

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

Secretary for  
the department  
of war, his duty.

1798, ch. 35,  
sec. 5.

Principal  
clerk, his duty.

Oath of office.

Secretary to  
take charge of  
papers, &c. of  
war department.

shall be an executive department to be denominated the Department of War, (a) and that there shall be a principal officer therein, to be called the Secretary for the Department of War, who shall perform and execute such duties as shall from time to time be enjoined on, or entrusted to him by the President of the United States, agreeably to the Constitution, relative to military commissions, or to the land or naval forces, ships, or warlike stores of the United States, or to such other matters respecting military or naval affairs, as the President of the United States shall assign to the said department, or relative to the granting of lands to persons entitled thereto, for military services rendered to the United States, or relative to Indian affairs; 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.

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, to be employed therein as he shall deem proper, and to be called the chief clerk in the department of war, 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.

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.

SEC. 4. *And be it further enacted*, That the Secretary for the department of war, 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 war, heretofore established by the United States in Congress assembled. (b)

APPROVED, August 7, 1789.

#### STATUTE I.

Aug. 7, 1789.

CHAP. VIII.—*An Act to provide for the Government of the Territory Northwest of the river Ohio.*

1800, ch. 41.  
1802, ch. 40.

*Whereas* in order that the ordinance of the United States in Congress assembled, for the government of the territory north-west of the river

I do owe faith and true allegiance to the United States of America; and I do swear (or affirm) that I will, to the utmost of my power, support, maintain and defend the said United States in their freedom, sovereignty and independence, against all opposition whatsoever." And the oath of office shall be in the words following: "I, A. B. appointed to the office of do swear (or affirm) that I will faithfully, truly and impartially execute the office of to which I am so appointed, according to the best of my skill and judgment; and that I will not disclose or reveal any thing that shall come to my knowledge in the execution of the said office, or from the confidence I may thereby acquire, which in my own judgment or by the injunction of my superiors ought to be kept secret." That the form of the oath of fidelity heretofore prescribed by Congress, and all former resolutions of Congress relative to the department of war, be, and they are hereby repealed.

*Done by the United States in Congress assembled, the twenty-seventh day of January, in the year of our Lord one thousand seven hundred and eighty-five, and of our sovereignty and independence the ninth.*

CHARLES THOMSON, *Secretary.*

RICHARD HENRY LEE, *President.*

(a) The Secretary at War, as the legitimate organ of the President, under a general authority from him, may exercise the power, and make the allowance to officers having a separate command. Parker v. The United States, 1 Peters, 296.

(b) By "an act to establish an executive department to be denominated the Department of the Navy, passed April 30, 1798, chap. 35, the navy department was established, and by the 5th section of that act so much of the act of August 7, 1789, as vested any of the powers given to the department over the navy, by the act of April 30, 1798, were repealed.