shall forfeit and pay five hundred dollars, to be recovered with costs of suit, one half to the use of the officer with whom such manifest ought to have been deposited, and the other half to the use of the collector of the district to which the said ship or vessel may be bound: *Provided*, That if manifests shall have been in either of the said cases previously delivered to any officer of the customs, pursuant to the provision herein after to be made in that behalf, the depositing of a manifest as aforesaid shall not be necessary: *And provided also*, That no master of any ship or vessel which was absent from the United States on the first day of May last, and which hath not since returned within the same, or of any ship or vessel not owned wholly or in part by a citizen or inhabitant of the United States, shall incur the said penalty, if he shall make oath or affirmation that he had no knowledge of or information concerning the regulation herein contained, unless it can be otherwise proved that he had such knowledge or information.

Districts to which vessels bound shall not pass certain ports without delivering a manifest.

Penalty for neglecting to deposit manifest.

SEC. 5. *And be it further enacted*, That all officers and persons to be appointed pursuant to this act, before they enter upon the duties of their

Officers to be appointed in pursuance of this act to take an oath;

penalty in default thereof.

Duties of the collector,

naval officer,

surveyor.

Further duties of surveyor and collector.

respective offices, shall severally take an oath diligently and faithfully to execute the duties of their said offices respectively, and to use their best endeavours to prevent and detect frauds in relation to the duties imposed by the laws of the United States; which oath, if taken by a collector, may be taken before any magistrate authorized to administer oaths within the district to which he belongs; but if taken by another, shall be taken before the collector of his district, and being certified under the hand and seal of the person by whom the same shall have been administered, shall, within three months thereafter be transmitted to the comptroller of the treasury; in default of taking which oath, the party failing shall forfeit and pay two hundred dollars, to be recovered with costs of suit, in any court of competent jurisdiction, to the use of the United States.

SEC. 6. *And be it further enacted,* That the several officers of the customs shall respectively perform the duties following—to wit: At such of the ports to which there shall be appointed a collector, naval officer and surveyor, the collector shall receive all reports, manifests and documents, to be made or exhibited on the entry of any ship or vessel, according to the regulations of this act; shall record in books to be kept for that purpose, all such manifests; shall receive the entries of all ships and vessels, and of the goods, wares and merchandise imported in them; shall, together with the naval officer, where there is one, or alone where there is none, estimate the amount of the duties payable thereupon, endorsing the said amount upon the respective entries; shall receive all monies paid for duties, and take all bonds for securing the payment thereof; shall grant all permits for the unloading and delivery of goods; shall employ proper persons as weighers, gaugers, measurers and inspectors at the several ports within his district; and shall provide at the public expense, and with the approbation of the principal officer of the treasury department, store-houses for the safe keeping of goods, and such scales, weights and measures as may be necessary. The naval officers shall receive copies of all manifests; shall, together with the collector, estimate the duties on all goods, wares and merchandise subject to duty, keeping a separate record thereof; and shall countersign all permits, clearances, certificates and debentures to be granted by the collector. The surveyor shall superintend and direct all inspectors, weighers, measurers and gaugers, within his district; shall visit and inspect the ships or vessels which arrive within his district, and shall have power to put on board each of them one or more inspectors; shall ascertain the proofs of distilled spirits, rating those which shall be of the proof of twenty-four degrees as of Jamaica proof; and shall examine whether the goods imported in any ship or vessel, and the deliveries thereof, are conformable to the entries of such goods and the permits for landing the same; and the said surveyor shall in all cases be subject to the control of the collector. And at such ports to which a collector and surveyor only are assigned, the said collector shall solely execute all the duties in which the co-operation of the naval officer is requisite at the ports where a naval officer shall be appointed, which he shall also do in case of the disability or death of the naval officer. And at the ports to which a collector only is assigned, such collector shall solely execute all the duties in which the co-operation of the naval officer is requisite as aforesaid: and shall also, as far as may be, perform all the duties prescribed to surveyors at the ports where such officers are established. And at ports to which surveyors only are assigned, every such surveyor shall perform all the duties herein before enjoined upon surveyors; and shall also receive and record the copies of all manifests which shall be transmitted to him by the collector; shall record all permits granted by such collector, distinguishing the gauge, weight, measure and quality of the goods specified therein: and shall take care that no goods be unladen or delivered from any ship or vessel without a pro-

per permit for that purpose. And at such ports of delivery only to which no surveyor is assigned, it shall be lawful for the collector of the district occasionally and from time to time to employ a proper person or persons to do the duties of a surveyor, who shall be entitled to the like compensation with inspectors, during the time they shall be employed. And the said collectors, naval officers and surveyors shall respectively attend in person at the ports to which they are respectively assigned; and shall keep fair and true accounts and records of all their transactions as officers of the customs, in such manner and form as may be directed by the proper department, or officer having the superintendance of the collection of the revenue of the United States; and shall at all times submit their books, papers and accounts to the inspection of such persons as may be appointed for that purpose. And the said collectors shall at all times pay to the order of the officer who shall be authorized to direct the payment thereof, the whole of the monies which they may respectively receive by virtue of this act (such monies as they are otherwise by this act directed to pay only excepted); and shall also once in every three months, or oftener if they shall be required, transmit their accounts for settlement to the officer or officers whose duty it shall be to make such settlement.

SEC. 7. *And be it further enacted*, That every collector, naval officer and surveyor, in cases of occasional and necessary absence, or of sickness, and not otherwise, may respectively exercise and perform their several powers, functions and duties, by deputy duly constituted under their hands and seals respectively, for whom in the execution of the trust they shall respectively be answerable.

SEC. 8. *And be it further enacted*, That in case of the disability or death of a collector, the duties and authorities vested in him shall devolve on his deputy, if any there be at the time of such disability or death (for whose conduct the estate of such disabled or deceased collector shall be liable): and in defect of a deputy, the said authorities and duties shall devolve upon the naval officer of the same district, if any there be; and if there be no naval officer, upon the surveyor of the port appointed for the residence of such disabled or deceased collector, if any there be; and if none, upon the surveyor of the port nearest thereto, and within the same district. And in every case of the death or disability of a surveyor, it shall be lawful for the collector of the district to nominate some fit person to perform his duties and exercise his authorities. And the authorities of the persons hereby empowered to act in the stead of those who may be disabled or dead, shall continue until successors shall be duly appointed, and ready to enter upon the execution of their respective offices.

SEC. 9. *And be it further enacted*, That from and after the first day of October next, no goods, wares or merchandise shall be brought into the United States from any foreign port or place, in any ship or vessel belonging in the whole or in part to a citizen or citizens, inhabitant or inhabitants of the United States, unless the master or person having the charge or command of such ship or vessel shall have on board a manifest or manifests in writing, signed by such master or other person, containing the name or names of the port or ports, place or places where the goods in such manifest or manifests mentioned, shall have been respectively taken on board, and the port or ports, place or places within the United States for which the same are respectively consigned or destined, and the name and built of such ship or vessel, and the true admeasurement or tonnage thereof according to the register of the same, together with the name of the master or other person having the command or charge of such ship or vessel, and the port or place to which such ship or vessel truly belongs, and a just and particular account of all the cargo so laden or taken on board, whether in packages or stowed

Collector may occasionally employ a surveyor.

Collectors, naval officers and surveyors to keep books.

Collectors to pay all monies received, and settle their accounts every three months.

Collectors, naval officers and surveyors may appoint deputies.

Duties of a deputy collector.

Collector may nominate a surveyor.

Masters of vessels from foreign ports, to have manifests of their cargo.

loose, together with the marks and numbers, in words at length, of the said packages respectively, with a description of each, as whether leaguer, pipe, butt, puncheon, hogshead, barrel, case, bale, pack, truss, chest, box, bundle, or other cask or package, describing the same by its usual name or denomination.

Forfeiture of the value of goods not included in said manifest.

SEC. 10. *And be it further enacted*, That if any goods, wares or merchandise shall, after the said first day of October next, be imported or brought into the United States, in any ship or vessel whatever, belonging in the whole or in part to a citizen or citizens, inhabitant or inhabitants of the United States, from any foreign port or place, without such manifest or manifests in writing, or shall not be included and described therein, or shall not agree therewith, in every such case the master or other person having the command or charge of such ship or vessel, shall forfeit a sum of money equal to the value of such goods, not included in such manifest or manifests: *Provided always*, That if it shall be made appear to the satisfaction of the collector, naval officer and surveyor, or the major part of them, where those offices are established at any port, or to the satisfaction of the collector alone, where either of the other of the said offices is not established, or to the satisfaction of the court in which a trial shall be had concerning such forfeiture, that no part of the cargo of such ship or vessel had been unshipped, after it was taken on board, except such as shall have been specified and accounted for in the report of the master or other person having the charge or command of such ship or vessel, and that the manifest or manifests had been lost or mislaid, without fraud or collusion, or that the same was or were defaced by accident, or incorrect by mistake, in every such case the forfeiture aforesaid shall not be incurred.

Restitution of them if the manifests are lost.

SEC. 11. *And be it further enacted*, That every master or other person having the charge or command of any ship or vessel belonging in the whole or in part to a citizen or citizens, inhabitant or inhabitants of the United States, laden with goods as aforesaid, and bound to any port or place in the United States, shall on his arrival within four leagues of the coast thereof, or within any of the bays, harbors, ports, rivers, creeks or inlets thereof, upon demand, produce such manifest or manifests in writing, which such master or other person is herein before required to have on board his said ship or vessel, to such officer or officers of the customs, as shall first come on board his said ship or vessel, for his or their inspection, and shall deliver to such officer or officers a true copy or copies thereof (which copy or copies shall be provided and subscribed by the said master or other person having the command or charge of such ship or vessel); and that the officer or officers to whom the original manifest or manifests shall have been so produced, shall respectively certify upon the back thereof, that the same was or were produced, and the day and year on which the same was or were so produced, and that such copy or copies as aforesaid, was or were to him or them delivered, and shall likewise certify upon the back of such copy or copies, the day and year on which the same was or were delivered, and shall forthwith transmit such copy or copies to the respective collectors of the several districts, to which the goods by such manifest or manifests shall appear respectively to be consigned; and that the said master or other person so having the charge or command of any such ship or vessel, shall in like manner produce to the officer or officers of the customs who shall first come on board such ship or vessel upon her arrival within the limits of any district of the United States, in which the cargo or any part thereof is intended to be discharged or landed, for his or their inspection, such manifest or manifests as aforesaid, and shall also deliver to him or them a true copy or copies thereof, (such copy or copies also to be provided and subscribed by the said master or other person having the charge or command of such ship or vessel) the production of which

Masters of vessels to deliver manifests to the officer who shall first go on board,

the delivery of which shall be certified thereon by such officer;

said manifest or manifests, and the delivery of which said copy or copies thereof shall also be certified by the said officer or officers of the customs who shall so first come on board the said ship or vessel on her arrival within the limits of any such district, upon the back of the said original manifest or manifests, with the particular day and year when such manifest or manifests was or were produced to such officer or officers, and when he or they so received the said copy or copies thereof; and such officer or officers is and are hereby required forthwith to transmit or cause to be transmitted, the said copy or copies of the said manifest or manifests to the collector of that district, and the said master or person having the charge or command of the said ship or vessel, shall afterwards produce and deliver the said original manifest or manifests to the said collector. *Provided always*, That nothing herein contained shall be construed to require of such master or other person having the charge or command of such ship or vessel, the delivery of more than one copy of each manifest to the officer or officers aforesaid, who shall first come on board of such ship or vessel, within four leagues of the coast of the United States aforesaid, and one other copy to such officer or officers as shall first come on board, within the limits of any district for which the cargo of such ship or vessel or some part thereof shall be consigned or destined; or shall be construed to require the delivery of any such copy to any other officer; but it shall be sufficient in respect to any such other officer, to produce and show to him the said original manifest or manifests, and the certificate or certificates thereupon.

and another manifest to the officer of the district to which he is bound.

SEC. 12. *And be it further enacted*, That if the master or other person having the charge or command of any ship or vessel laden as aforesaid, and bound to any port or place in the United States, shall not, upon his arrival within four leagues of the coast thereof, or within the limits of any district thereof, where the cargo of such ship or vessel or any part thereof is intended to be discharged, produce such manifest or manifests in writing, to the proper officer or officers upon demand thereof, and also deliver such copy or copies thereof as aforesaid according to the directions of this act in each case, or shall not give an account of the destination of such ship or vessel, which he is hereby required to do, upon request of such officer or officers, or shall give a false account of the said destination, in order to evade the production of the said manifest or manifests, the said master or other person having the charge or command of such ship or vessel, shall forfeit for every such refusal, neglect or offence, a sum not exceeding five hundred dollars. And if such officer or officers first coming on board, in each case within the distance or limits aforesaid, shall neglect or refuse to certify on the back of such manifest or manifests, the production thereof, and the delivery of such copy or copies respectively, as are herein before directed to be delivered to such officer or officers; every such officer, so neglecting or refusing, shall forfeit and pay the sum of five hundred dollars.

Penalty on neglect thereof.

SEC. 13. *And be it further enacted*, That if after the arrival of any ship or vessel so laden with goods as aforesaid, and bound to the United States, within the limits of any of the districts of the United States, or within four leagues of the coast thereof, any part of the cargo of such ship or vessel shall be unladen for any purpose whatever, from out of such ship or vessel as aforesaid, within the limits or distance aforesaid, before such ship or vessel shall come to the proper place for the discharge of her cargo or some part thereof, and shall be there duly authorized by the proper officer or officers of the customs to unlade the same, the master or other person having the charge or command of such ship or vessel, and the mate or other person next in command, shall respectively forfeit and pay the sum of one thousand dollars; and the goods, wares and merchandise so unladen and unshipped, shall be forfeited and lost, except in the case of some unavoidable accident, necessity or dis-

Penalty on the officer for refusing or neglecting to certify manifests.

Penalty for unloading goods without authority:

forfeiture thereof;

except in cases of accident or distress.

Masters of vessels receiving goods, except in such cases, to forfeit treble their value and vessels.

Masters of vessels to incur a penalty for sailing from any district after arriving, if they do not enter, except in cases of distress :

To make an entry within 24 hours ;

and a report of his cargo within 48 hours ;

stress of weather ; of which unavoidable accident, necessity or distress, the master or other person having the charge or command of such ship or vessel, shall give notice to, and together with two or more of the mariners on board such ship or vessel, shall make proof upon oath before the collector or other chief officer of the customs of the district, within the limits of which such accident, necessity or distress shall happen, or before the collector or other chief officer of the first district of the United States within the limits of which such ship or vessel shall afterwards arrive, if the said accident, necessity or distress shall have happened not within the limits of any district, but within four leagues of the coast of the United States, (which oath the said collector or other chief officer is hereby authorized and required to administer.)

SEC. 14. *And be it further enacted,* That if any goods, wares or merchandise so unladen from on board of any such ship or vessel, shall be put or received into any other ship, vessel or boat, except in the case of such accident, necessity or distress as aforesaid, to be notified and proved as aforesaid, the said master or other person having the charge or command of the ship, vessel or boat into which the said goods shall be so put and received, and every other person aiding and assisting therein, shall forfeit treble the value of the said goods ; and the said ship, boat or vessel shall also be forfeited and lost.

SEC. 15. *And be it further enacted,* That if any ship or vessel which shall have arrived within the limits of any district of the United States from any foreign port or place, shall depart or attempt to depart from the same, unless to proceed on her way to some more interior district to which she may be bound, before report or entry shall have been made by the master or other person having the charge or command of such ship or vessel, with the collector of some district of the United States, the said master or other person having such charge or command shall forfeit and pay the sum of four hundred dollars. And it shall be lawful for any collector, naval officer, surveyor, or commander of any of the cutters herein after mentioned, to arrest and bring back, or cause to be arrested and brought back, such ship or vessel, to such port of the United States to which it may be most conveniently done. *Provided,* That if it shall be made to appear by the oath of the said master or other person having the charge or command of such ship or vessel, and of the person next in command, or other sufficient proof to the satisfaction of the collector of the district within which such ship or vessel shall afterwards come, or to the satisfaction of the court in which the prosecution for such penalty may be had, that the said departure, or attempt to depart, was occasioned by distress of weather, pursuit or duress of enemies, or other necessity, the said penalty shall not be incurred.

SEC. 16. *And be it further enacted,* That within twenty-four hours after the arrival of any ship or vessel from any port or place, at any port of the United States established by law, at which an officer of the customs resides, or within any harbor, inlet or creek thereof, if the hours of business at the office of the chief officer of the customs at such port will permit, or as soon thereafter as the said hours will permit, the master or other person having the charge or command of such ship or vessel, shall repair to the said office, and shall make report to the said chief officer of the arrival of the said ship or vessel ; and within forty-eight hours after such arrival, shall make a further report to the collector of the district in which such port may be, of the name, burthen and lading of such ship or vessel, whether in packages or stowed loose, and of the particular marks, numbers and contents of each package, and the place or places, person or persons to or for which or whom they are respectively consigned or destined, also of the place or places where she took in her lading, of what country built, from what foreign port or place she last sailed, who was master or commander of her during the voyage,

who is at the time of such report master or commander of her, and (if a vessel of the United States) who are owners of her; unless the whole of such information required on the second report as aforesaid, shall have been given at the time of making the first report, in which case it shall not be necessary to make a further report. And in the cases in which the master or person having the charge or command of any ship or vessel herein before required to have on board at the time of her departure from such foreign port or place for the United States, a manifest or manifests of the lading of such ship or vessel, or of any part thereof, the said master or person having the said charge or command shall, at the time of making the said report, deliver the said manifest or manifests to the collector to whom the said report shall be made, and shall declare to the truth of such manifest or manifests, as the same ought to be, in conformity to the directions of this act. And the said master or person having the charge or command of any such ship or vessel, shall in each case declare that no part of her lading, since her departure from the said foreign port or place from which she shall be so reported to have last sailed, has been landed or unladed, or otherwise removed from on board of her, except as he shall then specify, together with the cause, time, place and manner; and shall further declare, that in case he shall afterwards discover or know of any goods, wares or merchandise, other than those by him then reported, he will forthwith thereafter make report thereof to the said collector: which report and declarations respectively shall be in writing, signed by the party making the same, and shall be attested by his oath, to the best of his knowledge and belief; and the said collector is hereby authorized and required to administer the same. And if the said master or person having the charge or command of any such ship or vessel shall neglect or omit to make the said reports, or either of them, and declaration or declarations, or to deliver the said manifest or manifests, or to take the said oath, as the case may require, he shall for every such offence forfeit and pay the sum of one thousand dollars.

Sec. 17. *Provided always, and be it further enacted,* That it shall not be necessary for the master or person having the charge or command of any ship or vessel of war, or of any ship or vessel employed by any prince or state, as a public packet for the conveyance of letters and dispatches, and not permitted by the laws of such prince or state to be employed in the transportation of goods, wares or merchandise in the way of trade, to make such report and entry as aforesaid.

Sec. 18. *And be it further enacted,* That it shall be lawful for the said ship or vessel to proceed with any goods, wares or merchandise brought in her which shall be reported by the said master or other person having the charge or command of the said ship or vessel, to be destined for any foreign port or place from the district within which such ship or vessel shall first arrive, to such foreign port or place, without paying or securing the payment of any duties upon such of the said goods, wares or merchandise, as shall be actually re-exported in the said ship or vessel accordingly; any thing herein contained to the contrary notwithstanding. *Provided always,* That the said master or person having the charge or command of the said ship or vessel shall first give bond with one or more sureties, in a sum equal to the amount of the duties upon the said goods, wares and merchandise, as the same shall be estimated by the collector to whom the said report shall be made, to the satisfaction of the said collector, with condition that the said goods, wares or merchandise, or any part thereof, shall not be landed within the United States, unless due entry thereof shall have been first made, and the duties thereupon paid or secured according to law, which bond shall be cancelled in like manner as bonds herein after directed to be given for obtaining drawbacks of duties. *Provided nevertheless,* That such bond shall not

and deliver a manifest thereof to the collector.

To make report on oath of what he may have landed since he sailed from the port where he loaded.

Penalty on refusal or neglect.

Masters of foreign ships of war or packets not to make report and entry.

Master of vessel after arriving and entering may proceed to a foreign port;

after giving bond that his cargo shall not be landed in the United States without first entered.

Bond not to be required when vessels put in from distress.

Duties to be paid only in such districts where goods are landed.

Collector to furnish the master of a vessel bound to another district with a copy of his report;

which he is to show to collector of that district within 24 hours after his arrival;

and to give bond that the residue of his goods shall be entered and delivered in such districts as reported to be destined to.

Penalty on neglect thereof.

Owner or consignee to make

be required in respect to the goods on board of any ship or vessel which shall have put into the United States from necessity, to be made appear in manner herein after prescribed.

SEC. 19. *And be it further enacted*, That it shall be lawful for any ship or vessel in which any goods, wares or merchandise shall be brought into the United States from any foreign port or place, to proceed with the same from district to district within the United States, in order to the landing or delivery thereof; and the duties on such of the said goods only as shall be landed in any district, shall be paid or secured to be paid within such district.

SEC. 20. *And be it further enacted*, That before any ship or vessel shall depart from the district in which she shall first arrive, for another district, with goods, wares or merchandise brought in such ship or vessel from a foreign port or place, the duties whereof shall not have been paid or secured, the master or person having the charge or command of such ship or vessel, shall obtain from the collector of the district from which she shall be about to depart (who is hereby required to grant the same) a copy of the report made by such master or person having the charge or command of such ship or vessel, certified by the said collector, together with a certificate of the quantity and particulars of the goods which shall appear to him to have been landed within his district. And within twenty-four hours after the arrival of such ship or vessel within any other district, the said master or person having the charge or command of such ship or vessel shall make report or entry to or with the collector of such other district, producing and showing the said certified copy of his said first report, together with a certificate from each collector of any other district within which any of the goods, wares or merchandise brought in such ship or vessel shall have been before landed, of the quantity and particulars of such of the said goods, wares and merchandise as shall have been so landed in each district respectively; except in the state of Georgia, where such report shall be made within forty-eight hours: *Provided always*, That the master or person having the charge or command of the said ship or vessel shall first give bond with one or more sureties to the satisfaction of the collector of the district within which the said ship or vessel shall first arrive, in a sum equal to the amount of the duties on the residue of the said goods, according to such estimate as the said collector shall form thereof, with condition that the said residue of the said goods shall be duly entered and delivered in such other district or districts of the United States, for which the same shall have been reported to be destined. And the said bond shall be cancelled or discharged by the production of a certificate or certificates from the collector or collectors of the district or districts for which the said goods shall have been reported, testifying the due entry and delivery of the said goods in such district or districts, or upon due proof to the satisfaction of the collector by whom the said bond shall have been taken, that such entry and delivery were prevented by some unavoidable accident or casualty, and that if the whole or any part of the said goods shall not have been lost, that the same has been duly entered and delivered within the United States. And if the master or person having charge or command of any such ship or vessel, shall fail by his neglect or fault to obtain the said copy of his said report from the collector of the district from which he shall be so about to depart, or of any certificate which he ought to obtain as aforesaid, or shall neglect to produce and show the same to the collector of any other district to which the said ship or vessel shall afterwards proceed, within the time for that purpose herein before specified, he shall forfeit and pay for every such neglect or omission five hundred dollars.

SEC. 21. *And be it further enacted*, That the owner or owners, consignee or consignees of any goods, wares or merchandise on board of

any such ship or vessel, or in case of his, her or their absence or sickness, his, her or their known factor or agent, in his, her or their names, within fifteen days after report of the master or person having the charge or command of such ship or vessel to the collector of the district for which such goods, wares or merchandise shall be destined, shall make entry thereof with the said collector, and shall specify in such entry the particular marks, numbers and contents of each package or parcel whereof they shall consist, or if in bulk, the quantity and quality, together with the nett prime cost thereof; and shall also produce to the said collector, if any such there be, the original invoice or invoices, or other documents in lieu thereof, and bill or bills of lading; all which shall be done upon the oath of the person by whom such entry shall be made, according to the best of his or her knowledge and belief; who shall thereby also declare that if he or she shall afterwards discover or know of any other goods, wares or merchandises imported in such ship or vessel, belonging or consigned to the person or persons by whom or on whose behalf such entry shall have been made, he or she will forthwith make known the same, in order to the due entry thereof, and the payment or securing the payment of the duties thereupon: *Provided always*, That where the particulars of any such goods, wares, or merchandise shall be unknown, in lieu of the entry herein before directed to be made, an entry thereof shall be made and received according to the circumstances of the case, the party making the same, declaring upon oath all that he or she knows or believes concerning the quantity and particulars of the said goods, and that he or she has no other knowledge or information concerning the same; which entry, as well the first as the last, shall be made in writing, and shall be subscribed by the party making the same.

entry of goods imported upon oath.

And in order to ascertain what articles ought to be exempted from duty, as the sea stores of a ship or vessel,

SEC. 22. *Be it further enacted*, That the master or person having the charge or command of such ship or vessel, shall particularly specify the said articles in the report to be by him made as aforesaid, designating them as the sea stores of the said ship or vessel; and in the said oath to be taken by such master or other person, he shall declare that the articles so specified as sea stores are truly such, and were bona fide put on board the said ship or vessel for the use of the officers, crew and passengers thereof, and were not brought, and are not intended by way of merchandise or for sale; whereupon the said articles shall be free from duty: *Provided always*, That if it shall appear to the collector to whom such report shall be made, together with the naval officer, where there is one, or alone where there is none, that the quantities of the said articles so reported as sea stores are excessive, it shall be lawful for the said collector, jointly with the said naval officer, or alone as the case may be, in his or their discretion, to estimate the amount of the duty on such excess; which shall be forthwith paid by the said master or person having the command or charge of the said ship or vessel to the said collector, on pain of forfeiting the value of such excess. And if any of the said articles shall be landed for the purpose of being sold, or to be otherwise used than as the sea stores of the ship or vessel in which they were brought, all such as shall be so landed shall be forfeited, and the master or commander of such ship or vessel being privy thereto, shall moreover forfeit and pay treble the value of the articles so landed.

Sea stores exempt from duty.

Excess thereof to be valued, and duties paid.

Penalty for landing and selling them.

And also to ascertain what articles ought to be exempted from duty, as the clothes, books, household furniture, tools or implements of the trade or profession of persons arriving within the United States:

SEC. 23. *Be it further enacted*, That due entry thereof, as of other goods, wares and merchandise, but separate and distinct from that of any other goods, wares or merchandise imported from a foreign port or

Other articles exempt from duty, to be en-

tered distinctly upon oath by owner,

and if by any other, the oath of the owner to be produced within one year,

and transmitted with the entry to Secretary of Treasury.

Duties paid on articles of the growth and manufacture of the U. States, exported and brought back to be refunded,

and to ascertain their identity, they are to be entered in the same manner as other articles imported.

place, shall be made with the collector of the district in which the said articles are intended to be landed by the owner thereof, his or her agent, who shall make oath before the said collector, according to the best of his or her knowledge or belief, touching the person to whom the said articles shall belong, and his calling or occupation, the arrival or expected arrival of the said person within the United States, and that the said articles are truly intended for the use of the said owner solely, or jointly with his or her family, as the case may be, and are not directly nor indirectly imported or intended for sale; which oath shall be in writing, endorsed upon the said entry, and subscribed by the party making the same. And in case the said party shall be other than the owner of the said articles, he or she shall give bond with one or more sureties to the satisfaction of the said collector, in a sum equal to what would be the amount of the duties on the said articles if imported subject to duty, with condition that in a certain time therein to be specified, not exceeding one year, a like oath as above directed shall be made by the said owner, and if not made before the said collector, shall be produced to him duly authenticated; whereupon a permit shall and may be granted for landing the said articles. And a copy of every such entry, and of the oath endorsed thereupon, shall be transmitted to the Secretary of the Treasury for his information.

And whereas by the letter of the act, intituled "An act for laying a duty on goods, wares and merchandises imported into the United States," articles of the growth or manufacture of the United States, exported to foreign countries, and brought back to the United States, are subject to duty on their importation into the said states; and whereas it was not the intention of Congress that they should be so subject to duty:

SEC. 24. *Be it therefore further enacted*, That in every case in which a duty may have been heretofore paid on goods, wares or merchandises of the growth or manufacture of the United States, exported to a foreign country, and brought back to the said states, the amount thereof shall be repaid to the person or persons by whom the same shall have been paid, or to his, her or their representatives; and that in every case in which such duty may have accrued, but may not have been paid, the same be remitted, and that no such duty shall hereafter be demanded: *Provided*, That the regulations herein after prescribed for ascertaining the identity of such goods, wares or merchandise, be observed and complied with, and that as well in respect to those heretofore imported, as far as may be practicable, as to those hereafter to be imported.

And also to ascertain the identity of articles of the growth, product or manufacture of the United States, which having been exported to any foreign port or place, shall be brought back to the said states:

SEC. 25. *Be it further enacted*, That report and entry thereof shall be made as in other cases of goods, wares and merchandise imported from a foreign port or place, and proof by oath of the person or persons having knowledge of the facts, shall be made to the satisfaction of the collector of the district, with whom such entry shall be, jointly with the naval officer, if there be a naval officer, or alone if there be no naval officer, that the said articles had been exported from the United States, as of their growth, product or manufacture, and of the time when, by whom, in what ship or vessel, and for what port or place they were so exported; and if the said collector shall be other than the collector of the district from which the said articles shall have been exported, a certificate of the latter shall be produced to the former, testifying the exportation thereof in conformity to the proof aforesaid; whereupon a permit shall and may be granted for landing the same: *Provided*, That if the said certificate cannot be immediately produced, and if the proof otherwise required shall be made, and if bond shall be given, with one or more sureties to the satisfaction of the collector of the district within

which the said articles are intended to be landed, in a sum equal to what the duties would be on the said articles, if they were not of the growth, product or manufacture of the United States; with condition that the said certificate shall be produced within the term of four months, it shall be lawful for the said collector to grant a permit for the landing of the said articles, in like manner as if the said certificate had been produced.

SEC. 26. *And be it further enacted,* That the oaths to be taken upon making of any of the reports or entries aforesaid, whether by the master, or other person having the charge or command of any ship or vessel, or the owner or consignee of any goods, wares or merchandise, his or her factor or agent, shall be administered by the collector or officer to whom report or entry shall be made, and where there shall be a naval officer, in the presence of such naval officer, who shall attend for that purpose, and shall be reduced to writing, and shall be subscribed by the person administering the same, and by the said naval officer, if any shall be present: and the said collector, jointly with the said naval officer, where there is a naval officer, or alone where there is none, shall, according to the best of his or their judgment or information, make a gross estimate of the amount of the duties on the goods, wares or merchandise to which the entry of any owner or consignee, his or her factor or agent shall relate, which estimate shall be endorsed upon such entry, and signed by the officer or officers making the same. And the amount of the said duties according to the said estimate, having been first paid or secured, pursuant to the provisions of this act, the said collector shall grant a permit to land the goods, wares or merchandise, whereof such entry shall have been made, and then and not otherwise it shall be lawful to land the said goods.

SEC. 27. *And be it further enacted,* That no goods, wares or merchandise brought in any ship or vessel from any foreign port or place, shall be unladen or delivered from such ship or vessel, within the United States, but in open day—that is to say; between the rising and setting of the sun, except by special license from the chief officer of the port for that purpose, nor at any time without a permit from the collector for such unloading or delivery: and if any goods, wares or merchandise shall be unladen or delivered from any such ship or vessel, contrary to the directions aforesaid, or any of them, the master or person having the command or charge of such ship or vessel, and every other person who shall knowingly be concerned or aiding therein, or in removing, storing, or otherwise securing the said goods, wares or merchandise, shall forfeit and pay the sum of four hundred dollars for each offence; and shall be disabled from holding any office of trust or profit under the United States, for a term not exceeding seven years; and it shall be the duty of the collector of the district, to advertise the names of all such persons in a newspaper, printed in the state in which he resides, within twenty days after each respective conviction. And all goods, wares or merchandise so unladen or delivered, shall become forfeited, and may be seized by any of the officers of the customs; and where the value thereof according to the highest market price of the same, shall amount to four hundred dollars, the vessel, tackle, apparel and furniture, shall be subject to like seizure and forfeiture.

SEC. 28. *And be it further enacted,* That no goods, wares or merchandise brought in any ship or vessel from any foreign port or place, requiring to be weighed or gauged in order to ascertain the duties thereupon, shall be removed from any wharf or place upon which the same may be landed or put, before the same shall have been weighed or gauged, by or under the direction of a proper officer for that purpose; and if any such goods, wares or merchandise shall be removed from such wharf or place, unless with consent of the proper officer, before

Oaths to be administered on entries by officers of customs;

who shall make an estimate of the amount of the duties thereon.

Penalty for unloading goods unless in open day and with a permit.

and goods to be forfeited.

Goods removed before being weighed or gauged, also to be forfeited.

the same shall have been so weighed or gauged, the same shall be forfeited, and may be seized by any officer of the customs.

Goods to be stored by the collector until the duties thereon are ascertained.

SEC. 29. *And be it further enacted*, That all goods, wares or merchandise of which entry shall have been made, without specification of particulars, shall be conveyed to some warehouse or store-house, to be designated by the collector, in the parcels or packages containing the same, under the care of some proper officer, until the particulars thereof shall be examined and ascertained; agreeably to which the duties thereupon shall be finally adjusted and satisfied. And in every case, if the amount of the duties estimated, or secured to be paid, shall exceed or fall short of the true amount of the duties on the goods, wares or merchandise imported, as the same shall be finally ascertained, the difference shall be made good, or allowed where there shall be an excess, by return of the money, if paid, or credit on the bond which shall [have] been given for the same, if not paid; and where shall be a deficiency, by payment of such deficiency to the said collector.

Inspectors to be put on board of vessels until they are unladen,

SEC. 30. *And be it further enacted*, That it shall be lawful for the collector of any district at which any ship or vessel may arrive, and for the surveyor of any port where any such ship or vessel may be, to put and keep on board such ship or vessel, while remaining within such district, or in going from one district to another, one or more inspectors to examine the cargo or contents of such ship or vessel, and to superintend the delivery thereof, or of so much thereof as shall be delivered within the United States; and to perform such other duties according to law, as they shall be directed by the said collector or surveyor to perform for the better securing the collection of the duties: *Provided*, That collectors only shall have power to put on board ships or vessels, inspectors to go from one district to another. And the said inspector or inspectors shall make known to the person having the charge or command of such ship or vessel, the duties he or they is or are so to perform; and shall suffer no goods, wares or merchandise to be landed or unladen from such ship or vessel, without a proper permit for that purpose; and shall enter in a book to be by him or each of them kept, the name or names of the person or persons in whose behalf such permit was granted, together with the particulars therein specified, and the marks, numbers, kinds and descriptions of the respective packages which shall be unladen pursuant thereto. And the wages or compensation of such inspector or inspectors in going from one district to another, shall be defrayed by the master or person having the charge of the vessel in which they respectively go.

their duties,

and wages.

Officers of the customs and revenue cutters to go on board of vessels,

to demand manifests and search.

SEC. 31. *And be it further enacted*, That it shall be lawful for all collectors, naval officers, surveyors, inspectors, and the officers of the revenue cutters herein after mentioned, to go on board of ships or vessels in any part of the United States, or within four leagues of the coast thereof, if bound to the United States, whether in or out of their respective districts, for the purposes of demanding the manifests aforesaid, and of examining and searching the said ships or vessels; and the said officers respectively shall have free access to the cabin, and every other part of a ship or vessel: and if any box, trunk, chest, cask, or other package, shall be found in the cabin, steerage or fore-castle of such ship or vessel, or in any other place separate from the residue of the cargo, it shall be the duty of the said officer to take a particular account of every such box, trunk, cask or package, and the marks, if any there be, and a description thereof; and if he shall judge proper to put a seal or seals on every such box, chest, trunk, cask or package; and such account and description shall be by him forwarded to the collector of the district to which such ship or vessel is bound. And if upon her arrival at the port of her entry, the boxes, trunks, chests, casks or packages so described, or any of them shall be missing, or if the seals put thereon

be broken, the master or commander of such ship or vessel shall forfeit and pay for every such box, trunk, chest, cask or package so missing, or of which the seals shall be broken, two hundred dollars. And it shall also be lawful for the inspectors who may be put on board of any ship or vessel, to secure after sunset in each evening, the hatches and other communications with the hold of such ship or vessel, with locks or other proper fastenings, which fastenings shall not be opened, broken or removed, until the morning following, or after the rising of the sun, and in presence of the inspector or inspectors by whom the same shall have been affixed, except by special license from the chief officer of the port. And if the said locks or other fastenings, or any of them, shall be broken or removed during the night, or before the said rising of the sun, or without the presence of the said inspector or inspectors, the master or person having the charge or command of such ship or vessel, shall forfeit and pay the sum of two hundred dollars.

SEC. 32. *And be it further enacted,* That when the delivery of goods, wares or merchandise from on board of any such ship or vessel at any port shall have been completed, the accounts or entries which shall have been kept or made thereof by the officer or officers who shall have been charged with superintending the said deliveries, shall be reported to the collector of the district, who, together with the naval officer, where there is one, or alone where there is none, shall compare the said accounts and entries with the entry or entries which shall have been made by the owner or owners, consignee or consignees, his, her or their factor or agent. And if any difference shall appear, the same shall be noted by endorsement on such entry or entries, specifying the particulars thereof; and if no difference shall appear, it shall be noted by like endorsement, that the deliveries have corresponded with the entry; which endorsement or memorandum shall in each case be subscribed by the officer or officers by whom such comparison shall have been made, and by the officer or officers under whose inspection the said deliveries shall have been executed.

SEC. 33. *And be it further enacted,* That if at the expiration of fifteen working days after the time within which the report of the master or person having the charge or command of any ship or vessel, is required to be made to the collector of a district as aforesaid, there shall be found on board any goods, wares or merchandise, other than shall have been reported for some other district or a foreign port or place, the said inspector or inspectors shall take possession thereof, and deliver the same to the order of the collector of the district, taking his receipt therefor, and giving a certificate thereof to the master or person having such charge or command of such ship or vessel, describing the packages and their marks and numbers. And the said goods shall be kept with due and reasonable care at the charge and risk of the owner or owners for a term of nine months; and if within that time no claim be made for the same, the said collector shall procure an appraisal thereof by two or more reputable merchants, to be certified under their hands, and to remain with him, and shall afterwards cause the said goods to be sold at public auction, and retaining the duties and charges thereon, shall pay the overplus, if any there be, into the treasury of the United States, there to remain for the use of the owner or owners, who shall upon due proof of his, her or their property, be entitled to receive the same; and the receipt or certificate of the collector shall exonerate the master or commander from all claim of the owner. *Provided,* That where any entry shall have been duly made of such goods, the same shall not be appraised; and that where such goods are of a perishable nature, they shall be sold forthwith. *Provided further,* That the said limitation of fifteen days shall not extend to ships or vessels laden with salt or coal; but if the said master or owner of any such ship or vessel

Packages missing subjecting the master to a penalty.

Hatches of respective vessels to be secured after sunset,

and forfeiture for opening them in the night.

Report of the cargo delivered to be compared with the entry thereof,

and result to be endorsed on the entry.

Goods to be taken by the collector 15 days after report made by master of vessel,

who shall keep them 9 months, and if not then claimed, to have them appraised and sold at auction, and pay the net proceeds into the treasury of the United States;

such goods not to be appraised if entered, but sold if of a perishable nature. Limitation of 15 days not to extend to vessels laden with salt or coal,

and the extra wages of the inspectors to be paid by the master.

requires longer time to discharge her cargo, the wages or compensation of the inspector for every day's attendance exceeding the said fifteen days, shall be paid by the said master or owner. And if by reason of the delivery of a cargo in different districts, more than the said term of fifteen working days shall in the whole be spent therein, the wages or compensation of the inspector or inspectors who may be employed on board of any ship or vessel, in respect to which the said term may be so exceeded, shall for every day of such excess be paid by the said master or owner.

Packages reported missing, or disagreement of the report with the cargo, subjecting the master to penalty.

SEC. 34. *And be it further enacted*, That if any package whatever, which shall have been reported as aforesaid, shall be wanting and not found on board such ship or vessel, or if the goods on board the said ship or vessel shall otherwise not agree with the report of the master or other person having the charge or command of any such ship or vessel; in every such case he shall forfeit and pay the sum of five hundred dollars. *Provided nevertheless*, That if it shall be made to appear to the satisfaction of the collector, naval officer and surveyor, or the major part of them, where those officers are established at any port, or to the satisfaction of the collector alone where either of the said other officers is not established, or in case of trial for the said penalty, to the satisfaction of the court, that no part of the cargo of such ship or vessel has been unshipped since it was taken on board, except as shall have been specified in the said report, or that the said disagreement is by accident or mistake; in such case the penalty aforesaid shall not be inflicted.

Allowances for the drafts and tare of articles.

SEC. 35. *And be it further enacted*, That the following allowances shall be made for the drafts and tare of the articles subject to duty by weight—that is to say: For draught on any quantity of one hundred weight, or one hundred and twelve pounds, and under, one pound; on any quantity above one, and not exceeding two hundred weight, two pounds; on any quantity above two, and not exceeding three hundred weight, three pounds; on any quantity above three, and not exceeding ten hundred weight, four pounds; on any quantity above ten, and not exceeding eighteen hundred weight, seven pounds; on any quantity above eighteen hundred weight, nine pounds: For tare, on every whole chest of bohea tea, seventy pounds; on every half chest, thirty-six pounds; on every quarter chest, twenty pounds; on every chest of hyson or other green tea, the gross weight of which shall be seventy pounds or upwards, twenty pounds; on every box of other tea, not less than fifty, or more than seventy pounds gross, eighteen pounds; on all other boxes of tea, according to the invoice thereof; on coffee in bags, two per cent., in bales, three per cent., in casks, twelve per cent.; on pepper in bales, five per cent., in casks, twelve per cent.; on sugars, other than loaf sugar, in casks, twelve per cent., in boxes, fifteen per cent.; on all other goods, according to the invoice thereof. *Provided always*, That where the original invoices of any of the said articles are produced, and the tare or tares appear therein, it shall be lawful, with the consent of the importer or importers, consignee or consignees, to estimate the said tare or tares according to such invoice.

Allowance for leakages.

SEC. 36. *And be it further enacted*, That there shall be an allowance for leakage of two per cent. on the quantity which shall appear by the gauge to be contained in any cask of liquors subject to duty by the gallon.

Goods damaged during a voyage, or not accompanied with an invoice, to be appraised to ascertain the duties,

SEC. 37. *And be it further enacted*, That if any goods, wares or merchandise, on which duties are payable, shall receive damage during the voyage, or shall not be accompanied with the original invoice of their cost, it shall be lawful for the collector (and upon the request of the party he is required) to appoint one merchant, and the owner or consignee to appoint another, who being sworn or affirmed by the collector, well and truly to appraise such goods, shall appraise or value them

accordingly, and the duties upon such goods shall be estimated agreeably to such appraisement or valuation: And in respect to such damaged articles as are charged with a specific duty, by number, weight or measure, the said appraisers shall certify what in their judgment would have been their value, in case they had not been so damaged, and there shall be an abatement in the duty in proportion to the difference in value. *Provided*, That if the owner or owners, consignee or consignees of such goods not accompanied with an original invoice, shall choose to wait the receipt thereof, in such case the said collector shall take into his custody the said goods, and shall keep or cause the same to be kept with due and reasonable care, at the expense and risk of the party or parties, until the said invoice shall arrive, or until the said party or parties shall consent to the valuation thereof.

and the latter kept by the collector until the invoice arrives, if the owner chooses.

SEC. 38. *And be it further enacted*, That if any ship or vessel from any foreign port or place, compelled by distress of weather or other necessity, shall put into any port or place of the United States, not being destined for the same; and if the master or person having charge or command of such ship or vessel, together with the mate or person next in command, shall, within twenty-four hours after her arrival, make protest in the usual form upon oath before a notary public, or other person duly authorized, or before the collector of the district where the said ship or vessel shall so arrive, who is hereby empowered to administer the same, setting forth the cause and circumstances of such distress or necessity, and shall within forty-eight hours after such arrival, make report to the said collector, of the said ship or vessel and her cargo as in other cases. And if it shall be made appear to the said collector, by the certificate of the wardens of the port, or other officers usually charged with, and accustomed to ascertaining the condition of ships and vessels arriving in distress, if any such there be, or by the certificate of any two reputable merchants, to be named for that purpose by the said collector, if no such wardens or other officers there be, that there is a necessity for unloading the said ship or vessel, the said collector shall grant a permit for that purpose, and shall appoint an inspector or inspectors to oversee such unloading. And all goods so unladen shall be stored under the direction of the said collector; who, upon request of the master or other person having charge or command of such ship or vessel, or of the owner thereof, shall grant a license to dispose of such part of the said cargo as may be of a perishable nature (if any there be) or as may be necessary to defray the expenses attending such ship or vessel, and her cargo: *Provided*, That the duties thereupon be first paid. And the said goods, or the remainder thereof, may afterwards be reladen on board the said ship or vessel, and the said ship or vessel may proceed with the same to the place of her destination, free from any other charge than for the storing and safe-keeping of the said goods.

Ships or vessels compelled by distress to make entry and protest,

and collector may grant a permit to unload their cargoes,

which shall be stored under his direction, and the perishable part sold by his license,

the duties being first paid, and the residue reladen.

SEC. 39. *And be it further enacted*, That the ad valorem rates of duty upon goods, wares and merchandise at the place of importation, shall be estimated by adding twenty per cent. to the actual cost thereof, if imported from the Cape of Good Hope, or from any place beyond the same; and ten per cent. on the actual cost thereof if imported from any other place or country, exclusive of charges.

Rule for estimating the ad valorem rates of duty at the place of importation.

SEC. 40. *And be it further enacted*, That all foreign coins and currencies shall be estimated according to the following rates: Each pound sterling of Great Britain at four dollars and forty-four cents; each livre tournois of France at eighteen cents and an half; each florin or guilder of the United Netherlands, at thirty-nine cents; each mark banco of Hamburg, at thirty-three cents and one-third; each rix dollar of Denmark, at one hundred cents; each rial of plate of Spain, at ten cents; each milree of Portugal at one dollar and twenty-four cents; each pound sterling of Ireland, at four dollars ten cents; each tale of China at one

Rates of foreign coin and currency.

dollar forty-eight cents; each pagoda of India, at one dollar ninety-four cents; each rupee of Bengal, at fifty-five cents and an half; and all other denominations of money in value as near as may be to the said rates.

Duties how to
be paid or se-
cured.

SEC. 41. *And be it further enacted,* That all duties on goods, wares and merchandise imported, shall be paid or secured to be paid, before a permit shall be granted for landing the same. And where the amount thereof on goods imported in any ship or vessel, on account of one person only, or of several persons jointly interested, shall not exceed fifty dollars, the same shall be immediately paid; but where the said amount shall exceed fifty dollars, the same may, at the option of the proprietor or proprietors, consignee or consignees, be either immediately paid or secured by bond, with condition for the payment thereof, if accruing upon articles of the produce of the West Indies, in four months; if accruing on Madeira wines, in twelve months; if accruing upon any other goods, wares or merchandise, other than teas imported from China, in six months; which bond, at the like option of the said proprietor or proprietors, consignee or consignees, shall either include one or more sureties, to the satisfaction of the collector of the district where the said duties shall accrue, or shall be accompanied with a deposit in the custody of the said collector, of so much of the said goods as shall in his judgment be a sufficient security for the amount of the duties for which such bond shall have been given, and the charge of the safe keeping and sale of the goods so deposited; which deposit shall and may be accepted in lieu of the said surety or sureties, and shall be kept by the said collector, with due and reasonable care, at the expense and risk of the party or parties on whose account the same shall have been made, until the sum specified in such bond shall have become due, at which time if such sum shall not be paid, so much of the said deposited goods as may be necessary, shall be sold at public sale, and the proceeds thereof, after deducting the charges of keeping and sale, shall be applied to the payment of such sum, rendering the overplus and the residue of the said goods, if any there be, to the person or persons by whom such deposit shall have been made, or to his, her or their representatives. *Provided,* That no person whose bond for the payment of duties is due and unsatisfied, shall be allowed a future credit for duties, until such bond shall be fully paid or discharged.

Teas imported
from China may
be deposited in
custody of col-
lector on cer-
tain conditions.

SEC. 42. *Provided always, and be it further enacted,* That all teas imported from China may, at the option of the proprietor or consignee thereof, be deposited in the custody of the collector with whom the same shall be entered, or the duties thereon secured by bond, with one or more sureties, to the satisfaction of the collector, with condition for the payment of such duties within twelve months; and in case of depositing such teas, they shall be kept at the charge of the person or persons depositing the same. And the collector shall deliver such teas, or part thereof, from time to time, to the person or persons depositing the same, or to his or their order, on payment of the duties for such part as may be so delivered, and not otherwise; and in case the whole of the duties shall not be paid within eighteen months from the time of the entry made, it shall be the duty of the said collector to sell at public auction so much of the said teas as shall be sufficient to pay the duties then due, together with the charges of sale and safe keeping, and to return the overplus to the person or persons who shall have deposited such teas, or his, her or their representatives; and for such teas as have been imported from China in the present year, the owner or consignee thereof shall be entitled to deposit the same, or to give bond, payable in like manner, and under like regulations, as are herein before directed for teas which shall hereafter be imported, notwithstanding the duties on such teas may have been already secured to be paid.

SEC. 43. *And be it further enacted,* That the duties imposed by law

on the tonnage of any ship or vessel, shall be paid to the collector by the master or person having the charge or command of such ship or vessel, within ten days after his report to the said collector, and before such ship or vessel shall be permitted to clear out; the register of which ship or vessel shall at the time of entry be lodged in the office of the collector, and there remain until such clearance. And if any ship or vessel shall leave, or attempt to leave any district of the United States, without paying the said duties, the master or person having the charge or command of the same shall forfeit and pay five hundred dollars.

SEC. 44. *And be it further enacted*, That to ascertain the tonnage of any ship or vessel, the surveyor, or such other person as shall be appointed by the collector of the district to measure the same, shall, if the said ship or vessel be double decked, take the length thereof from the fore part of the main stem to the after part of the stern post above the upper deck; the breadth thereof at the broadest part above the main wales, half of which breadth shall be accounted the depth of such vessel, and shall then deduct from the length three fifths of the breadth, multiply the remainder by the breadth, and the product by the depth, and shall divide this last product by ninety-five, the quotient whereof shall be deemed the true contents or tonnage of such ship or vessel. And if such ship or vessel be single decked the said surveyor or other person shall take the length and breadth as above directed, in respect to a double decked ship or vessel, shall deduct from the said length three fifths of the breadth, and taking the depth from the under side of the deck plank to the ceiling in the hold, shall multiply and divide as aforesaid, and the quotient shall be deemed the tonnage of such ship or vessel.

SEC. 45. *And be it further enacted*, That where any bond for the payment of duties shall not be satisfied on the day it became due, the collector shall forthwith cause a prosecution to be commenced for the recovery of the money thereon, by action or suit at law, in the proper court having cognizance thereof; and in all cases of insolvency, or where any estate in the hands of executors or administrators shall be insufficient to pay all the debts due from the deceased, the debt due to the United States, on any such bond, shall be first satisfied.

SEC. 46. *And be it further enacted*, That if any goods, wares or merchandise, of which entry shall have been made in the office of a collector, shall not be invoiced according to the actual cost thereof at the place of exportation, with design to evade the duties thereupon, or any part thereof, all such goods, wares or merchandise, or the value thereof, to be recovered of the person making entry, shall be forfeited. And in every case in which the said collector shall suspect that any such goods, wares or merchandise, are not invoiced at a sum equal to that for which they have usually been sold in the place or country from whence they were imported, it shall be the duty of such collector to take the said goods, wares and merchandise into his possession, and retain the same, with reasonable care, at the risk and expense of the owner or owners, consignee or consignees thereof, until their value at the time and place of importation shall be ascertained by two reputable merchants, to be chosen and appointed as in the case of damaged goods, or goods not accompanied with an invoice; and until the duties arising according to such valuation shall be first paid, or secured to be paid, as required by this act in other cases of importation: *Provided*, That in case of a prosecution for the forfeiture aforesaid, such appraisement shall not be construed to exclude other proof upon the trial, of the actual and real cost of the said goods at the said place of exportation.

SEC. 47. *And be it further enacted*, That it shall be lawful for the collector or other officer of the customs, after entry made of any goods, wares or merchandise, on suspicion of fraud, to open and examine in

Duties on tonnage to be paid within ten days after report has been made.

Mode of ascertaining the tonnage of any vessel.

Bond for duties, how to be prosecuted.

Goods entered and not truly invoiced, to be forfeited.

How to be ascertained.

Officer sus-
pecting fraud
may examine
packages.

the presence of two or more reputable merchants, any package or packages thereof; and if upon examination they shall be found to agree with the entries, the officer making such seizure shall cause the same to be repacked, and delivered to the owner or claimant forthwith; and the expense of such examination shall be paid by the said collector or other officer, and allowed in the settlement of his accounts; but if any of the packages so examined shall be found to differ in their contents from the entry, then the goods, wares or merchandise contained in such package or packages shall be forfeited: *Provided*, That the said forfeiture shall not be incurred, if it shall be made appear to the satisfaction of the collector and naval officer of the district where the same shall happen, if there be a naval officer, and if there be no naval officer, to the satisfaction of the said collector, or of the court in which a prosecution for the forfeiture shall be had, that such difference proceeded from accident or mistake, and not from an intention to defraud the revenue.

Dutiable goods
concealed, how
to be searched
for and secured.

SEC. 48. *And be it further enacted*, That every collector, naval officer and surveyor, or other person specially appointed by either of them for that purpose, shall have full power and authority to enter any ship or vessel in which they shall have reason to suspect any goods, wares or merchandise subject to duty shall be concealed; and therein to search for, seize and secure any such goods, wares or merchandise. And if they shall have cause to suspect a concealment thereof in any particular dwelling-house, store, building or other place, they or either of them shall, upon application on oath to any justice of the peace, be entitled to a warrant to enter such house, store or other place (in the daytime only) and there to search for such goods, and if any shall be found, to seize and secure the same for trial: and all such goods, wares and merchandise, on which the duties shall not have been paid or secured, shall be forfeited.

Collector to
take custody of
goods seized.

SEC. 49. *And be it further enacted*, That all goods, wares and merchandise which shall be seized by virtue of this act, shall be put into and remain in the custody of the collector or such other person as he shall appoint for that purpose, until such proceedings shall be had as by this act are required, to ascertain whether the same have been forfeited or not; and if it shall be adjudged that they are not forfeited they shall be forthwith restored to the owner or owners, claimant or claimants thereof. And if any person or persons shall conceal or buy any goods, wares or merchandise, knowing them to be liable to seizure by this act, such person or persons shall, on conviction thereof, forfeit and pay a sum double the value of the goods so concealed or purchased.

Penalty for
concealing or
buying goods
subject to duty.

SEC. 50. *And be it further enacted*, That it shall be the duty of the several officers of the customs to make seizure of, and secure any ship or vessel, goods, wares or merchandise, which shall be liable to seizure by virtue of this act, as well without as within their respective districts.

Officers may
make seizure in
any district.

SEC. 51. *And be it further enacted*, That if any officer or other person, executing or aiding and assisting in the seizure of goods, shall be sued or molested for any thing done in virtue of the powers given by this act, or by virtue of a warrant granted by any judge or justice pursuant to law, such officer or other person may plead the general issue, and give this act and the special matter in evidence; and if in such suit the plaintiff be nonsuited, or judgment pass against him, the defendant shall recover double cost; and in actions, suits or information to be brought, where any seizure shall be made pursuant to this act, if the property be claimed by any person, in every such case the *onus probandi* shall be upon such claimant. And if any person shall forcibly resist, prevent or impede any officer of the customs, or their deputies, or any person assisting them in the execution of their duty, such person so offending, shall for every offence be fined in a sum not exceeding four hundred dollars.

Officers sued
or molested may
plead this act.

SEC. 52. *And be it further enacted*, That every collector, naval officer and surveyor shall, within three months after he enters upon the execution of his office, give bond with one or more sufficient sureties, to be approved of by the comptroller of the treasury of the United States, and payable to the said United States, with condition for the true and faithful discharge of the duties of his office according to law—that is to say: The collector of Philadelphia, in the sum of sixty thousand dollars: the collector of New York, fifty thousand dollars: the collector of Boston and Charlestown, forty thousand dollars: the collectors of Baltimore, and Charleston, thirty thousand dollars each: the collector of Norfolk and Portsmouth, fifteen thousand dollars: the collectors of Portsmouth in New Hampshire, of Salem and Beverly, Wilmington in the state of Delaware, Annapolis, Georgetown in Maryland, Bermuda Hundred and City-point, Alexandria, Wilmington, Newbern and Edenton in the state of North Carolina, Newport and Providence in the state of Rhode Island and Providence Plantations, ten thousand dollars each: the collectors of Newburyport, Gloucester, Marblehead, Plymouth, Nantucket, Portland and Falmouth, New London, New Haven, Fairfield, Perth Amboy, Yorktown, Dumfries, Washington and Cambden, Georgetown in South Carolina, Beaufort, and Savannah, each five thousand dollars: and all the other collectors in the sum of two thousand dollars each. The naval officers for the ports of Boston and Charlestown, New York, Philadelphia, Baltimore, and Charleston, ten thousand dollars each; and all the other naval officers in the sum of two thousand dollars each. The surveyors of the ports of Boston and Charlestown, New York, Philadelphia, Baltimore, and Charleston, five thousand dollars each; and all other surveyors one thousand dollars each. Which bonds shall be filed in the office of the said comptroller, and be by him severally put in suit for the benefit of the United States, upon any breach of the condition thereof. And as no provision has been heretofore specially made concerning the officers of the customs who may have been heretofore appointed in and for the states of North Carolina, and Rhode Island and Providence Plantations; the said officers respectively shall, within four months after the passing of this act, give bond with proper surety or sureties, in conformity to the provision aforesaid.

Collectors, naval officers and surveyors to enter into bonds for performance of duty.

SEC. 53. *And be it further enacted*, That there shall be allowed and paid to the collectors, naval officers and surveyors to be appointed pursuant to this act, the fees and per centage following—that is to say: To each collector for every entrance of any ship or vessel of one hundred tons burthen or upwards, two dollars and an half; for every clearance of any ship or vessel of one hundred tons burthen and upwards, two dollars and an half; for every entrance of any ship or vessel under the burthen of one hundred tons, one dollar and an half; for every clearance of a ship or vessel under one hundred tons burthen, one dollar and an half; for every permit to land goods, twenty cents; for every bond taken officially, forty cents; and for every permit to load goods for exportation, which are entitled to a drawback, thirty cents; for every official certificate, twenty cents; for every bill of health, twenty cents; for every other official document (registers excepted) required by the owner or master of any vessel not before enumerated, twenty cents: and where a naval officer is appointed to the same port, the said fees shall be equally divided between the collector and the said naval officer, the latter paying one-third of the expense of necessary stationery and of the rent of an office to be provided by the collector, at the place assigned for his residence, and as conveniently as may be for the trade of the district: and all fees shall, at the option of the collector, be either received by him or by the naval officer, the party receiving to account monthly with the other for his proportion or share thereof. To each

Their fees of office and per centage.

Fees of collectors, naval officers and surveyors.

Inspectors, measurers, weighers and gaugers, their pay and fees.

Pay and fees of inspectors, &c.

surveyor for the admeasurement of every ship or vessel of one hundred tons and under, one cent per ton; for the admeasurement of every ship or vessel, above one hundred tons, and not exceeding two hundred tons, one hundred and fifty cents; for the admeasurement of every ship or vessel, above two hundred tons, two hundred cents; for all other services by this act to be performed by such surveyor, on board any ship or vessel of one hundred tons and upwards, and having on board goods, wares and merchandise subject to duty, three dollars; for the like services on board any ship or vessel of less than one hundred tons burthen, having on board goods, wares and merchandise subject to duty, one and a half dollar; on all vessels not having on board goods, wares and merchandise subject to duty, two-thirds of a dollar; all which fees shall be paid by the master or owner of the ship or vessel in which the said services shall be performed, to the surveyor by whom they shall be performed, if performed by one only, for his sole benefit, but if performed by more than one, to him who shall have the first agency, to be divided in equal parts between him and the other or others by whom the said services shall be performed. To each inspector there shall be allowed for every day he shall be actually employed in aid of the customs, a sum not exceeding one dollar and twenty-five cents, to be paid by the collector out of the revenue, and charged to the United States. To the measurers, weighers and gaugers respectively, to be paid by the collector out of the revenue, for the measurement of every one hundred bushels of grain, thirty cents; for the measurement of every one hundred bushels of salt, forty cents; for the measurement of every one hundred bushels of coal, fifty cents; for the weighing of every one hundred and twelve pounds, two cents; for the gauging and marking of every cask (to be marked in durable characters with his own name and the quantity) eight cents; for computing the contents of, and (if requested by the party) marking cases containing distilled spirits and wines, three cents per case; for counting the number of bottles of cider, beer, ale or porter, one cent per dozen; and in proportion for any greater or less quantity. There shall moreover be allowed to the collectors of the districts of New York and Philadelphia, three-fourths of one per centum on the amount of all monies by them respectively received on account of duties; and to the collector of each of the other districts by this act established, one per centum on the amount of all monies by them respectively received on the said account of duties.

And whereas the allowances aforesaid will not afford an adequate compensation to the officers herein after mentioned, by reason of the small proportion of business done at the ports to which they respectively belong, although the said officers are necessary to the accommodation of the inhabitants, the facility of commerce, and the security of the revenue. Therefore,

Special allowance to revenue officers of certain ports.

SEC. 54. *Be it further enacted*, That in addition to the fees and emoluments which shall accrue to the said officers from the provisions aforesaid, they shall severally have and be entitled to the respective allowances following, to wit: The collector of the districts of Saint Mary's in the State of Georgia, Brunswick, Beaufort, South Quay, Cherrystone, Folly Landing, Annapolis, Yeocomico, Saint Mary's, Oxford, Sagg Harbor, Passamaquoddy, the yearly sum of one hundred dollars each. The collectors of the districts of Sunbury and Penobscot in Massachusetts, the yearly sum of sixty dollars each. The collectors of the districts of Hampton, Snowhill, Bridgetown, Burlington, Frenchman's Bay, and Edgartown, the yearly sum of fifty dollars each. The surveyors of the ports of Fredericksburg, Smithfield, Port Royal, Suffolk, West Point, Richmond, Petersburg and Little Egg Harbor, the yearly sum of eighty dollars each. The surveyors of the ports of Swansborough, Urbanna,

Town Creek, Albany, Hudson, Stonington, East Greenwich, and Gloucester, fifty dollars each.

SEC. 55. *And be it further enacted,* That every collector, naval officer, and surveyor, shall cause to be affixed and constantly kept in some public and conspicuous place of his office, a fair table of the rates of fees and duties demandable by law, and shall give a receipt for the fees he shall receive, specifying the particulars; and in case of failure therein, shall forfeit and pay one hundred dollars, to be recovered with costs, in any court having cognizance thereof, to the use of the informer; and if any officer of the customs shall demand or receive any greater or other fee, compensation or reward, for executing any duty or service required of him by law, he shall forfeit and pay two hundred dollars for each offence, recoverable in manner aforesaid for the use of the party grieved.

Collectors, naval officers and surveyors to set up table of fees.

Penalty for demanding greater or other fees.

SEC. 56. *And be it further enacted,* That the duties and fees to be collected by virtue of this act, shall be payable in gold or silver coin, at the following rates—that is to say: The gold coins of France, England, Spain and Portugal, and all other gold coins of equal fineness, at eighty-nine cents for every penny weight: The Mexican dollar at one hundred cents; the crown of France at one dollar and eleven cents; the crown of England at one dollar and eleven cents; all silver coin of equal fineness, at one dollar and eleven cents per ounce; and cut silver of equal fineness, at one dollar and six cents per ounce.

Rates of coin for receiving duties and fees.

SEC. 57. *And be it further enacted,* That all the drawbacks allowed by law on the exportation of goods, wares and merchandise imported, shall be paid or allowed by the collector at whose office the said goods, wares and merchandise were originally entered, and not otherwise, retaining one per centum for the benefit of the United States. And that the allowances on dried and pickled fish of the fisheries of the United States, and on salted provisions of the United States, shall be paid by the collector of the district from which the same shall be exported, without any deduction or abatement.

Drawbacks, where payable,

SEC. 58. *Provided always, and be it further enacted,* That in order to entitle the exporter or exporters of any goods, wares or merchandise, to the benefit of the said drawbacks or allowances, he or she shall, previous to putting or lading the same on board of any ship or vessel for exportation, give twenty-four hours notice at least to the collector of the district from which the same are about to be exported, of his, her or their intention to export the same, and of the particulars thereof, and of the casks, cases, chests, boxes and other packages or parcels containing the same, or of which the same consists, and of their respective marks, numbers and contents, and if imported articles, of the ship or ships, vessel or vessels in which the person or persons for or by whom, and the place or places from which they were imported. And in respect to the said imported articles proof shall be made to the satisfaction of the said collector, by the oaths of the person or persons (including the said exporter or exporters) through whose hands the said articles shall have passed, according to the best of their knowledge and belief, respecting the due importation of the said articles according to law, and in conformity to such notice of their identity, and of the payment or securing the payment of the duties thereupon. And in respect to the said dried and pickled fish and salted provisions, proof shall be made to the satisfaction of the said collector, according to the circumstances of the case, that the same, if fish, are of the fisheries of the United States; if salted provisions, were salted within the United States. And the said collector shall inspect or cause to be inspected, the goods, wares or merchandise so notified for exportation; and if they shall be found to correspond with the notice and proof concerning the same, the said collector shall grant a permit for lading the same on board the ship or vessel named in such notice, which lading shall be performed under the

and how to be allowed.

superintendence of the officer by whom the same shall have been so inspected. And the said exporter or exporters shall also make oath that the said goods so noticed for exportation, and laden on board the said ship or vessel, are truly intended to be exported to the place whereof notice shall have been given, and are not intended to be relanded within the United States; and shall give bond, with one or more sureties to the satisfaction of the said collector, in a sum equal to the amount of the drawbacks or allowances on such goods, with condition that the said goods, or any part thereof shall not be relanded in any port or place within the limits of the United States as settled by the late treaty of peace.

Exportation of goods entitled to drawback, how to be provided.

And provided further, That the said drawbacks or allowances shall not be paid until at least six months after the exportation of the said goods, and until the said exporter or exporters shall produce to the collector with whom such outward entry is made, a certificate in writing of two reputable merchants at the foreign port or place in which the same were landed, together with the oath of the master and mate of the vessel in which they were exported, certifying the delivery thereof. But in case any vessel shall be cast away, or meet with such unavoidable accidents as to prevent the landing such goods, a protest in due form of law, made by the master and mate, or some of the seamen, or in case no such protest can be had, then the oath of the exporter or exporters, or one of them, shall be received in lieu of the other proofs herein directed, unless there shall be good reason to suspect the truth of such oath, in which case it shall and may be lawful for the collector to require such further proof as the nature of the case may demand.

No drawback allowed, unless it amounts to twenty dollars;

Provided lastly, That no goods, wares or merchandise imported, shall be entitled to a drawback of the duties paid or secured to be paid thereon, unless such duties shall amount to twenty dollars at least; nor unless they shall be exported in the same casks, cases, chests, boxes or other packages, and from the district or port into which they were originally imported.

nor on pickled fish, &c. except it amount to three dollars.

SEC. 59. *And be it further enacted,* That the sums allowed to be paid by law on the exportation of dried or pickled fish, and of salted provisions, shall not be paid unless the same shall amount to three dollars at least upon one entry.

Goods entitled to drawback or allowance, to be forfeited if landed after entry made.

SEC. 60. *And be it further enacted,* That if any goods, wares or merchandise, entered for exportation, with intent to draw back the duties, or to obtain any allowance given by law on the exportation thereof, shall be landed in any port or place within the limits of the United States as aforesaid, all such goods, wares and merchandise, shall be subject to seizure and forfeiture, together with the ship or vessel from which such goods shall be landed, and the vessels or boats used in landing the same; and all persons concerned therein, shall on indictment and conviction thereof, suffer imprisonment for a term not exceeding six months. And for discovery of frauds, and seizure of goods, wares and merchandise, relanded contrary to law, the several officers established by this act, shall have the same powers, and in case of seizure the same proceedings shall be had, as in the case of goods, wares and merchandise imported contrary to law: And for measuring, weighing or gauging goods for exportation, the same fees shall be allowed as in like cases upon the importation thereof.

Collectors may give further credit on bonds in cases of exportation.

SEC. 61. *And be it further enacted,* That if any goods, the duties upon which shall have been secured by bond, shall be re-exported by the importer or importers thereof, and if the said bond shall become due before the expiration of the time herein before limited for payment of the drawback upon such goods, it shall be lawful for the collector of the district from which the said goods shall have been exported, to give farther credit for so much of the sum due upon such bond, as shall be equal to

the amount of the said drawback, until the expiration of the said time limited for payment thereof.

And the better to secure the collection of the said duties,

SEC. 62. *Be it further enacted*, That the President of the United States be empowered to cause to be built and equipped, so many boats or cutters, not exceeding ten, as may be necessary to be employed for the protection of the revenue, the expense whereof shall not exceed ten thousand dollars, which shall be paid out of the product of the duties on goods, wares and merchandise, imported into the United States, and on the tonnage of ships or vessels.

President may order cutters to be built.

SEC. 63. *And be it further enacted*, That there shall be to each of the said boats or cutters, one master, and not more than three mates, first, second, and third, four mariners and two boys; and that the compensations and allowances to the said officers, mariners and boys respectively, shall be, to the master thirty dollars per month, and the subsistence of a captain in the army of the United States; to a first mate twenty dollars per month, to a second mate sixteen dollars per month, to a third mate fourteen dollars per month, and to every mate the subsistence of a lieutenant in the said army; to each mariner eight dollars per month, to each boy four dollars per month; and to each mariner and boy the same ration of provisions which is or shall be allowed to a soldier in the said army. The said allowances for subsistence to be paid in provisions or money at the contract prices, at the option of the Secretary of the Treasury.

How to be officered and manned.

Pay of officers, &c.

SEC. 64. *And be it further enacted*, That the officers of the said boats or cutters, shall be appointed by the President of the United States, and shall respectively be deemed officers of the customs, and shall have power and authority to go on board of every ship or vessel which shall arrive within the United States, or within four leagues of the coast thereof, if bound for the United States, and to search and examine the same and every part thereof, and to demand, receive and certify the manifests herein before required to be on board of certain ships or vessels, and to affix and put proper fastenings on the hatches and other communications with the holds of ships or vessels, and to remain on board the said ships or vessels until they arrive at their places of destination.

and to be appointed by the President.

Their duty.

SEC. 65. *And be it further enacted*, That the collectors of the respective districts may, with the approbation of the Secretary of the Treasury, provide and employ such small open row and sail boats in each district, together with the requisite number of persons to serve in them, as shall be necessary for the use of the surveyors and inspectors in going on board of ships and vessels and otherwise, for the better detection of frauds; the expense of which shall be defrayed out of the product of duties.

Collectors may employ row boats.

SEC. 66. *And be it further enacted*, That if any officer of the customs shall directly or indirectly take or receive any bribe, reward or recompense for conniving, or shall connive at any false entry of any ship or vessel, or of any goods, wares or merchandise, and shall be thereof convicted, every such officer shall forfeit and pay a sum not less than two hundred, nor more than two thousand dollars for each offence; and any person giving or offering any bribe, recompense or reward for any such deception, collusion or fraud, shall forfeit and pay a sum not less than two hundred, nor more than two thousand dollars for each offence.

Penalty on officers receiving a bribe, or conniving at a false entry.

And in all cases where an oath is by this act required from a master or other person having command of a ship or vessel, or from an owner or consignee of goods, wares and merchandise, his or her factor or agent, if the person so swearing shall swear falsely, such person shall, on indictment and conviction thereof, be punished by fine or imprisonment, or both, in the discretion of the court before whom the conviction shall

On masters of vessels or others who shall take a false oath.

be had, so as the fine shall not exceed one thousand dollars, and the term of imprisonment shall not exceed twelve months.

Mode of prosecuting and recovering penalties and forfeitures.

SEC. 67. *And be it further enacted,* That all penalties accruing by any breach of this act, shall be sued for and recovered with costs of suit, in the name of the United States of America, in any court proper to try the same, and the trial of any fact which may be put in issue, shall be within the judicial district in which any such penalty shall have accrued, and the collector, within whose district the seizure shall be made, is hereby authorized and directed to cause suits for the same to be commenced and prosecuted to effect, and to receive, distribute and pay the sum or sums recovered, after first deducting all necessary costs and charges, according to law. And that all ships or vessels, goods, wares or merchandise, which shall become forfeited by virtue of this act, shall be seized, libelled and prosecuted as aforesaid, in the proper court having cognizance thereof; which court shall cause fourteen days notice to be given of such seizure and libel, by causing the substance of such libel, with the order of the court thereon, setting forth the time and place appointed for trial, to be inserted in some newspaper, published near the place of seizure, and also by posting up the same in the most public manner for the space of fourteen days, at or near the place of trial, for which advertisement a sum not exceeding ten dollars shall be paid; and proclamation shall be made in such manner as the court shall direct; and if no person shall appear to claim such ship or vessel, goods, wares or merchandise, the same shall be adjudged to be forfeited; but if any person shall appear before such judgment of forfeiture, and claim any such ship or vessel, goods, wares or merchandise, and shall give bond to defend the prosecution thereof, and to respond the cost in case he shall not support his claim, the court shall proceed to hear and determine the cause according to law: And upon the prayer of any claimant to the court, that any ship or vessel, goods wares or merchandise so seized and prosecuted, or any part thereof should be delivered to such claimant, it shall be lawful for the court to appoint three proper persons to appraise such ship or vessel, goods, wares or merchandise, who shall be sworn in open court for the faithful discharge of their duty; and such appraisalment shall be made at the expense of the party on whose prayer it is granted; and on the return of such appraisalment, if the claimant shall, with one or more sureties, to be approved of by the court, execute a bond in the usual form, to the United States, for the payment of a sum, equal to the sum at which the ship or vessel, goods, wares or merchandise, so prayed to be delivered, be appraised, the court shall by rule, order such ship or vessel, goods, wares or merchandise, to be delivered to the said claimant, and the said bond shall be lodged with the proper officer of the court; and if judgment shall pass in favour of the claimant, the court shall cause the said bond to be cancelled; but if judgment shall pass against the claimant, as to the whole or any part of such ship or vessel, goods, wares or merchandise, and the claimant shall not within twenty days thereafter, pay into the court the amount of the appraised value of such ship or vessel, goods, wares or merchandise so condemned, with the costs, the bond shall be put in suit. And when any prosecution shall be commenced on account of the seizure of any ship or vessel, goods, wares or merchandise, and judgment shall be given for the claimant or claimants; if it shall appear to the court before whom such prosecution shall be tried, that there was a reasonable cause of seizure, the same court shall cause a proper certificate or entry to be made thereof, and in such case the claimant shall not be entitled to costs, nor shall the person who made the seizure, or the prosecutor be liable to action, suit or judgment, on account of such seizure or prosecution. *Provided,* That the ship or vessel, goods, wares or merchandise be, after judgment, forthwith returned to such claimant or claimants, his, her or

their agents: *And provided*, That no action or prosecution shall be maintained in any case under this act, unless the same shall have been commenced, within three years next after the penalty of forfeiture was incurred.

SEC. 68. *And be it further enacted*, That all ships, vessels, goods, wares or merchandise, which shall be condemned by virtue of this act, shall be sold by the proper officer of the court in which such condemnation shall be had, to the highest bidder at public auction, by order of such court, and at such place as the court may appoint, giving at least fifteen days notice (except in case of perishable goods) in one or more of the public newspapers of the place where such sale shall be, or if no paper is published in such place, in one or more of the papers published in the nearest place thereto, for which advertising a sum not exceeding five dollars shall be paid.

Vessels or goods condemned, how to be sold.

SEC. 69. *And be it further enacted*, That all penalties, fines and forfeitures, recovered by virtue of this act, (and not otherwise appropriated) shall, after deducting all proper costs and charges, be disposed of as follows: One moiety shall be for the use of the United States, and paid into the treasury thereof; the other moiety shall be divided into equal parts, and paid to the collector and naval officer of the district, and surveyor of the port wherein the same shall have been incurred, or to such of the said officers as there may be in the said district; and in districts where only one of the aforesaid officers shall have been established, the said moiety shall be given to such officer: *Provided nevertheless*, That in all cases where such penalties, fines and forfeitures shall be recovered in pursuance of information given to such collector, by any person other than the naval officer or surveyor of the district, the one half of such moiety shall be given to the informer, and the remainder thereof shall be disposed of between the collector, naval officer and surveyor or surveyors, in manner aforesaid.

Appropriation of fines, penalties and forfeitures.

SEC. 70. *And be it further enacted*, That no goods, wares or merchandise of foreign growth or manufacture, subject to the payment of duties, shall be brought into the United States from any foreign port or place in any other manner than by sea, nor in any ship or vessel of less than thirty tons burthen, except within the district of Louisville, nor shall be landed or unladen at any other place than is by this act directed, under the penalty of seizure and forfeiture of all such vessels, and of the goods, wares or merchandise brought in, landed or unladen, in any other manner. And all goods, wares and merchandise brought into the United States by land, contrary to this act, shall be forfeited, together with the carriages, horses and oxen that shall be employed in conveying the same; provided nothing herein shall be construed to extend to household furniture and clothing, belonging to any person or persons actually removing into any part of the United States, for the purpose of becoming an inhabitant or inhabitants thereof.

Dutiable goods of foreign growth or manufacture brought into the United States, except by sea and in certain vessels, subject to forfeiture.

SEC. 71. *And be it further enacted*, That all matters by this act directed to be done to or by the collector of a district, shall and may be done to and by the person who, in the cases specified in this act, is or may be authorized to act in the place or stead of the said collector.

Collectors may act by deputies.

SEC. 72. *And be it further enacted*, That wherever an oath is required by this act, persons conscientiously scrupulous shall be permitted to affirm.

Affirmation may be taken instead of an oath.

SEC. 73. *And be it further enacted*, That the master or person having the charge or command of a ship or vessel bound to a foreign port or place, shall deliver to the collector of the district from which such ship or vessel shall be about to depart, a manifest of the cargo on board the same, and shall make oath or affirmation to the truth thereof, whereupon the said collector shall grant a clearance for the said ship or vessel, and her cargo, but without specifying the particulars thereof, unless

Vessels bound to foreign ports to deliver manifests of their cargoes.

Penalty for neglect of clearance.

Former acts repealed.

Exceptions.

Declaration respecting the ruble of Russia.

Act of July 31, 1789, ch. 5, sec. 10. Act of Sept. 29, 1789, ch. 22.

required by the said master or person having said charge or command. And if any ship or vessel bound to a foreign port or place, shall depart on her voyage to such foreign port or place without such clearance, the said master or person having the said charge or command, shall forfeit and pay the sum of two hundred dollars for such offence.

SEC. 74. *And be it further enacted*, That after the first day of October next, the act, intituled "An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares and merchandises imported into the United States," and also all other acts or parts of acts coming within the purview of this act, shall be repealed, and thenceforth cease to operate, except as to the continuance of the officers appointed in pursuance of the said act; except also as to the recovery and receipt of such duties on goods, wares and merchandise, and on the tonnage of ships or vessels, as shall have accrued, and as to the payment of drawbacks and allowances in lieu thereof, upon the exportation of goods, wares or merchandise which shall have been imported, and as to the recovery and distribution of fines, penalties and forfeitures which shall have been incurred before or upon the said day, subject nevertheless to the alterations contained and expressed in this present act.

And whereas by the act, intituled "An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares and merchandises imported into the United States," it was declared that the ruble of Russia should be rated at one hundred cents, and by the act, intituled "An act to explain and amend an act, intituled 'An act for registering and clearing vessels, regulating the coasting trade, and for other purposes,'" that part of the said first mentioned act which so rated the ruble of Russia was repealed and made null and void. And whereas it is doubted whether the said repeal can operate with respect to duties incurred prior thereto, as was intended by Congress:

SEC. 75. *Therefore be it enacted and declared*, That the said repeal shall be deemed to operate in respect to all duties which may have arisen or accrued prior thereto.

APPROVED, August 4, 1790.

STATUTE II.

August 4, 1790.

CHAP. XXXVI.—*An Act to continue in force for a limited time, an act intituled "An act for the temporary establishment of the Post-Office."*

[Expired.]

Former act declared in force till the next session, March 4, 1791.

1791, ch. 23.
1789, ch. 16.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the act passed the last session of Congress, intituled "An act for the temporary establishment of the post-office," be, and the same hereby is continued in force until the end of the next session of Congress, and no longer.

APPROVED, August 4, 1790.

STATUTE II.

August 5, 1790.

CHAP. XXXVIII.—*An Act to provide more effectually for the settlement of the Accounts between the United States and the individual States.*

[Expired.]

Board of three commissioners to be appointed. Act of August 5, 1789, ch. 6.

1792, ch. 5.

Who are to take an oath;

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That a board, to consist of three commissioners, be, and hereby is established to settle the accounts between the United States, and the individual states; and the determination of a majority of the said commissioners on the claims submitted to them, shall be final and conclusive; and they shall have power to employ such number of clerks as they may find necessary.

SEC. 2. *And be it further enacted*, That the said commissioners shall respectively take an oath or affirmation before the chief justice of the

United States, or one of the associate or district judges, that they will faithfully and impartially execute the duties of their office. And they shall each of them be entitled to receive at the rate of two thousand two hundred and fifty dollars per annum, payable quarter yearly at the treasury of the United States, for their respective services. their salary.

SEC. 3. *And be it further enacted,* That it shall be the duty of the said commissioners to receive and examine all claims which shall be exhibited to them before the first day of July, one thousand seven hundred and ninety-one, and to determine on all such as shall have accrued for the general or particular defence during the war, and on the evidence thereof, according to the principles of general equity (although such claims may not be sanctioned by the resolves of Congress, or supported by regular vouchers), so as to provide for the final settlement of all accounts between the United States and the states individually; but no evidence of a claim heretofore admitted by a commissioner of the United States for any state or district, shall be subject to such examination; nor shall the claim of any citizen be admitted as a charge against the United States in the account of any state, unless the same was allowed by such state before the twenty-fourth day of September, one thousand seven hundred and eighty-eight.

Mode of procedure in examining claims.

SEC. 4. *And be it further enacted,* That it shall be the duty of the said commissioners to examine and liquidate to specie value, on principles of equity, the credits and debits of the states already on the books of the treasury for bills of credit subsequent to the eighteenth of March, one thousand seven hundred and eighty.

To liquidate to specie value credits and debits of certain states.

SEC. 5. *And be it further enacted,* That the commissioners shall debit each state with all advances which have been, or may be made to it by the United States, and with the interest thereon to the last day of the year one thousand seven hundred and eighty-nine, and shall credit each state for its disbursements and advances on the principles contained in the third section of this act, with interest to the day aforesaid, and having struck the balance due to each state, shall find the aggregate of all the balances, which aggregate shall be apportioned between the states agreeably to the rule herein after given; and the difference between such apportionments, and the respective balances, shall be carried in a new account to the debit or credit of the states respectively, as the case may be.

On the final settlement, aggregate of all the balances to be apportioned between the states.

SEC. 6. *And be it further enacted,* That the rule for apportioning to the states the aggregate of the balances first above mentioned, shall be the same that is prescribed by the constitution of the United States, for the apportionment of representation and direct taxes, and according to the first enumeration which shall be made.

The rule of apportionment.

SEC. 7. *And be it further enacted,* That the states who shall have balances placed to their credit on the books of the treasury of the United States, shall, within twelve months after the same shall have been so credited, be entitled to have the same funded upon the same terms with the other part of the domestic debt of the United States; but the balances so credited to any state shall not be transferable.

Creditor states to have their balances funded.

SEC. 8. *And be it further enacted,* That the clerks employed, or to be employed by the said commissioners, shall receive like salaries as clerks employed in the treasury department.

Salaries of the clerks.

SEC. 9. *And be it further enacted,* That the powers of the said commissioners shall continue until the first day of July, one thousand seven hundred and ninety-two, unless the business shall be sooner accomplished.

Continuance of the commissioners' powers.

APPROVED, August 5, 1790.

STATUTE II.

August 10, 1790.

CHAP. XXXIX.—*An Act making further provision for the payment of the debts of the United States.*

[Obsolete.]

Recital.
Act of July 4,
1789, ch. 2.

WHEREAS, by an act, intituled "An act for laying a duty on goods, wares and merchandises imported into the United States," divers duties were laid on goods, wares and merchandise so imported, for the discharge of the debts of the United States, and the encouragement and protection of manufactures: And whereas the support of government and the discharge of the said debts, render it necessary to increase the said duties:

From and after the first of December next, the present duties on certain specified articles to cease, and other duties imposed in lieu thereof.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the last day of December next, the duties specified and laid in and by the act aforesaid, shall cease and determine; and that upon all goods, wares and merchandise (not herein particularly excepted) which after the said day shall be brought into the United States, from any foreign port or place, there shall be levied, collected and paid the several and respective duties following, that is to say: Madeira wine of the quality of London particular, per gallon, thirty-five cents; other Madeira wine, per gallon, thirty cents; Sherry wine, per gallon, twenty-five cents; other wines, per gallon, twenty cents; distilled spirits, if more than ten per cent. below proof, according to Dycas's hydrometer, per gallon, twelve cents; if more than five, and not more than ten per cent. below proof, according to the same hydrometer, per gallon, twelve and an half cents; if of proof, and not more than five per cent. below proof, according to the same hydrometer, per gallon, thirteen cents; if above proof, but not exceeding twenty per cent. according to the same hydrometer, per gallon, fifteen cents; if of more than twenty, and not more than forty per cent. above proof, according to the same hydrometer, per gallon, twenty cents; if of more than forty per cent. above proof, according to the same hydrometer, per gallon, twenty-five cents; molasses, per gallon, three cents; beer, ale and porter in casks, per gallon, five cents; beer, ale and porter in bottles, per dozen, twenty cents. Teas from China and India, in ships or vessels of the United States, bohea, per pound, ten cents; souchong and other black teas, per pound, eighteen cents; hyson, per pound, thirty-two cents; other green teas, per pound, twenty cents: Teas from Europe, in ships or vessels of the United States, bohea, per pound, twelve cents; souchong and other black teas, per pound, twenty-one cents; hyson, per pound, forty cents; other green teas, per pound, twenty-four cents: Teas from any other place, or in any other ships or vessels, bohea, per pound, fifteen cents; souchong and other black teas, per pound, twenty-seven cents; hyson, per pound, fifty cents; other green teas, per pound, thirty cents; coffee, per pound, four cents; cocoa, per pound, one cent; loaf sugar, per pound, five cents; brown sugar, per pound, one and an half cent; other sugar, per pound, two and an half cents; candles of tallow, per pound, two cents; candles of wax or spermaceti, per pound, six cents; cheese, per pound, four cents; soap, per pound, two cents; pepper, per pound, six cents; pimento, per pound, four cents; manufactured tobacco, per pound, six cents; snuff, per pound, ten cents; indigo, per pound, twenty-five cents; cotton, per pound, three cents; nails and spikes, per pound, one cent; bar and other lead, per pound, one cent; steel unwrought, per one hundred and twelve pounds, seventy-five cents; hemp, per one hundred and twelve pounds, fifty-four cents; cables, per one hundred and twelve pounds, one hundred cents; tarred cordage, per one hundred and twelve pounds, one hundred cents; untarred cordage and yarn, per one hundred and twelve pounds, one hundred and fifty cents; twine and pack thread, per one hundred and twelve pounds, three hundred cents; salt, per bushel, twelve cents; malt, per bushel, ten cents; coal,

per bushel, three cents; boots, per pair, fifty cents; shoes, slippers and goloshoes, made of leather, per pair, seven cents; shoes and slippers, made of silk or stuff, per pair, ten cents; wool and cotton cards, per dozen, fifty cents; playing cards, per pack, ten cents; all China ware, looking glasses, window and other glass, and all manufactures of glass, (black quart bottles excepted) twelve and an half per centum ad valorem; marble, slate and other stones, bricks, tiles, tables, mortars and other utensils of marble or slate, and generally all stone and earthen ware, blank books, writing paper, and wrapping paper, paper hangings, pasteboards, parchment and vellum, pictures and prints, painters' colors, including lampblack, except those commonly used in dyeing, gold, silver and plated ware, gold and silver lace, jewellery and paste work, clocks and watches, shoe and knee buckles, grocery, (except the articles before enumerated) namely, cinnamon, cloves, mace, nutmegs, ginger, anniseed, currants, dates, figs, plums, prunes, raisins, sugar candy, oranges, lemons, limes, and generally all fruits and comfits, olives, capers and pickles of every sort, oil, gun-powder, mustard in flour, ten per centum ad valorem; cabinet wares, buttons, saddles, gloves of leather, hats of beaver, felt, wool, or a mixture of any of them, millinery ready made, castings of iron, and slit and rolled iron, leather tanned or tawed, and all manufactures of which leather is the article of chief value, except such as are herein otherwise rated, canes, walking sticks and whips, clothing ready made, brushes, anchors, all wares of tin, pewter, or copper, all or any of them, medicinal drugs, except those commonly used in dyeing, carpets and carpeting, all velvets, velverets, satins and other wrought silks, cambrics, muslins, muslinets, lawns, laces, gauzes, chintzes, and colored calicoes, and nankeens, seven and an half per centum ad valorem. All goods, wares and merchandise imported directly from China or India in ships or vessels not of the United States, teas excepted, twelve and an half per centum ad valorem. All coaches, chariots, phaetons, chaises, chairs, solos or other carriages, or parts of carriages, fifteen and an half per centum ad valorem; and five per centum ad valorem upon all other goods, wares and merchandise, except bullion, tin in pigs, tin plates, old pewter, brass teutenague, iron and brass wire, copper in plates, saltpetre, plaister of Paris, wool, dyeing woods, and dyeing drugs, raw hides and skins, undressed furs of every kind, the sea stores of ships or vessels, the clothes, books, household furniture, and the tools or implements of the trade or profession of persons who come to reside in the United States, philosophical apparatus, specially imported for any seminary of learning, all goods intended to be re-exported to a foreign port or place, in the same ship or vessel in which they shall be imported, and generally, all articles of the growth, product or manufactures of the United States.

SEC. 2. *And be it further enacted*, That an addition of ten per centum shall be made to the several rates of duties above specified and imposed, in respect to all goods, wares and merchandise, which, after the said last day of December next, shall be imported in ships or vessels not of the United States, except in the cases in which an additional duty is herein before specially laid on any goods, wares, or merchandises, which shall be imported in such ships or vessels.

SEC. 3. *And be it further enacted*, That all duties which shall be paid or secured to be paid by virtue of this act, shall be returned or discharged in respect to all such goods, wares or merchandise, whereupon they shall have been so paid, or secured to be paid, as, within twelve calendar months after payment made or security given, shall be exported to any foreign port or place, except one per centum on the amount of the said duties, which shall be retained as an indemnification for whatever expense may have accrued concerning the same.

SEC. 4. *And be it further enacted*, That there shall be allowed and

Also on certain other articles certain rates per centum ad valorem.

Also an additional duty of ten per centum on all the rates of duty before specified.

Drawback for goods exported within twelve months.

Bounty on exportation of dried or pickled fish, and salted provisions.

paid on dried and pickled fish, of the fisheries of the United States, and on other provisions salted within the said states, which, after the said last day of December next, shall be exported therefrom to any foreign port or place, in lieu of a drawback of the duty on the salt which shall have been expended thereupon, according to the following rates—namely: Dried fish, per quintal, ten cents; pickled fish and other salted provisions, per barrel, ten cents.

Duties or drawback on a specific quantity of goods, to apply in proportion as to other quantities.

SEC. 5. *And be it further enacted*, That where duties by this act are imposed, or drawbacks allowed on any specific quantity of goods, wares and merchandise, the same shall be deemed to apply in proportion to any quantity, more or less, than such specific quantity.

Duties accruing within a certain time remitted.

SEC. 6. *And be it further enacted*, That all the duties which, by virtue of the act, intituled "An act for laying a duty on goods, wares and merchandises imported into the United States," accrued between the time specified in the said act for the commencement of the said duties, and the respective times when the collectors entered upon the duties of their respective offices in the several districts, be, and they are hereby remitted and discharged, and that in any case in which they may have been paid to the United States, restitution thereof shall be made.

Act of July 4, 1789, ch. 2.

Continuance of the duty by this act imposed.

SEC. 7. *And be it further enacted*, That the several duties imposed by this act shall continue to be collected and paid, until the debts and purposes for which they are pledged and appropriated, shall be fully discharged: *Provided*, That nothing herein contained shall be construed to prevent the legislature of the United States from substituting other duties or taxes of equal value to any or all of the said duties and imposts.

APPROVED, August 10, 1790.

STATUTE II.

August 10, 1790.

Act of June 9, 1794, ch. 62.

CHAP. XL.—*An Act to enable the Officers and Soldiers of the Virginia Line on continental Establishment, to obtain Titles to certain Lands lying northwest of the River Ohio, between the Little Miami and Sciota.*(a)

[Repealed.]

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the act of Congress of the seventeenth of July, one thousand seven hundred and eighty-eight, relative to certain locations and surveys made by, or on account of the Virginia troops on continental establishment upon lands between the Little Miami and Sciota rivers, northwest of the Ohio, be, and the same is hereby repealed.(b)

(a) The acts relative to Virginia land warrants, and the regulations and locations thereof, have been: Act of August 10, 1790, chap. 40; act of June 9, 1794, chap. 62; act of May 13, 1800, chap. 59; act of April 26, 1802, chap. 30; act of March 2, 1807, chap. 21; act of March 16, 1810, chap. 23; act of June 26, 1812, chap. 109; act of November 3, 1814, chap. 2; act of February 22, 1815, chap. 48; act of April 11, 1818, chap. 43; act of February 9, 1821, chap. 10; act of May 20, 1826, chap. 138; act of April 23, 1830, chap. 73; act of May 30, 1830, chap. 215; act of July 13, 1832, cl ap. 205; act of March 2, 1833; act of March 31, 1832, chap. 157; act of July 7, 1838, chap. 116.

(b) Under the reserve contained in the cession act of Virginia, and under the act of Congress of August 10, 1790, and of June 9, 1794, the whole country lying between the Sciota and Little Miami rivers, was subjected to the military warrants, to satisfy which the reserve was made. *Doddridge v. Thompson*, 9 Wheat. 469; 5 Cond. Rep. 645.

The reservation made by the law of Virginia of 1783, ceding to Congress the territory northwest of the river Ohio, is not a reservation of the whole tract of country between the rivers Sciota and Little Miami. It is a reservation of only so much as may be necessary to make up the deficiency of good lands set apart for the officers and soldiers of the Virginia line on the continental establishment, on the southeast side of the Ohio. The residue of the lands are ceded to the United States, as a common fund for those States who were, or might become members of the Union, to be disposed of for that purpose. *Jackson v. Clarke et al.*, 1 Peters, 635.

Although the military rights constituted the primary claim upon the trust, that claim was according to the intention of the parties so to be satisfied as still to keep in view the interests of the Union, which were also a vital object of the trust. This was only to be effected by prescribing the time in which the lands to be appropriated by those claimants, were to be separated from the general mass, so as to enable the government to apply the residue to the general purposes of the trust. *Ibid.*

If the right existed in Congress to prescribe a time within which military warrants should be located, the right to connect conditions to its extension, follows as a necessary consequence. *Ibid.*

And whereas the agents for such of the troops of the state of Virginia, who served on the continental establishment in the army of the United States, during the late war, have reported to the executive of the said state, that there is not a sufficiency of good land on the south-easterly side of the river Ohio, according to the act of cession from the said state to the United States, and within the limits assigned by the laws of the said state, to satisfy the said troops for the bounty lands due to them, in conformity to the said laws: to the intent therefore that the difference between what has already been located for the said troops, on the south-easterly side of the said river, and the aggregate of what is due to the whole of the said troops, may be located on the north-westerly side of the said river, and between the Sciota and Little Miami rivers, as stipulated by the said state:

Recital.

SEC. 2. *Be it further enacted*, That the secretary of the department of war shall make return to the executive of the state of Virginia of the names of such of the officers, non-commissioned officers and privates of the line of the said state, who served in the army of the United States, on the continental establishment, during the late war, and who, in conformity to the laws of the said state, are entitled to bounty lands; and shall also in such return state the aggregate amount in acres due to the said line by the laws aforesaid.

Secretary at war to make return to the executive of Virginia of those entitled to bounty lands.

SEC. 3. *And be it further enacted*, That it shall and may be lawful for the said agents to locate to and for the use of the said troops, between the rivers Sciota and Little Miami, such a number of acres of good land as shall, together with the number already located between the said two rivers, and the number already located on the south-easterly side of the river Ohio, be equal to the aggregate amount, so to be returned as aforesaid by the secretary of the department of war.

Agents to locate certain tracts for the use of the troops;

SEC. 4. *And be it further enacted*, That the said agents, as soon as may be after the locations, surveys and allotments are made and completed, shall enter in regular order, in a book to be by them provided for that purpose, the bounds of each location and survey between the said two rivers, annexing the name of the officer, non-commissioned officer or private originally entitled to each; which entries being certified by the said agents or the majority of them, to be true entries, the book containing the same shall be filed in the office of the Secretary of State.

and to enter in a book the bounds of each location and survey.

SEC. 5. *And be it further enacted*, That it shall be lawful for the President of the United States to cause letters patent to be made out in such words and form as he shall devise and direct, granting to such person so originally entitled to bounty lands, to his use, and to the use of his heirs or assigns, or his or their legal representative or representatives, his, her or their heirs or assigns, the lands designated in the said entries: *Provided always*, That before the seal of the United States shall be affixed to such letters patent, the secretary of the department of war shall have indorsed thereon that the grantee therein named, was originally entitled to such bounty lands, and that he has examined the bounds thereof with the book of entries filed in the office of the Secretary of State, and finds the same truly inserted; and every such letters patent shall be countersigned by the Secretary of State, and a minute of the date thereof, and of the name of the grantee shall be entered of record in his office, in a book to be specially provided for the purpose.

President to cause letters patent to be made out to those entitled to bounty lands.

SEC. 6. *And be it further enacted*, That it shall be the duty of the Secretary of State, as soon as may be after the letters patent shall

Under the peculiar system of the Virginia land law, as it has been settled in Kentucky, and in the Virginia military district in Ohio, by usages adapted to the circumstances of the country, many principles have been established which are unknown to the common law. A long course of adjudication has fixed those principles, and they are to be considered as the settled rules by which those military titles are to be governed. *Galt v. Galloway*, 4 Peters, 334.

Secretary of State to transmit the same to the executive of the Virginia.

Act of June 9, 1794, ch. 62.

Letters patent obtained without fees.

be so completed and entered of record, to transmit the same to the executive of the state of Virginia, to be by them delivered to each grantee; or in case of his death, or that the right of the grantees shall have been legally transferred before such delivery, then to his legal representative or representatives, or to one of them.

SEC. 7. *And be it further enacted*, That no fees shall be charged for such letters patent and record, to the grantees, their heirs or assigns, or to his or their legal representative or representatives.

APPROVED, August 10, 1790.

STATUTE II.

August 10, 1790.

CHAP. XLI.—*An Act authorizing the Secretary of the Treasury to finish the Lighthouse on Portland Head, in the District of Maine.*

\$1500 appropriated.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be appropriated and paid out of the monies arising from the duties on imports and tonnage, a sum not exceeding fifteen hundred dollars, for the purpose of finishing the lighthouse on Portland Head, in the district of Maine; and that the Secretary of the Treasury, under the directions of the President of the United States, be authorized to cause the said lighthouse to be finished and completed accordingly.

APPROVED, August 10, 1790.

STATUTE II.

August 11, 1790.

CHAP. XLII.—*An Act to alter the Times for holding the Circuit Courts of the United States in the Districts of South Carolina and Georgia, and providing that the District Court of Pennsylvania shall in future be held at the city of Philadelphia only.*

[Obsolete.]

1794, ch. 64.

Circuit courts when and where to be held.

South Carolina 1789, ch. 20, sec. 5.

Georgia 1789, ch. 20, sec. 5.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the circuit courts of the United States in the districts of South Carolina and Georgia, shall for the future be held as follows, to wit: In the district of South Carolina on the twenty-fifth day of October next, at Charleston, and in each succeeding year at Columbia, on the twelfth day of May, and in Charleston on the twenty-fifth day of October; in the district of Georgia on the fifteenth day of October next, at Augusta, and in each succeeding year at Savannah, on the twenty-fifth day of April, and at Augusta on the fifteenth day of October; except when any of those days shall happen to be Sunday, in which case the court shall be held on the Monday following. And all process that was returnable under the former law at Charleston, on the first day of October next, and at Augusta on the seventeenth day of October, shall now be deemed returnable respectively at Charleston on the twenty-fifth day of October next, and at Augusta on the fifteenth day of October next; any thing in the former law to the contrary notwithstanding.

SEC. 2. *And be it further enacted*, That so much of the act, entitled "An act to establish the judicial courts of the United States," as directs that the district court for the district of Pennsylvania shall be held at Yorktown in the said state, be repealed; and that in future the district court for Pennsylvania be held in the city of Philadelphia.

APPROVED, August 11, 1790.

STATUTE II.

August 11, 1790.

CHAP. XLIII.—*An Act declaring the assent of Congress to certain acts of the states of Maryland, Georgia, and Rhode Island and Providence Plantations.*

1792, ch. 10.
[Expired.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress be, and is hereby declared to the operation of the acts of the

several states herein after mentioned, so far as the same relate to the levying a duty on the tonnage of ships and vessels for the purposes therein mentioned until the tenth day of January next—that is to say: an act of the General Assembly of the state of Rhode Island and Providence Plantations, at their session held in January, one thousand seven hundred and ninety, intituled “An act to incorporate certain persons by the name of the River Machine Company, in the town of Providence, and for other purposes therein mentioned;” and also, an act of the General Assembly of the state of Maryland, at their session in April, one thousand seven hundred and eighty-three, intituled “An act appointing wardens for the port of Baltimore-town in Baltimore county;” as also, another act of the General Assembly of the same state, passed at their session in November, one thousand seven hundred and eighty-eight, intituled “A supplement to the act intituled, An act appointing wardens for the port of Baltimore-town in Baltimore county;” and also, an act of the state of Georgia, “for levying and appropriating a duty on tonnage, for the purpose of clearing the river Savannah, and removing the wrecks and other obstructions therein.”

APPROVED, August 11, 1790.

Act of May 13, 1796.

[Expired.]
Certain acts of several states, that relate to the tonnage of vessels declared to be in operation till the tenth of January next.

The act of August 11, 1790, ch. 45, is inserted among the private laws.

STATUTE II.

August 12, 1790.

[Obsolete.]

CHAP. XLVI.—*An Act making certain Appropriations therein mentioned.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be appropriated to the purposes herein after mentioned, to be paid out of the monies arising from the duties on goods, wares and merchandise imported, and on the tonnage of ships or vessels, the following sums—to wit: The sum of thirty-eight thousand eight hundred and ninety-two dollars and seventy-five cents, towards discharging certain debts contracted by Abraham Skinner, late commissary of prisoners, on account of the subsistence of the officers of the late army while in captivity: The sum of forty thousand dollars, towards discharging certain debts contracted by colonel Timothy Pickering, late quartermaster general, and which sum was included in the amount of a warrant drawn in his favour by the late superintendent of the finances of the United States, and which warrant was not discharged: The sum of one hundred and four thousand three hundred and twenty-seven dollars and twenty-two cents, for the several purposes specified in an estimate accompanying the report of the Secretary of the Treasury of the fifth instant, including one thousand dollars for defraying the expenses of certain establishments for the security of navigation of the like nature with those mentioned in the act, intituled “An act for the establishment and support of light-houses, beacons, buoys and public piers,” but not particularly specified therein: The sum of one hundred and eighty-one dollars and forty-two cents, for reimbursing the Secretary at War an advance by him made on account of George Morgan White Eyes, over and above the sum heretofore appropriated on account of the said George Morgan White Eyes: The sum of six hundred and thirty-two dollars and eighty cents, for the services and expenses of Isaac Guion, employed by direction of the President of the United States, in relation to the resolution of Congress of the twenty-sixth of August last: The sum of forty-one dollars and forty-seven cents, for reimbursing the treasurer of the United States the costs by him paid on a protested bill: The sum of two hundred and fifty dollars, for the salary of an interpreter of the French language, employed in the department of state: The sum of three hundred and twenty-six dollars and six cents, for sundry expenditures by Richard Phillips, on account of the household of the late President of Congress, and for certain unsatisfied claims against the same: The sum of seven

Sum granted to A. Skinner, and

T. Pickering;

and for purposes estimated in a report of the Secretary of the Treasury.

hundred and fifty dollars, towards compensating the late loan officer of Pennsylvania, for his services in relation to the re-exchange of certificates granted by the state of Pennsylvania, in lieu of certificates of the United States; which several sums so included in the said sum of one hundred and four thousand three hundred and twenty-seven dollars and twenty-two cents, are hereby authorized and granted: And the farther sum of fifty thousand dollars, towards discharging such demands on the United States, not otherwise provided for, as shall have been ascertained and admitted in due course of settlement at the treasury, and which are of a nature according to the usage thereof, to require payment in specie.

APPROVED, August 12, 1790.

STATUTE II.

August 12, 1790.

CHAP. XLVII.—*An Act making Provision for the Reduction of the Public Debt.*

Act of March, 3, 1791, ch. 25.
Act of May 8, 1792, ch. 38.
Recital.

It being desirable by all just and proper means, to effect a reduction of the amount of the public debt, and as the application of such surplus of the revenue as may remain after satisfying the purposes for which appropriations shall have been made by law, will not only contribute to that desirable end, but will be beneficial to the creditors of the United States, by raising the price of their stock, and be productive of considerable saving to the United States:

The surplus of the product of duties on goods and tonnage to December next, to be applied to the purchase of the public debt.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all such surplus of the product of the duties on goods, wares and merchandise imported, and on the tonnage of ships or vessels to the last day of December next, inclusively, as shall remain after satisfying the several purposes for which appropriations shall have been made by law to the end of the present session, shall be applied to the purchase of the debt of the United States, at its market price, if not exceeding the par or true value thereof.

By whose direction purchases are to be made; and

SEC. 2. *And be it further enacted,* That the purchases to be made of the said debt, shall be made under the direction of the President of the Senate, the Chief Justice, the Secretary of State, the Secretary of the Treasury, and the Attorney General for the time being; and who, or any three of whom, with the approbation of the President of the United States, shall cause the said purchases to be made in such manner, and under such regulations as shall appear to them best calculated to fulfill the intent of this act: *Provided,* That the same be made openly, and with due regard to the equal benefit of the several states: *And provided further,* That to avoid all risk or failure, or delay in the payment of interest stipulated to be paid for and during the year one thousand seven hundred and ninety-one, by the act, intituled "An act making provision for the debt of the United States," such reservations shall be made of the said surplus as may be necessary to make good the said payments, as they shall respectively become due, in case of deficiency in the amount of the receipts into the treasury during the said year, on account of the duties on goods, wares and merchandise imported, and the tonnage of ships or vessels, after the last day of December next.

in what manner.

The account of purchasing to be settled as other public accounts.

SEC. 3. *And be it further enacted,* That accounts of the application of the said monies shall be rendered for settlement as other public accounts, accompanied with returns of the amount of the said debt purchased therewith, at the end of every quarter of a year, to be computed from the time of commencing the purchases aforesaid: and that a full and exact report of the proceedings of the said five persons, or any three of them, including a statement of the disbursements and purchases made under their direction, specifying the times thereof, the prices at which, and the parties from whom the same may be made, shall be laid

Report of proceedings to be laid before Congress.

before Congress, within the first fourteen days of each session which may ensue the present, during the execution of their said trust.

SEC. 4. *And be it further enacted*, That the President of the United States be, and he is hereby authorized to cause to be borrowed, on behalf of the United States, a sum or sums not exceeding in the whole two millions of dollars, at an interest not exceeding five per cent., and that the sum or sums so borrowed, be also applied to the purchase of the said debt of the United States, under the like direction, in the like manner, and subject to the like regulations and restrictions with the surplus aforesaid: *Provided*, That out of the interest arising on the debt to be purchased in manner aforesaid, there shall be appropriated and applied a sum not exceeding the rate of eight per centum per annum on account both of principal and interest towards the repayment of the two millions of dollars so to be borrowed.

APPROVED, August 12, 1790.

President authorized to borrow two millions of dollars,

to be applied to the purchase of the debt.

Act of May 8, 1792, ch. 38, sec. 7.

Act of March 3, 1795, ch. 45, sec. 7.

RESOLUTIONS.

I. RESOLVED *by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be requested to cause to be forthwith transmitted to the executives of the states of Virginia and North Carolina, a complete list of the officers, non-commissioned officers and privates of the lines of those states respectively, who are entitled to receive arrears of pay due for services in the years one thousand seven hundred and eighty-two, and one thousand seven hundred and eighty-three, annexing the particular sum that is due to each individual, with a request to the executives of the said states, to make known to the claimants in the most effectual manner, that the said arrears are ready to be discharged on proper application.

June 7, 1790.

That the President of the United States be requested to cause the Secretary of the Treasury to take the necessary steps for paying (within the said states respectively) the money appropriated by Congress, on the twenty-ninth day of September, one thousand seven hundred and eighty-nine, for the discharging the arrears of pay due to the troops of the lines of the said states respectively.

That the Secretary of the Treasury, in cases where the payment has not been made to the original claimant in person, or his representative, be directed to take order for making the payment to the original claimant, or to such person or persons only as shall produce a power of attorney, duly attested by two justices of the peace of the county in which such person or persons reside, authorizing him or them to receive a certain specified sum: except where certificates or warrants have been issued under authority of the United States for any of the said arrears of pay, and the same shall be produced by the claimant or claimants.

APPROVED, June 7, 1790.

II. RESOLVED *by the Senate and House of Representatives of the United States of America in Congress assembled*, That all treaties made, or which shall be made and promulgated, under the authority of the United States, shall, from time to time, be published and annexed to their code of laws, by the Secretary of State.

APPROVED, June 14, 1790.

III. RESOLVED *by the Senate and House of Representatives of the United States of America in Congress assembled*, That the clerks in the office of the commissioner of army accounts are entitled to receive, for their services, a sum not exceeding five hundred dollars, to be paid in the same manner, and at the same rate, as the salary allowed to the clerks in the department of treasury: and that the auditor and comptroller be authorized to adjust the accounts of the clerks in the said office, upon the same principles as those of the treasury department, agreeably to the appropriation by law.

APPROVED, August 2, 1790.

IV. RESOLVED *by the Senate and House of Representatives of the United States of America in Congress assembled*, That the expense of procuring seals for the supreme, circuit, and district courts of the United States, shall be defrayed out of the money appropriated, by an act of the present session, for defraying the contingent charges of government.

APPROVED, August 2, 1790.

V. RESOLVED *by the Senate and House of Representatives of the United States of America in Congress assembled*, That all surveys of lands in the Western Territory, made under the direction of the late geographer, Thomas Hutchins, agreeable to contracts for part of the said lands made with the late board of treasury, be returned to, and perfected by, the Secretary of the Treasury, so as to complete the said contracts: and that the said secretary be, and is hereby, authorized to direct the making and completing any other surveys that remain to be made, so as to comply on the part of the United States with the several contracts aforesaid, in conformity to the terms thereof.

APPROVED, August 12, 1790.