

Foreign Affairs, and that there shall be a principal officer therein, to be called the Secretary for the Department of Foreign Affairs, who shall perform and execute such duties as shall from time to time be enjoined on or intrusted to him by the President of the United States, agreeable to the Constitution, relative to correspondences, commissions or instructions to or with public ministers or consuls, from the United States, or to negotiations with public ministers from foreign states or princes, or to memorials or other applications from foreign public ministers or other foreigners, or to such other matters respecting foreign affairs, as the President of the United States shall assign to the said department; and furthermore, that the said principal officer shall conduct the business of the said department in such manner as the President of the United States shall from time to time order or instruct.

Secretary of
Foreign Affairs,
his duties.

SEC. 2. *And be it further enacted*, That there shall be in the said department, an inferior officer, to be appointed by the said principal officer, and to be employed therein as he shall deem proper, and to be called the chief Clerk in the Department of Foreign Affairs, and who, whenever the said principal officer shall be removed from office by the President of the United States, or in any other case of vacancy, shall during such vacancy have the charge and custody of all records, books and papers appertaining to the said department.

Principal
clerk, his duty.

SEC. 3. *And be it further enacted*, That the said principal officer, and every other person to be appointed or employed in the said department, shall, before he enters on the execution of his office or employment, take an oath or affirmation, well and faithfully to execute the trust committed to him.

Oath of office.

SEC. 4. *And be it further enacted*, That the Secretary for the Department of Foreign Affairs, to be appointed in consequence of this act, shall forthwith after his appointment, be entitled to have the custody and charge of all records, books and papers in the office of Secretary for the Department of Foreign Affairs, heretofore established by the United States in Congress assembled.

Secretary to
take charge of
papers, &c. of
foreign depart-
ment.

APPROVED, July 27, 1789.

STATUTE I.

CHAP. V.—*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.*

July 31, 1789.

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

Repealed by
act of August 4,
1790, ch. 35,
sec. 73.

The State of New Hampshire shall be one district, to include the town of Portsmouth as the sole port of entry; and the towns of Newcastle, Dover and Exeter, as 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 naval officer, collector

District and
ports in New
Hampshire.

Resolved, That the salaries annexed to this department be as follows:

To the Secretary of the United States for the Department of Foreign Affairs, the sum of four thousand dollars per annum, exclusive of office expenses, to commence from the first day of October last.

To the secretary, one thousand dollars per annum.

To the clerks, each, five hundred dollars per annum.

Resolved, That the Secretary for the Department of Foreign Affairs, and each of the persons employed under him, shall take an oath before a judge of the State where Congress shall sit, for the faithful discharge of their respective trusts, and an oath of fidelity to the United States, before they enter upon office.

By an act passed September 15, 1789, chap. 14, the Executive department denominated the Department of Foreign Affairs, was declared to be, thereafter, denominated the Department of State.

and surveyor for the said district shall be appointed, to reside at Portsmouth.

Districts and
ports in Massa-
chusetts.

In the State of Massachusetts shall be twenty districts and ports of entry, to wit: Newburyport, Gloucester, Salem and Beverly, as one port; Marblehead, Boston and Charlestown, as one port; Plymouth, Barnstable, Nantucket, Edgartown, New Bedford, Dighton, York, Biddeford and Pepperelborough, as one port; Portland and Falmouth, as one port; Bath, Wiscasset, Penobscot, Frenchman's Bay, Machias and Passamaquody. 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, Harwich, Welfleet, Provincetown and Chatham, as ports of delivery only; and a collector for the district shall be appointed, to reside at Barnstable. In the district of Nantucket, the port of Sherbourne shall be the sole port of entry and delivery within the same; and a collector shall be appointed, to reside at Sherbourne. To the district of Edgartown shall be annexed the town of Falmouth, as a port of delivery only; and 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 Swansea 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 Biddeford and Pepperelborough shall be annexed Scarborough, Wells, Kennebunk, and Cape Porpoise, as ports of delivery only; and a 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 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 Thomaston, 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 Passamaquody shall be appointed a collector, to reside at the said ports of Machias and Passamaquody 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, excepting the town of Falmouth. 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 and the town of Falmouth. 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 Rehobeth; 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.

Districts and ports in Massachusetts.

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 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 Guilford, Brandford, 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: Sagg Harbour on Nassau or Long Island, and the city of New York, each of which shall be a port of entry. The district of Sagg Harbour shall include all bays, harbours, 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 Sagg Harbour, which shall be the only place of delivery in the said district. The district of

Districts and ports in New York.

Districts and
ports in New
York.

the city of New York shall include such part of the coasts, rivers, bays and harbours of the said State, not included in the district of Sagg Harbour, 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
Jersey.

In the State of New Jersey shall be three districts, to wit: Perth Amboy, Burlington and Bridgetown, 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 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 Harbour, with the waters emptying into the same, and the sea coast, sound, inlets and harbours thereof, from Barnegat inlet to Brigantine inlets, in which district the landing places of Lamberton and Little Egg Harbour 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 Harbour. The district of Bridgetown shall comprehend the counties of Gloucester, Salem, Cumberland and Cape May, (that part of Gloucester county excepted which is included within the district of Burlington,) and all the waters thereof heretofore within the jurisdiction of the said State; and the town of Salem, Port Elizabeth on Morrice river, and Stillwell's landing on Great Egg Harbour, shall be ports of delivery only; and a collector for the district shall be appointed, to reside at Bridgetown.

Districts and
ports in Penn-
sylvania.

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

Districts and
ports in Dela-
ware.

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 Mary-
land.

In the State of Maryland shall be nine districts, to wit: Baltimore, Chester, Oxford, Vienna, Snow Hill, Annapolis, Nottingham, Nanjemoy, 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 naval officer, collector 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, exclusive, in which Georgetown on Sassafras 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 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 Choptank river to the south side of Wicomico river, inclusive, and Salisbury shall be a 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 Snow Hill 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 Sinnepuxent shall be a port of delivery for West India produce only; and a collector for the district shall be appointed, to reside at Snow Hill, 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 Silvey'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 Nanjemoy shall include all the waters of Potomac river, within the jurisdiction of the State of Maryland, from Point Lookout to Pomonkey creek, inclusive, to which St. Mary's shall be annexed as a port of delivery only; and a collector for the district shall be appointed, to reside at Nanjemoy; also a surveyor to reside at St. Mary's, and Nanjemoy shall be the sole port of entry. The district of Georgetown shall include all the waters and shores from Pomonkey 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 Carrollsburg 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.

Districts and
ports in Mary-
land.

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, Folly-Landing, Cherry-Stone, South-Quay, and Louisville; the authority of the officers at Hampton shall extend over all the waters, shores, bays, harbours, 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, harbours, 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 Suf-

Districts and
ports in Virgi-
nia.

Districts and
ports in Virgi-
nia.

fold 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, harbours and inlets, comprehended between Jordan's Point and the highest tide-water on James and Appomattox 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 waters, shores, bays, harbours 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, Fredericksburg and 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, harbours and inlets, comprehended between Smith's Point, at the mouth of Potomac, 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, harbours 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, harbours 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, harbours 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 Folly-Landing shall be appointed a collector, who shall reside at Accomack Court House, and whose authority shall extend over all the waters, shores, bays, harbours and inlets of the county of Accomack. For the district of Cherry-Stone shall be appointed a collector, to reside at Cherry-Stone, whose authority shall extend over all the waters, shores, bays, harbours 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, harbours 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 waters, shores and inlets, included between the rapids and the mouth of Ohio river, on the south-east side thereof.

In the State of South Carolina shall be three districts, to wit: George-

town, 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 Roman. The district of Charleston shall include all the shores, inlets and rivers, from Cape Roman 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 harbours, 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.

Districts and ports in South Carolina.

In the State of Georgia shall be four districts, to wit: Savannah, Sunbury, Brunswick, and St. Mary's, each of which shall be a port of entry. The district of Savannah shall include Savannah river, Great and Little Ogeechee rivers, with the other harbours, creeks and rivers, formed by the inlets of Tybee, Little Tybee, Warsaw and Ossabaw, north of the island of Ossabaw; and a naval officer, collector and surveyor, for the said district shall be appointed, to reside at Savannah. The district of Sunbury shall include the Medway, North and South Newport, and Sapelo rivers, with the harbours, creeks and rivers, formed by the inlets of St. Catherine's, south of Ossabaw and Sapelo; and a collector for the district shall be appointed to reside at Sunbury. The district of Brunswick shall include the Alatamaha, Frederica, and Turtle rivers, with the other harbours, creeks and rivers, formed by the inlets of Doboy south of Sapelo, Alatamaha, and St. Simons, north of the south point of Jekyl island; Frederica shall be a port of delivery only; and a collector for the said district shall be appointed, to reside at Brunswick; the district of St. Mary's shall include Great Setilla, Little Setilla, Crooked river, and St. Mary's river, with the harbours, creeks and rivers, formed by the inlets of St. Andrews and Amelia sounds; and a collector for the said district shall be appointed, to reside at St. Mary's. And in each district 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.

Districts and ports in Georgia.

Sec. 2. *And be it further enacted,* That every port of entry established by this act, shall be a port of delivery also: *Provided always,* That no ship or vessel not wholly belonging to a citizen or citizens of the United States, shall be admitted to unload at any port or place except the following, to wit: Portsmouth, in the State of New Hampshire, Portland, Falmouth, Dighton, Salem, Gloucester, Newburyport, Marblehead, Sherbourne, Boston, Plymouth, Wiscasset, Machias, and Penobscot, in the State of Massachusetts; New London or New Haven, in the State of Connecticut; New York; Perth Amboy or Burlington, in the State of New Jersey; Philadelphia; Wilmington, New Castle and Port Penn, in the State of Delaware; Baltimore, Annapolis, Vienna, Oxford, Georgetown on Potomac, Chester Town, Town Creek, Nottingham, Nanjemoy, Digges's Landing, Snowhill and Carrollsburg, in the State of Maryland; Alexandria, Kinsale, Newport, Tappahannock, Port Royal, Fredericksburg, Urbanna, Yorktown, West Point, Hampton, Bermuda Hundred, City Point, Rockett's Landing, Norfolk or Portsmouth, in the State of Virginia; Charleston, Georgetown or Beaufort, in the State of South Carolina; or in either of the districts of Savannah, Sunbury, Brunswick or St. Mary's, in the State of Georgia: nor shall any ship or vessel arriving from the Cape of Good Hope, or from any place beyond the same, be admitted to enter at any other than the following ports, to wit: Portsmouth, in the State of New Hampshire; Boston, Newburyport, Salem, Gloucester, Portland or Falmouth, in the State of Massachusetts; New London or New Haven,

Ports of entry to be ports of delivery also.

Ports of delivery to which foreign vessels are restricted.

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

in the State of Connecticut; New York; Perth Amboy; Philadelphia; Wilmington, in the State of Delaware; Baltimore town, Annapolis, or Georgetown, in the State of Maryland; Alexandria, Norfolk, or Portsmouth, in the State of Virginia; Charleston, Georgetown, or Beaufort, in the State of South Carolina; Sunbury, or Savannah, in the State of Georgia: *Provided*, That nothing herein contained shall be construed to prevent the master or commander of any ship or vessel, from making entry with the collector of any port or district in which such ship or vessel may be owned, or from whence she may have sailed on such voyage.

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

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) shall first come to at the port of entry of such district, with his ship or vessel, and there make entry, deliver a manifest of her cargo, and pay, or secure to be paid, all legal duties, tonnage, 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 other district not under like restrictions by this act, or to either of the ports of Stonington, or Urbanna, may first proceed to her port of delivery, and then make legal entry within the time by this act limited.

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

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 any district on the Potomac, shall, before he pass by the rivers St. Mary's and Yeocomico, and immediately after his arrival, deposit with the surveyor at St. Mary's, or the collector at Yeocomico, as may be most convenient, a true manifest of the cargo on board such ship or vessel, including a declaration of the port at which the same is to be entered; 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; and 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 for the port of Hampton, a like manifest; and the said surveyors and collector respectively, shall, after registering the manifests, transmit the same duly certified to have been so deposited to the officer with whom the entries are to be made, without which certificate no such entry shall be received.

Duties of the collector.

SEC. 5. *And be it further enacted*, That the duties of the respective officers to be appointed by virtue of this act, shall be as follows: At such of the ports to which there shall be appointed a collector, naval officer and surveyor, it shall be the duty of the collector to receive all reports, manifests and documents made or exhibited to him by the master or commander of any ship or vessel, conformably to the regulations prescribed by this act, to make due entry and record in books to be kept for that purpose, all such manifests and the packages, marks and numbers contained therein; to receive the entry of all ships and vessels, and of all the goods, wares and merchandise imported in such ships or vessels, together with the original invoices thereof; to estimate the duties payable thereon, and to endorse the same on each entry; to receive all monies paid for duties, and to take all bonds for securing the payment of duties; to grant all permits for the unloading and delivery

of goods, to employ proper persons as weighers, gaugers, measurers and inspectors at the several ports within his district, together with such persons as shall be necessary to serve in the boats which may be provided for securing the collection of the revenue, to 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, together with such scales, weights and measures as shall be deemed necessary, and to perform all other duties which shall be assigned to him by law. It shall be the duty of the naval officer to receive copies of all manifests, to estimate and record the duties on each entry made with the collector, and to correct any error made therein, before a permit to unlade or deliver shall be granted; to countersign all permits and clearances granted by the collector. It shall be the duty of the surveyor to superintend and direct all inspectors, weighers, measurers and gaugers within his district, and the employment of the boats which may be provided for securing the collection of the revenue; to go on board ships or vessels arriving within his district, or to put on board one or more inspectors, to ascertain by an hydrometer, what distilled spirits shall be of Jamaica proof, rating all distilled spirits which shall be of the proof of twenty-four degrees as of Jamaica proof, and to examine whether the goods imported are conformable to the entries thereof; and the said surveyors shall in all cases be subject to the control of the collector and naval officer.

Naval officer
and surveyor.

SEC. 6. *And be it further enacted,* That every collector appointed in virtue of this act, in case of his necessary absence, sickness, or inability to execute the duties of his office, may appoint a deputy, duly authorized under his hand and seal, to execute and perform on his behalf, all and singular the powers, functions and duties of collector of the district to which he the said principal is attached, who shall be answerable for the neglect of duty, or other mal-conduct of his said deputy in the execution of the office.

Collector may
appoint a deputy.

SEC. 7. *And be it further enacted,* That in case of the disability or death of any collector, the duties and authorities vested in him by this act shall devolve on his deputy, if any such hath been appointed, (for whose conduct the estate of such disabled or deceased collector shall be liable,) and the said deputy shall exercise the authority and perform all the duties, until a successor shall be appointed. But in cases where no deputy is appointed, the authorities and duties of the disabled or deceased collector, shall devolve upon the naval officer of the same district, until a successor duly authorized and sworn, shall enter upon the execution of the duties of the said office.

Duties of a
deputy collector.

SEC. 8. *And be it further enacted,* That at such of the ports established by this act, to which a collector and surveyor only are assigned, the said collector shall execute all the duties herein required to be done by the collector and naval officer at other ports. That at such ports to which a collector only is assigned, such collector shall possess all the powers, and execute as far as may be, all the duties prescribed to a collector, naval officer, and surveyor, at the ports where such officers are established; that at such ports of delivery only, to which a surveyor is assigned, it shall be his duty to receive and record the copies of all manifests transmitted to him by the collector; to enter and record all permits granted by such collector, distinguishing the gauge, weight, measure and quality of the goods specified therein; to take care that no goods be unladen or delivered from any ship or vessel without such permit; and to perform all other duties required to be done by a surveyor; that at such ports of delivery only, to which no surveyor is assigned, it shall be the duty of the collector of the district to attend the unloading and delivery of goods, or in cases of necessity, to employ a proper person or persons for that purpose, who shall possess the power, and be en-

Further duties
of collector and
surveyor.

titled to the like compensation allowed to inspectors during the time they are employed. Every collector, naval officer and surveyor, shall attend in person at the port or district for which he is appointed, and before he enters on the execution of his office, shall take an oath or affirmation in the form following, to wit: "I, ———, do solemnly swear or affirm (as the case may be) that I will truly and faithfully execute and perform all the duties of a ——— of the port or district of ——— according to law, and the best of my skill and ability." The said oath or affirmation shall be administered by any justice of the peace, and a certificate thereof, under the hand and seal of such justice, transmitted within three months thereafter to the comptroller of the treasury. Any collector, naval officer or surveyor, failing herein, shall forfeit and pay two hundred dollars, recoverable with costs in any court having cognizance thereof, to the use of the informer. And no weigher, gauger, measurer or inspector, shall execute the duties of his office, until he shall have taken the above oath or affirmation.

Collectors, naval officers, and surveyors, to keep books.

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

Masters of vessels from foreign ports to deliver two manifests to any officer who shall first go on board

SEC. 9. *And be it further enacted*, That the collectors, naval officers and surveyors, to be appointed by virtue of this act, shall respectively keep fair and true accounts of all their transactions relative to their duty as officers of the customs, in such manner and form as may be directed by the proper department, or officer appointed by law to superintend 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 collectors of the different ports shall at all times pay to the order of the officer who shall be authorized to direct the same, 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 department or officer before mentioned.

SEC. 10. *And be it further enacted*, That every master or other person having or taking the charge or command of any ship or vessel, bound to any port of the United States, from any foreign port or place, shall deliver upon demand, to any officer or other person lawfully authorized, who shall first come on board his ship or vessel, two manifests, signed by the said master or person having command, and specifying in words (and not in figures) a true account of the loading which such ship or vessel had on board at the port from which she last sailed, and at the time of her sailing, or at any time since, the packages, marks and numbers, and noting thereon to what port in the United States such ship or vessel is bound, and the name or names of the person or persons to whom the goods are consigned, or in cases where the goods are shipped to order, the names of the shippers, noting the goods consigned to their order. One of which manifests, such officer, or other person, shall sign, and return to the master or other person having the charge of such ship or vessel, certifying thereon as nearly as may be, the time when the same was produced, and that a like manifest was delivered to him; and shall transmit the other manifest to the collector of the district to which such ship or vessel is bound.

Master to make entry within 48 hours, and swear to his manifest.

SEC. 11. *And be it further enacted*, That the master or other person, having the charge or command of any ship or vessel (ships and vessels of war excepted) coming into, or arriving in any of the ports or districts of the United States, or in any of the creeks or harbours thereof, shall, within forty-eight hours after such arrival, repair to the office of the collector of the district where such vessel shall so arrive, and shall report to the said collector the place from whence he last sailed, with the name and burthen of his ship or vessel, and shall deliver to such collector two manifests, agreeably to the directions of this act, unless he shall before have delivered one manifest to some offi

cer, or other person lawfully authorized in manner as herein before is required; in which case he shall deliver the manifest certified as aforesaid, together with such documents as are usually furnished in the port from whence they came, and shall take and subscribe an oath or affirmation, before the collector or other proper officer, which oath or affirmation, he or they are authorized and required to administer, and shall be in the words following, to wit: "I, ———, do solemnly swear or affirm (as the case may be) that this is, to the best of my knowledge and belief, a just and true manifest of all the goods, wares and merchandise, on board the ———, at the port from which she last sailed, at the time of her sailing, or at any time since, and of which vessel I am at present master." And if the master or other person having charge or command of any such ship or vessel, shall refuse or neglect to make entry, or deliver his manifests and documents, pursuant to the directions of this act, or to take the oath or affirmation herein prescribed, he shall forfeit and pay five hundred dollars for each refusal or neglect.

Penalty on refusal or neglect.

SEC. 12. *And be it further enacted*, That no goods, wares or merchandise, shall be unladen or delivered, from any ship or vessel, but in open day, or without a permit from the collector for that purpose; and if the master or commander of any ship or vessel shall suffer or permit the same, such master and commander, and every other person who shall be aiding or assisting in landing, removing, housing, or otherwise securing the same, shall forfeit and pay the sum of four hundred dollars for every offence; shall moreover 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 the public gazette of the State in which he resides, within twenty days after each respective conviction. And all goods, wares and merchandise, so landed or discharged, shall become forfeited, and may be seized by any officer of the customs; and where the value thereof shall amount to four hundred dollars, the vessel, tackle, apparel and furniture, shall be subject to like forfeiture and seizure: *Provided always*, That if any ship or vessel compelled by distress of weather, or other sufficient cause, shall put into any port or place of the United States, other than that to which she was actually destined, the master or other person having command, shall within forty-eight hours next after his arrival, make report and deliver a true manifest of his cargo to the collector of the port or district; and moreover shall within twenty-four hours, make protest in the usual form before a notary public or justice of the peace, of the cause and circumstances of such distress; and if it shall appear to the collector, that there is a necessity for unloading such ship or vessel, he shall grant permission, and appoint a proper officer to attend the unloading thereof; and all goods, wares and merchandise so unladen, shall be stored under the direction, and subject to the safe keeping of such collector; but if any part thereof shall be of a perishable nature, or it may be necessary to make sale of any part thereof to defray the expenses of such vessel or cargo, the said collector shall grant a license to the master, commander or owner, to dispose of so much thereof as are perishable, or shall be necessary to defray such expenses: *Provided*, That the duties thereon be first paid or secured: *And provided also*, That such necessity be made appear by the wardens of the port, or other persons legally authorized to certify the same, and where there are no such persons, by the affidavit of two reputable citizens of the neighbourhood, best acquainted with matters of that kind.

Penalty on masters and others permitting goods to be unladen, unless in open day, and with a permit.

The goods to be forfeited.

Ships or vessels compelled by distress of weather to make entry and protest.

Collector may grant a permit to unload and sell perishable goods, or sufficient to defray expenses;

the duties being first paid or secured.

SEC. 13. *And be it further enacted*, That every person having goods, wares or merchandise, in any ship or vessel, which shall arrive at any port of entry, or of delivery only, shall make entry with the collector of

Owner or consignee of goods imported, to make entry,

and take an oath
to the truth
thereof.

the port or district where the same shall arrive, of all such goods, wares and merchandise, specifying the number of packages, and the marks, numbers and contents of each (or if in bulk, the quantity and quality) together with an account of the nett prime cost thereof; and shall moreover produce to the collector, the original invoice or invoices, together with the bills of loading; and the said collector shall estimate and endorse the duties on the said entry, the party making such entry taking an oath or affirmation, that it contains the whole of the goods, wares and merchandise imported by him, or to him consigned in such ship or vessel, which shall then have come to his knowledge, and that the said invoice contains, to the best of his knowledge and belief, the nett prime cost thereof, and that if he shall afterwards discover any other, or greater quantity than is contained in such entry, he will make due report and entry thereof; and the said oath or affirmation shall be administered by the collector, and the entry shall be subscribed by the person making the same. *Provided*, That in all cases where the party making entry shall reside ten miles or upwards from such port, the affidavit or affirmation of such party, taken before a justice of the peace, and by him endorsed on the original invoices, shall be as effectual as if administered and endorsed by the collector.

All entries to be
examined and
countersigned
by the naval of-
ficer.

SEC. 14. *And be it further enacted*, That all such entries so authenticated by the collector, together with a copy of the same made out by the party, shall, before any permit is granted for the landing of any goods, wares or merchandise therein contained, be examined by the naval officer (where such officer is established), who shall countersign the same, and retaining one, shall return the other certified to the party, together with the bills of lading, and invoice or invoices; and on such certified entries being returned to the collector, and the duties thereon paid or secured to be paid, he shall grant a permit for the unlading and landing of the goods, wares and merchandise therein mentioned. And at such ports for which no naval officer is appointed, the collector shall grant like permits for the unlading and landing of all such goods as shall be so entered, and the duties thereof paid or secured.

Inspectors to
be appointed.

Their duty.

SEC. 15. *And be it further enacted*, That it shall and may be lawful for the collector, naval officer and surveyor, of any port of entry or delivery, at which any ship or vessel may arrive, to put on board such ship or vessel one or more inspectors, who shall make known to the person having charge of such ship or vessel, the duties he is to perform by virtue of this act; and such inspector shall suffer no goods, wares or merchandise, to be delivered without a permit from the proper officer, authorizing the same; and shall enter in a book to be by him kept for that purpose, the contents of each permit, specifying the marks and numbers of each package, and a description thereof, with the name of the person to whom such permit was granted; and if at the expiration of fifteen working days after such ship or vessel shall begin to unload her cargo, there shall be found on board, any goods, wares or merchandise, the said inspector shall take possession thereof, and deliver them to the collector of the district, or to such person as he shall authorize or appoint on his behalf to receive the said goods, taking his receipt for the same, and giving a certificate to the person having command, describing the packages, with their marks and numbers so taken: and as soon as any ship or vessel is entirely unladen, he shall with the collector and naval officer, compare the account and entries he has made of the goods unladen from such ship or vessel, with the manifest delivered to the collector, and if it appears that there are more goods than are specified in the said manifest, the same shall be endorsed thereon, with a description of the packages, their marks and numbers, or of such goods as may be in bulk, and the same shall be subscribed by such inspector, who is hereby directed to remain on board the said ship or vessel until

she is discharged: *Provided always*, That the said limitation of fifteen days shall not extend to vessels laden with salt or coal, but if the master or owner of such vessels require longer time to discharge their cargoes, the wages of the inspector for every day's attendance, exceeding the said fifteen days, shall be paid by the master or owner. And if any goods, wares or merchandise, subject to duty, shall be removed from the wharf or place where the same may be landed, before they shall be weighed or gauged, (as the case may be,) or without the consent of the collector, or other proper officer, all such goods, wares and merchandise, so removed, shall be forfeited. All goods delivered to the collector in manner aforesaid, shall be kept at the charge and risk of the owner, for a term not exceeding nine months; and if within that time no claim be made for the same, an appraisement thereof shall be made by two or more reputable merchants, and lodged with the collector, who shall sell the same at public auction, and pay the proceeds, retaining the duties and charges thereon, into the treasury of the United States, there to remain for the use of the owner, who shall, upon due proof of his 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 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.

Inspector's duty.

SEC. 16. *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 to appoint one merchant, and the owner or consignee another, who being sworn or affirmed by the collector well and truly to appraise such goods, shall value them accordingly, and the duties upon such goods shall be estimated according to such valuation; and if any package, or any goods stowed in bulk, which shall have been entered as is herein before directed, shall not be duly delivered, or if any of the packages so entered shall not agree with the manifest, or if the manifest shall not agree with the delivery, in every such case the person having command shall forfeit and pay the sum of two hundred dollars, unless it shall appear that such disagreement was occasioned by unavoidable necessity or accident, and not with intention to defraud the revenue.

Goods damaged on a voyage, or not accompanied with invoices, to be appraised.

SEC. 17. *And be it further enacted*, That the ad valorem rates of duty upon all 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 all charges.

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

SEC. 18. *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 forty-four cents; each livre tournois of France, at eighteen cents and a 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 rix dollar of Sweden, at one hundred cents; each ruble of Russia, at one hundred cents; each real 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 dollar forty-eight cents; each pagoda of India, at one dollar ninety-four cents; each rupee of Bengal, at fifty-five cents and a half; and all other denominations of money in value as near as may be to the said rates; and the invoices of all importations shall be made out in the currency of the place or country from whence the importation shall be made, and not otherwise.

Rates of foreign coin and currency.

Invoices to be in currency of the place from whence the importation comes

Duties, how to be paid or secured.

SEC. 19. *And be it further enacted*, That all duties on goods, wares and merchandise, imported, shall be paid by the importer, before a permit shall be granted for landing the same, unless the amount of such duties shall exceed fifty dollars, in which case it shall be at the option of the party making entry, to secure the same by bond, with one or more sufficient sureties, to be approved of by the collector, and made payable as followeth, to wit: For the duties upon all articles of West India produce, within four months; for the duties upon all Maderia wines, within twelve months; and for the duties upon all other goods, within six months; but in any case the party making entry shall be at liberty to deposit with the collector any part of the goods, upon which such duties shall arise, of double the value in the judgment of the collector, to secure the payment of the duties with the charges, which deposit the collector shall accept in lieu of such bond and security, and shall safely keep the goods so deposited, at the expense and risk of the party, for the term for which such bond would have been given, at the expiration whereof, unless the said deposit shall have been redeemed by the payment of the duties, the said goods shall be sold at public sale, and as much as shall be necessary applied to the payment of the said duties, and the residue, after deducting the charges which have accrued, shall be paid to the owner or owners of such goods. *Provided always*, That where the amount of duties shall exceed fifty dollars, a discount shall be allowed for prompt payment, after the rate of ten per centum per annum on the amount of such excess: *And provided also*, That no person whose bond for the payment of duties is due and unsatisfied, shall be allowed a future credit with the collector, until such bond shall be fully paid or discharged.

Duties on tonnage to be paid within 10 days, and before clearance.

SEC. 20. *And be it further enacted*, That all the duties imposed by law on the tonnage of any ship or vessel, shall be paid to the collector, within ten days after entry made, and before such ship or vessel shall be permitted to clear out; the register of which ship or vessel at the time of entry, shall be lodged in the office of the collector, and there remain until such clearance.

Bond for duties, how to be prosecuted.

SEC. 21. *And be it further enacted*, That where any bond for the payment of the duties shall not be satisfied on the day it became due, the collector shall prosecute for the recovery of the money due thereon, by action or suit at law, in the proper court, having cognizance therein; 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 bonds shall be first satisfied. (a)

Goods entered and not truly invoiced, to be forfeited.

SEC. 22. *And be it further enacted*, That when it shall appear that any goods, wares or merchandise of which entry shall have been made, in the office of a collector, are not invoiced, according to the actual cost thereof at the place of exportation, and that the difference was made with design to defraud the revenue, all such goods, wares or merchandise, or the value thereof to be recovered of the person making entry, shall be forfeited; and in any such case, or where the collector is suspicious of fraud, and that any such goods, wares or merchandise, are not invoiced at a sum equal to that for which they have usually 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 at the risk and expense of the owner or consignee thereof, until their value, at the time and place of importation, according to the principles for estimating the same, established by this act, shall be ascertained by two reputable merchants, mutually chosen by the said collector, and owner or consignee, and the duties arising upon such valuation shall be first paid, or secured to be paid, as required by this act in other cases of importation.

How to be ascertained.

(a) See notes on page 263, post.

SEC. 23. *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 the presence of two or more reputable merchants, any package or packages thereof, and if upon such examination they shall be found to agree with the entries, the officer making such seizure shall cause the same to be re-packed, and delivered to the owner or claimant forthwith, and the expense of such examination shall be paid by the collector, and allowed in the settlement of his accounts; but if any of the packages so examined be found to differ in their contents from the entry, and it shall appear that such difference hath been made with intention to defraud the revenue, then all the goods, wares or merchandise contained in such package or packages, shall be forfeited: *Provided always,* That if the owner or consignee of such goods as shall not be accompanied with the original invoice, should choose to wait the receipt of the invoice, in such case, the collector shall take into his possession all such goods, wares and merchandise, and store the same, at the expense and risk of the owner or consignee, until the invoice shall arrive, or until they agree to have the same valued.

Collector, or other officer, suspecting fraud, may open and examine packages.

SEC. 24. *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 or affirmation to any justice of the peace, be entitled to a warrant to enter such house, store, or other place (in the day time 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.

Goods subject to duty, and concealed, how to be searched for, seized, and secured.

SEC. 25. *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, 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.

Collector to take custody of goods seized.

Penalty for concealing or buying goods subject to duty.

SEC. 26. *And be it further enacted,* That it shall be the duty of the several officers to be appointed or employed by virtue of this act, 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 as well without as within their district.

SEC. 27. *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 in evidence; and if in such suit the plaintiff be nonsuited, or judgment pass against him, the defendant shall recover double cost; and in all actions, suits or informations 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

Officers sued or molested may plead this act.

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 persons so offending shall for every offence be fined in a sum not exceeding four hundred dollars.

Collectors, naval officers, and surveyors to enter into bond for performance of duties.

SEC. 28. *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, conditioned 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, forty thousand dollars; the collectors of Baltimore town and Charleston, thirty thousand dollars; the collector of Norfolk and Portsmouth, fifteen thousand dollars; the collectors of Portsmouth in New Hampshire, of Salem and Beverly, Wilmington, Annapolis, Georgetown in Maryland, Bermuda Hundred and City Point, and Alexandria, ten thousand dollars each; the collectors of Newburyport, Gloucester, Marblehead, Plymouth, Nantucket, Portland and Falmouth, New London, New Haven, Fairfield, Perth Amboy, Chester, Oxford, Yorktown, Dumfries, 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, New York, Philadelphia, Baltimore town 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, New York, Philadelphia, Baltimore town, 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.

Their fees of office and per centage.

SEC. 29. *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 a half; for every clearance of any ship or vessel of one hundred tons burthen and upwards, two dollars and a half; for every entrance of any ship or vessel under the burthen of one hundred tons, one dollar and a half; for every clearance of a ship or vessel under one hundred tons burthen, one dollar and a 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 every 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, apportioning to each his moiety of the necessary expenses of stationery, and the rent of an office to be provided by the collector, in the place of his residence, most convenient for the trade of the district, in which the said collector and naval officer shall each have at least one separate room: and the said fees shall be received by the collector, who shall settle the accounts monthly, and pay to the naval officer the balance which may be due to him on such monthly settlement. To each surveyor there shall be allowed, for all the services required by law, 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 dollars; 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 to the collector, by the master or owner of the ship or vessel in which the services are performed, and the said collector shall pay weekly to the surveyor the fees so received. 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 public; to the measurers, weighers and gaugers respectively for their services, shall be allowed, and paid by the collector out of the revenue, for the measurement of every one hundred bushels of salt or grain, eighteen cents; for the measurement of every one hundred bushels of coal, twenty-five cents; for the weighing of every one hundred and twelve pounds, one cent; for the gauging of every cask, six cents. (There shall moreover be allowed to the collectors at each of the following ports, to wit: Boston, Salem and Beverly, New York, Philadelphia, Baltimore, Norfolk or Portsmouth, and Charleston, one half a per centum on the amount of all monies by them respectively received and paid into the treasury of the United States;) and to the collector at each of the other ports by this act established, one per centum on the amount of all monies by them respectively received and paid into the treasury of the United States. 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 in case of failure herein, 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.

SEC. 30. *And be it further enacted*, That the duties and fees to be collected by virtue of this act, shall be received in gold and silver coin only, at the following rates, that is to say, the gold coins of France, England, Spain and Portugal, and all other gold coin of equal fineness, at eighty-nine cents for every pennyweight. 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; and all silver coins of equal fineness at one dollar and eleven cents per ounce.

SEC. 31. *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.

SEC. 32. *Provided always, and be it further enacted*, That no goods, wares or merchandise, entitled to drawback, shall be reladen before an entry shall be made with the collector of the port from whence such goods are intended to be exported; which entry shall contain a particular account of the casks and packages, their marks, numbers and contents, the cost thereof, the vessel or vessels in which they were imported, and the place or places imported from; and the person or persons intending to export such goods, shall give bond, with one or more sufficient sureties, that the same or any part thereof, shall not be reladed in any port or place within the limits of the United States, as settled by the late treaty of peace; and shall moreover make oath or affirmation as to the truth of the entry, that the goods, wares and merchandise, are in quantity, quality and value, as therein expressed, according to the inward

Fees of collectors, naval officers and surveyors.

To set up a table of fees.

Penalty for demanding greater or other fees.

Rates of coins for receiving duties and fees.

Drawbacks, where payable.

How to be allowed.

Drawbacks.

entry thereof, which entry was duly made at the time of importation pursuant to the directions of this act; and that the quality is the same as at the time of importation; and the exporter of such goods shall not be entitled to draw back the duties, until at least six months after the exportation thereof, and until he 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 or affirmation 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 or affirmation of the exporter shall be received in lieu of the other proofs herein directed, unless there shall be good reason to suspect the truth of such oath or affirmation, 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. *Provided also*, 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 the least; nor unless they shall be exported in the same cask, package or packages, and from the port or district into which they were originally imported, and moreover shall be reladen under the inspection of the collector, naval officer or surveyor of the port.

Allowance on the exportation of dried or pickled fish and salted provisions, how to be made.

SEC. 33. *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 be paid by the collector of the port or district from whence the same shall be exported: *Provided*, That due entry thereof shall be first made, and bonds given, as in case of drawbacks, and that no such allowance shall be made, unless it shall amount to three dollars at the least upon any one entry.

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

SEC. 34. *And be it further enacted*, That if any goods, wares or merchandise, entered for exportation with a view 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 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, reladen 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.

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

SEC. 35. *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 a 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 be forever disabled from holding any office of trust or profit under the United States; 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; and in all cases where an oath or affirmation 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, if the person so swearing or affirming, shall swear or affirm 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 be had, so as the fine shall not exceed one thousand dollars, and the term of imprisonment shall not exceed twelve months.

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

Mode of prosecuting and recovering penalties and forfeitures.

SEC. 36. *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, in any court proper to try the same, by the collector of the district where the same accrued, and not otherwise, unless in cases of penalty relating to an officer of the customs; and such collector shall be, and hereby is authorized and directed to sue for and prosecute the same to effect, and to distribute and pay the sum recovered, after first deducting all necessary costs and charges, according to law. And all ships or vessels, goods, wares and merchandise, which shall become forfeit by virtue of this act, shall be seized, libelled and prosecuted as aforesaid, in the proper court having cognizance thereof; and the 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 public newspaper, nearest 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; 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 merchandises 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 appraisement shall be made at the expense of the party on whose prayer it is granted; and on the return of such appraisement, 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

Limitation.

liable to action, judgment or suit, 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 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 or forfeiture was incurred.

Vessels or goods condemned by virtue of this act, how to be sold, and by whom.

SEC. 37. *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.

Appropriation of fines, penalties, and forfeitures.

SEC. 38. *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 three equal parts, and paid to the collector, naval officer and surveyor of the district wherein the same shall have been incurred; and in such districts where only two of the aforesaid officers shall have been established, the said moiety shall be equally divided between them; and in such 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 said naval officer and surveyor, 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, in manner and form as above limited and expressed.

Rhode Island and N. Carolina. Act of Sept. 16, 1789, ch. 15, sec. 2. Act of Feb. 8, 1790, ch. 1.

And whereas, The States of Rhode Island and Providence Plantations, and North Carolina, have not as yet ratified the present Constitution of the United States, by reason whereof this act doth not extend to the collecting of duties within either of the said two States, and it is thereby become necessary that the following provision with respect to goods, wares or merchandise imported from either of the said two States should for the present take place: (a)

Goods imported from, subject to same duties as from foreign countries.

SEC. 39. *Be it therefore further enacted*, That all goods, wares and merchandise not of their own growth or manufacture, which shall be imported from either of the said two States of Rhode Island and Providence Plantations, or North Carolina, into any other port or place within the limits of the United States, as settled by the late treaty of peace, shall be subject to the like duties, seizures and forfeitures, as goods, wares or merchandise imported from any State or country without the said limits.

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

SEC. 40. *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, in any other manner than by sea, nor in any ship or vessel less than thirty tons burthen, except within the district of Louisville, and except also in such vessels as are now actually on their voyages; nor shall be landed, or unladen, at any other place than is by this act directed, under the penalty of seizure

(a) North Carolina adopted the Constitution by a convention called in November 1789. Rhode Island, by a convention held in May 1790, assented to the Constitution.

and forfeiture, of all such vessels, 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.

APPROVED, July 31, 1789.

STATUTE I.

CHAP. VI.—*An Act for settling the Accounts between the United States and individual States.*(a)

Aug. 5, 1789.

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 be, and he hereby is empowered to nominate, and by and with the advice and consent of the Senate, to appoint such person or persons as he may think proper for supplying any vacancy that now is, or may hereafter take place in the Board of Commissioners, established by an ordinance of the late Congress, of the seventh of May, one thousand seven hundred and eighty-seven, to carry into effect the said ordinance and resolutions of Congress, for the settlement of accounts between the United States and individual States.

Vacancies in the board of commissioners, how to be supplied.

SEC. 2. *And be it further enacted,* That the said Board of Commissioners be, and they hereby are empowered to appoint a chief clerk, and such other clerks as the duties of their office may require; and that the pay of the said chief clerk be six hundred dollars per annum, and of each other clerk four hundred dollars per annum.

Clerks to be appointed,

their salaries.

APPROVED, August 5, 1789.

STATUTE I.

CHAP. VII.—*An Act to establish an Executive Department, to be denominated the Department of War.*(b)

Aug. 7, 1789.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there

1798, ch. 35.

(a) See act of August 5, 1790, chap. 38.

(b) *An Ordinance for ascertaining the Powers and Duties of the Secretary at War.*

Be it ordained by the United States in Congress assembled, That the powers and duty of the Secretary at War shall be as follows, to wit: To examine into the present state of the war department, the returns and present state of the troops, ordnance, arms, ammunition, clothing and supplies of the troops of these States, and report the same to Congress; to keep exact and regular returns of all the forces of these States, and of all the military stores, equipments and supplies in the magazines of the United States, or in other places for their use; and to receive into his care, from the officers in whose possession they may be, all such as are not in actual service; to form estimates of all such stores, equipments and supplies as may be requisite for the military service, and for keeping up competent magazines, and to report the same to the commissioners of the treasury of the United States, that measures may be taken in due time for procuring the same; to prepare estimates for paying and recruiting the troops of these United States; to carry into effect all ordinances and resolves of Congress for raising and equipping troops for the service of the United States, and for inspecting the said troops; and to direct the arrangement, destination and operation of such troops as are or may be in service, subject to the orders of Congress or of the committee of the States in the recess of Congress; to make out, seal and countersign the commissions of all such military officers as shall be employed in the service of the United States; to take order for the transportation, safe keeping and distributing the necessary supplies for such troops and garrisons as may be kept up by the United States. He shall appoint and remove at pleasure all persons employed under him, and shall be responsible for their conduct in office; all which appointments shall be immediately certified to Congress, and such certificate, or the substance thereof, registered in a book to be kept for that purpose in the office of the secretary of Congress. He shall keep a public and convenient office in the place where Congress shall reside. He shall, at least once a year, visit all the magazines and deposits of public stores, and report the state of them with proper arrangements to Congress; and shall twice a year, or oftener if thereto required, settle the accounts of his department. That as well the Secretary at War as his assistants or clerks, before they shall enter on the duties of their office, shall respectively take and subscribe an oath or affirmation of fidelity to the United States, and for the faithful execution of the trust reposed in them; and which oaths or affirmations shall be administered by the secretary of Congress, and a certificate thereof filed in his office. The oath of fidelity shall be in the words following: "I, A. B. appointed to the office of do acknowledge that