

APPENDIX

TO GALES AND SEATON'S HISTORY OF DEBATES IN THE FIRST CONGRESS.

Ratifications of the Amendments to the Constitution of the United States.

BY THE STATE OF NEW HAMPSHIRE.

In the House of Representatives,
January 25, 1790.

Upon reading and maturely considering the proposed amendments to the Federal Constitution,

Voted, To accept the whole of said amendments, except the second article, which was rejected. Sent up for concurrence.

THOMAS BARTLETT, *Speaker.*

In Senate, the same day, read and concurred.

J. PEARSON, *Secretary.*

BY THE STATE OF NEW YORK.

The People of the State of New York, by the Grace of God free and independent:

To all to whom these presents shall come or may concern, greeting:

Know ye, that we, having inspected the records remaining in our Secretary's office, do find there a certain act of our Legislature, in the words following:

AN ACT ratifying certain Articles in addition to, and amendment of, the Constitution of the United States of America, proposed by the Congress.

Whereas, by the fifth article of the Constitution of the United States of America, it is provided that the Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to the said Constitution, which shall be valid to all intents and purposes as part of the said Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by Congress.

And whereas, in the session of the Congress of the United States of America, begun and held at the city of New York, on Wednesday, the fourth of March, one thousand seven hundred and eighty-nine, it was resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, two-thirds of both Houses concurring, that the following articles be proposed to the Legislatures of the several States, as amend-

ments to the Constitution of the United States; all or any of which articles, when ratified by three-fourths of said Legislatures, to be valid to all intents and purposes as a part of said Constitution, viz:

Articles in addition to, and amendment of, the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth article of the original Constitution.

Article First. After the first enumeration required by the first article of the Constitution, there shall be one Representative for every thirty thousand, until the number shall amount to one hundred, after which the proportion shall be so regulated by Congress, that there shall be not less than one hundred Representatives, nor less than one Representative for every forty thousand persons, until the number of Representatives shall amount to two hundred; after which, the proportion shall be so regulated by Congress that there shall not be less than two hundred Representatives, nor more than one Representative for every fifty thousand persons.

Article the Second. No law varying the compensation for the services of the Senators and Representatives shall take effect until an election of Representatives shall have intervened.

Article the Third. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the People peaceably to assemble and to petition the Government for a redress of grievances.

Article the Fourth. A well regulated Militia being necessary to the security of a free State, the right of the People to keep and bear arms shall not be infringed.

Article the Fifth. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

Article the Sixth. The right of the People to be secure in their persons, papers, houses, and effects, against unreasonable searches and seizures shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

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Article the Seventh. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war, or public danger; nor shall any person be subject, for the same offence, to be twice put into jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

Article the Eighth. In all criminal prosecutions, the accused shall enjoy the right of a speedy and public trial by an impartial jury of the State and District wherein the crime shall have been committed, which District shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

Article the Ninth. In suits of common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise examined, in any Court of the United States, than according to the rules of the common law.

Article the Tenth. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

Article the Eleventh. The enumeration in the Constitution of certain rights shall not be construed to deny or to disparage others retained by the People.

Article the Twelfth. The powers not delegated to the United States by the Constitution, nor prohibited to it by the States, are reserved to the States, respectively, or to the People.

And whereas the Legislature of this State have considered the said Articles, and do agree to the same, except the second Article: Therefore,

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the said Articles, except the second, shall be, and are hereby, ratified, by the Legislature of this State.

STATE OF NEW YORK, IN ASSEMBLY,
February 22, 1790.

This bill having been read the third time,

Resolved, That this bill do pass.

By order of the Assembly,
GULIAN VERPLANCK, *Speaker.*

STATE OF NEW YORK, IN SENATE,
February 24, 1790.

This bill having been read a third time,

Resolved, That this bill do pass.

By order of the Senate,
ISAAC ROOSEVELT,
President pro hac vice.

BY THE STATE OF PENNSYLVANIA.

IN GENERAL ASSEMBLY,
State of Pennsylvania, to wit:

In pursuance of a resolution of the General Assembly of the State of Pennsylvania, being the Legislature thereof, I do hereby certify that the paper hereunto annexed contains an exact and true exemplification of the act whereof it purports to be a copy, by virtue whereof the several amendments therein mentioned, proposed to the Constitution of the United States, were, on the part of the Commonwealth of Pennsylvania, agreed to, ratified, and confirmed.

Given under my hand, and the Seal of the State, this eleventh day of March, in the year of our Lord one thousand seven hundred and ninety.

RICHARD PETERS, *Speaker.*

AN ACT declaring the assent of this State to certain amendments to the Constitution of the United States.

SECTION 1. Whereas, in pursuance of the fifth article of the Constitution of the United States, certain Articles of Amendment to the said Constitution have been proposed by the Congress of the United States, for the consideration of the Legislatures of the several States: And whereas this House, being the Legislature of the State of Pennsylvania, having maturely deliberated thereupon, have resolved to adopt and ratify the articles hereafter enumerated, as part of the Constitution of the United States:

SECTION 2. *Be it enacted, therefore, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same,* That the following amendments to the Constitution of the United States, proposed by the Congress thereof, viz:

[Here follow the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, and twelfth articles, which were proposed by Congress to the Legislatures of the several States, as amendments to the Constitution of the United States.]

Be, and they are hereby, ratified, on behalf of this State, to become, when ratified by the Legislatures of three-fourths of the several States, part of the Constitution of the United States.

Signed by order of the House,
RICHARD PETERS,
Speaker of the G. A.

Amendments to the Constitution.

BY THE STATE OF DELAWARE.

UNITED STATES, March 8, 1790.

*Gentlemen of the Senate**and House of Representatives:*

I have received from His Excellency Joshua Clayton, President of the State of Delaware, the Articles proposed by Congress to the Legislatures of the several States, as Amendments to the Constitution of the United States, which articles were transmitted to him for consideration of the Legislature of Delaware, and are now returned, with the following resolutions annexed to them, viz:

"The General Assembly of Delaware having taken into their consideration the above Amendments, proposed by Congress to the respective Legislatures of the several States:

Resolved, That the first article be postponed.

Resolved, That the General Assembly do agree to the second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, and twelfth articles; and we do hereby assent to, ratify, and confirm, the same, as part of the Constitution of the United States.

In testimony whereof, we have caused the great seal of the State to be hereunto affixed, this twenty-eighth day of January, in the year of our Lord one thousand seven hundred and ninety, and in the fourteenth year of the Independence of the Delaware State.

Signed by order of the Council,

GEO. MITCHELL, *Speaker*.

Signed by order of the Ho. of Assembly,

JEHU DAVIS, *Speaker*."

BY THE STATE OF MARYLAND.

ANNAPOLIS, January 15, 1790.

SIR: I have the honor to enclose a copy of an Act of the Legislature of Maryland, to ratify certain articles in addition to, and amendment of, the Constitution of the United States of America, proposed by Congress to the Legislatures of the several States.

I have the honor to be, with the highest respect, sir, your most obedient servant,

J. E. HOWARD.

His Excellency the PRESIDENT
of the United States.

[Here follows an Act of the Legislature enumerating all the twelve Amendments proposed by Congress, concluding with the following enacting clause:]

Be it enacted by the General Assembly of Maryland, That the aforesaid articles, and each of them, be, and they are hereby, confirmed and ratified.

By the House of Delegates, Dec. 17, 1789.

Read and assented to. By order.

W. HARWOOD, *Clerk*.

By the Senate, Dec. 19, 1790.

Read and assented to. By order.

H. RIDGELY, *Clerk*.

BY THE STATE OF SOUTH CAROLINA.

CHARLESTON, January 28, 1790.

I have the honor to transmit you the entire adoption, by the Legislature of this State, of the Amendments proposed to the Constitution of the United States.

I am, with the most perfect esteem and respect, your most obedient servant,

CHARLES PINCKNEY.

IN THE HOUSE OF REPRESENTATIVES,

January 18, 1790.

The House took into consideration the Report of the committee to whom was referred the resolution of the Congress of the United States, of the fourth day of March, one thousand seven hundred and eighty-nine, proposing Amendments to the Constitution of the United States.

After enumerating all the twelve articles, it is added,

Which being read through, was agreed to.

Resolved, That this House do adopt the said several articles, and that they become a part of the Constitution of the United States.

Resolved, That the resolutions be sent to the Senate for their concurrence.

By order of the House:

JACOB READ,

Speaker of the House Reps.

IN SENATE, January 19, 1790.

Resolved, That this House do concur with the House of Representatives in the foregoing resolutions.

By order of the Senate:

D. DE SAUSSURE,

President of the Senate.

BY THE STATE OF NORTH CAROLINA.

AN ACT to ratify the Amendments to the Constitution of the United States.

Whereas the Senate and House of Representatives of the United States of America in Congress assembled, on the fourth day of March, did resolve, two-thirds of both Houses concurring, that the following articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States, all or any of which articles, when ratified by three-fourths of the said Legislatures, to be valid, to all intents and purposes, as part of said Constitution.

[Here follow the several Articles of Amendment, verbatim, as proposed by Congress to the Legislatures of the several States.]

Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the said Amendments, agreeable to the fifth article of the original Constitution, be held and ratified on the part of this State as articles in addition to, and amendment of, the Constitution of the United States of America.

CHA'S JOHNSON, *S. S.*

S. CABARRUS, *S. H. C.*

Amendments to the Constitution.

Read three times, and ratified in General Assembly, this 22d day of December, Anno Domini 1789.

JAMES GLASGOW, Sec.

BY THE STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

In General Assembly, June Session, 1790.

AN ACT for ratifying certain articles as Amendments to the Constitution of the United States of America, and which were proposed by the Congress of the said States, at their session in March, A. D. 1788, to the Legislatures of the several States, pursuant to the fifth article of the aforesaid Constitution.

Be it enacted by the General Assembly, and by the authority thereof it is hereby enacted, That the following articles, proposed by the Congress of the United States of America, at their session in March, A. D. 1789, to the Legislatures of the several States, for ratification, as Amendments to the Constitution of the United States, pursuant to the fifth article of the said Constitution, be, and the same are hereby, fully assented to, and ratified on the part of this State.

[Here follow all the Amendments proposed by Congress, except the second.]

It is *Ordered*, That his Excellency the Governor be, and he is hereby, requested to transmit to the President of the said United States, under the seal of this State, a copy of this act, to be communicated to the Senate and House of Representatives of the Congress of the United States.

A true copy, duly examined,
HENRY WARD, Secretary.

BY THE STATE OF NEW JERSEY.

AN ACT to ratify, on the part of this State, certain Amendments to the Constitution of the United States.

Whereas the Congress of the United States, begun and held at the city of New York, on

Wednesday, the fourth day of March, one thousand seven hundred and eighty-nine, resolved, two-thirds of both Houses concurring, that sundry articles be proposed to the Legislatures of the several States as Amendments to the Constitution of the United States, all or any of which articles, when ratified by three-fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution:

And whereas the President of the United States did, in pursuance of a resolve of the Senate and House of Representatives of the United States of America in Congress assembled, transmit to the Governor of this State the Amendments proposed by Congress, which were by him laid before the Legislature for their consideration: Wherefore,

1. *Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the following Articles, proposed by Congress, in addition to, and amendment of, the Constitution of the United States,

[Here follow, verbatim, the first, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, and twelfth Articles of the said Amendments proposed by Congress to the Legislatures of the several States.]

Be, and the same are hereby, ratified and adopted by the State of New Jersey.

HOUSE OF ASSEMBLY, Nov. 19, 1789.

This bill having been three times read in this House,

Resolved, That the same do pass.

By order of the House:
JOHN BEATY, Speaker.

COUNCIL CHAMBER, Nov. 20, 1789.

This bill having been three times read in Council,

Resolved, That the same do pass.

By order of the House:
WILLIAM LIVINGSTON,
President.

Report on Public Credit.

REPORTS AND OTHER DOCUMENTS.

REPORT OF THE SECRETARY OF THE
TREASURY,*With his Plan for supporting Public Credit.*

The Secretary of the Treasury, in obedience to the resolution of the House of Representatives, of the twenty-first day of September last, has, during the recess of Congress, applied himself to the consideration of a proper plan for the support of the public credit, with all the attention which was due to the authority of the House and to the magnitude of the object.

In the discharge of this duty, he has felt, in no small degree, the anxieties which naturally flow from a just estimate of the difficulty of the task, from a well-founded diffidence of his own qualifications for executing it with success, and from a deep and solemn conviction of the momentous nature of the truth contained in the resolution under which his investigation has been conducted: "That an adequate provision for the support of the public credit is a matter of high importance to the honor and prosperity of the United States."

With an ardent desire that his well-meant endeavors may be conducive to the real advantage of the nation, and with the utmost deference to the superior judgment of the House, he now respectfully submits the result of his inquiries and reflections to their indulgent construction.

In the opinion of the Secretary, the wisdom of the House in giving their explicit sanction to the proposition which has been stated cannot but be applauded by all who will seriously consider and trace through their obvious consequences these plain and undeniable truths.

That exigencies are to be expected to occur in the affairs of nations, in which there will be a necessity for borrowing.

That loans in times of public danger, especially from foreign war, are found an indispensable resource, even to the wealthiest of them.

And that in a country, which, like this, is possessed of little active wealth, or, in other words, little moneyed capital, the necessity for that resource must, in such emergencies, be proportionably urgent.

And as on the one hand, the necessity for borrowing, in particular emergencies, cannot be doubted, so on the other it is equally evident that to be able to borrow, upon good terms, it is essential that the credit of a nation should be well established.

For when the credit of a country is in any degree questionable, it never fails to give an extravagant premium, in one shape or another, upon all the loans it has occasion to make. Nor does the evil end here; the same disadvantage must be sustained upon whatever is to be bought on terms of future payment.

From this constant necessity of borrowing

and buying dear, is easy to conceive how immensely the expenses of a nation in a course of time will be augmented by an unsound state of the public credit.

To attempt to enumerate the complicated variety of mischiefs in the whole system of the social economy which proceed from a neglect of the maxims that uphold public credit, and justify the solicitude manifested by the House on this point would be an improper intrusion on their time and patience.

In so strong a light, nevertheless, do they appear to the Secretary, that on their due observance, at the present critical juncture, materially depends, in his judgment, the individual and aggregate prosperity of the citizens of the United States; their relief from the embarrassments they now experience; their character as a people; the cause of good Government.

If the maintenance of public credit, then, be truly so important, the next inquiry which suggests itself is, by what means is it to be effected? The ready answer to which question is, by good faith, by a punctual performance of contracts. States, like individuals, who observe their engagements, are respected and trusted; while the reverse is the fate of those who pursue an opposite conduct.

Every breach of the public engagements, whether from choice or necessity, is in different degrees hurtful to public credit. When such a necessity does truly exist, the evils of it are only to be palliated by a scrupulous attention, on the part of the Government, to carry the violation no further than the necessity absolutely requires, and to manifest, if the nature of the case admits of it, a sincere disposition to make reparation whenever circumstances shall permit. But with every possible mitigation, credit must suffer, and numerous mischiefs ensue. It is therefore highly important, when an appearance of necessity seems to press upon the public councils, that they should examine well its reality, and be perfectly assured that there is no method of escaping from it, before they yield to its suggestions. For though it cannot safely be affirmed that occasions have never existed, or may not exist, in which violations of the public faith, in this respect, are inevitable, yet there is great reason to believe that they exist far less frequently than precedents indicate; and are oftenest either pretended through levity or want of firmness, or supposed through want of knowledge. Expedients might often have been devised to effect, consistently with good faith, what has been done in contravention of it. Those who are most commonly creditors of a nation are, generally speaking, enlightened men; and there are signal examples to warrant a conclusion, that when a candid and fair appeal is made to them they will understand their true interest too well to refuse

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their concurrence in such modifications of their claims as any real necessity may demand.

While the observance of that good faith, which is the basis of public credit, is recommended by the strongest inducements of political expediency, it is enforced by considerations of still greater authority. There are arguments for it which rest on the immutable principles of moral obligation; and in proportion as the mind is disposed to contemplate, in the order of Providence, an intimate connexion between public virtue and public happiness, will be its repugnancy to a violation of those principles.

This reflection derives additional strength from the nature of the debt of the United States. It was the price of liberty. The faith of America has been repeatedly pledged for it, and with solemnities that give peculiar force to the obligation. There is, indeed, great reason to regret that it has not hitherto been kept; that the necessities of the war, conspiring with inexperience on the subject of finance, produced direct infractions; and that the subsequent period has been a continued scene of negative violation, or non-compliance. But a diminution of this regret arises from the reflection that the last seven years have exhibited an earnest and uniform effort, on the part of the Government of the Union, to retrieve the national credit by doing justice to the creditors of the nation; and that the embarrassments of a defective Constitution, which defeated this laudable effort, had ceased.

From this evidence of a favorable disposition, given by a former Government, the institution of a new one, clothed with powers competent to calling forth the resources of the community, has excited correspondent expectations. A general belief accordingly prevails that the credit of the United States will quickly be established on the firm foundation of an effectual provision for the existing debt. The influence which this has had at home is witnessed by the rapid increase that has taken place in the market value of the public securities. From January to November they rose thirty-three and a third per cent., and from that period to this time they have risen fifty per cent. more; and the intelligence from abroad announces effects proportionably favorable to our national credit and consequence.

It cannot but merit particular attention that among ourselves the most enlightened friends of good government are those whose expectations are the highest.

To justify and preserve their confidence; to promote the increasing respectability of the American name; to answer the calls of justice; to restore landed property to its due value; to furnish new resources both to agriculture and commerce; to cement more closely the union of the States; to add to their security against foreign attack; to establish public order on the basis of an upright and liberal policy—these are the great and invaluable ends to be secured by a proper and adequate provision at the present period for the support of public credit.

To this provision we are invited, not only by the general considerations which have been noticed, but by others of a more particular nature. It will procure to every class of the community some important advantages, and remove some no less important disadvantages.

The advantage to the public creditors from the increased value of that part of their property which constitutes the public debt, needs no explanation.

But there is a consequence of this, less obvious though not less true, in which every other citizen is interested. It is a well-known fact, that in countries where the national debt is properly funded, and an object of undoubted confidence, it answers most of the purposes of money. Transfers of stock or public debt are there equivalent to payments in specie; or in other words stock, in the principal transactions of business, passes current as specie. The same thing would, in all probability, happen here under the like circumstances.

The benefits of this are various and obvious.

First. Trade is extended by it; because there is a larger capital to carry it on, and the merchant can at the same time afford to trade for smaller profits; as his stock which, when unemployed, brings him in an interest from the Government, serves him also as money, when he has a call for it in his commercial operations.

Secondly. Agriculture and manufactures are also promoted by it: for the like reason, the more capital can be commanded to be employed in both; and because the merchant, whose enterprise in foreign trade gives to them activity and extension, has greater means for enterprise.

Thirdly. The interest of money will be lowered by it; for this is always in a ratio to the quantity of money, and to the quickness of circulation. This circumstance will enable both the public and individuals to borrow on easier and cheaper terms.

And from the combination of these effects additional aids will be furnished to labor, to industry, and to arts of every kind.

But these good effects of a public debt are only to be looked for when, by being well funded, it has acquired an adequate and stable value. Till then it has rather a contrary tendency. The fluctuation and insecurity incident to it in an unfunded state render it a mere commodity, and a precarious one. As such, being only an object of occasional and particular speculation, all the money applied to it is so much diverted from the more useful channels of circulation, for which the thing itself affords no substitute; so that, in fact, one serious inconvenience of an unfunded debt is that it contributes to the scarcity of money.

This distinction, which has been little if at all attended to, is of the greatest moment. It involves a question immediately interesting to every part of the community; which is no other than this: whether the public debt, by a provision for it on true principles, shall be rendered

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a substitute for money; or whether, by being left as it is, or being provided for in such a manner as will wound those principles, and destroy confidence, it shall be suffered to continue, as it is, a pernicious drain of our cash from the channels of productive industry.

The effect which the funding of the public debt, on right principles, would have on landed property, is one of the circumstances attending such an arrangement which has been least adverted to, though it deserves the most particular attention. The present depreciated state of that species of property is a serious calamity. The value of cultivated lands in most of the States has fallen since the Revolution from twenty-five to thirty per cent. In those further South the decrease is still more considerable. Indeed, if the representations continually received from that quarter may be credited, lands there will command no price which may not be deemed an almost total sacrifice.

This decrease in the value of lands ought, in a great measure, to be attributed to the scarcity of money; consequently whatever produces an augmentation of the moneyed capital of the country must have a proportionable effect in raising that value. The beneficial tendency of a funded debt in this respect has been manifested by the most decisive experience in Great Britain.

The proprietors of lands would not only feel the benefit of this increase in the value of their property, and of a more prompt and better sale, when they had occasion to sell, but the necessity of selling would be itself greatly diminished. As the same cause would contribute to the facility of loans, there is reason to believe that such of them as are indebted would be able through that resource to satisfy their more urgent creditors.

It ought not, however, to be expected that the advantages, described as likely to result from funding the public debt, would be instantaneous. It might require some time to bring the value of stock to its natural level, and to attach to it that fixed confidence which is necessary to its quality as money. Yet the late rapid rise of the public securities encourages an expectation that the progress of stock to the desirable point will be much more expeditious than could have been foreseen. And as in the mean time it will be increasing in value, there is room to conclude that it will from the outset answer many of the purposes in contemplation. Particularly it seems to be probable that from creditors, who are not themselves necessitous, it will early meet with a ready reception in payment of debts at its price current.

Having now taken a concise view of the inducements to a proper provision for the public debt, the next inquiry which presents itself is, what ought to be the nature of such a provision? This requires some preliminary discussions.

It is agreed on all hands that that part of the debt which has been contracted abroad, and is denominated the foreign debt, ought to be pro-

vided for, according to the precise terms of the contracts relating to it. The discussions which can arise, therefore, will have reference essentially to the domestic part of it, or to that which has been contracted at home. It is to be regretted that there is not the same unanimity of sentiment on this part as on the other.

The Secretary has too much deference for the opinions of every part of the community, not to have observed one which has, more than once, made its appearance in the public prints, and which is occasionally to be met with in conversation. It involves this question, whether a discrimination ought not to be made between original holders of the public securities and the present possessors by purchase. Those who advocate a discrimination are for making a full provision for the securities of the former at their nominal value, but contend that the latter ought to receive no more than the cost to them, and the interest; and the idea is sometimes suggested of making good the difference to the primitive possessor.

In favor of this scheme it is alleged that it would be unreasonable to pay twenty shillings in the pound to one who had not given more for it than three or four; and it is added that it would be hard to aggravate the misfortune of the first owner, who, probably through necessity, parted with his property at so great a loss, by obliging him to contribute to the profit of the person who had speculated on his distresses.

The Secretary, after the most mature reflection on the force of this argument, is induced to reject the doctrine it contains as equally unjust and impolitic, as highly injurious even to the original holders of public securities, as ruinous to public credit.

It is inconsistent with justice, because, in the first place, it is a breach of contract, in violation of the rights of a fair purchaser.

The nature of the contract in its origin is, that the public will pay the sum expressed in the security to the first holder or his assignee. The intent in making the security assignable is that the proprietor may be able to make use of his property by selling it for as much as it may be worth in the market, and that the buyer may be safe in the purchase.

Every buyer, therefore, stands exactly in the place of the seller, has the same right with him to the identical sum expressed in the security, and having acquired that right, by fair purchase, and in conformity to the original agreement and intention of Government, his claim cannot be disputed without manifest injustice.

That he is to be considered as a fair purchaser results from this: whatever necessity the seller may have been under was occasioned by the Government in not making a proper provision for its debts. The buyer had no agency in it, and therefore ought not to suffer. He is not even chargeable with having taken an undue advantage. He paid what the commodity was worth in the market, and took the risks of reimbursement upon himself. He of course gave

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a fair equivalent, and ought to reap the benefit of his hazard; a hazard which was far from inconsiderable, and which, perhaps, turned on little less than a revolution in Government.

That the case of those who parted with their securities from necessity is a hard one cannot be denied. But whatever complaint of injury or claim of redress they may have respects the Government solely. They have not only nothing to object to the persons who relieved their necessities by giving them the current price of their property, but they are even under an implied condition to contribute to the reimbursement of those persons. They knew that, by the terms of the contract with themselves, the public were bound to pay to those to whom they should convey their title the sums stipulated to be paid to them; and that as citizens of the United States they were to bear their proportion of the contribution for that purpose. This, by the act of assignment, they tacitly engage to do; and if they had an option, they could not, with integrity or good faith, refuse to do it without the consent of those to whom they sold.

But though many of the original holders sold from necessity, it does not follow that this was the case with all of them. It may well be supposed that some of them did it either through want of confidence in an eventual provision, or from the allurements of some profitable speculation. How shall these different classes be discriminated from each other? How shall it be ascertained, in any case, that the money which the original holder obtained for his security was not more beneficial to him than if he had held it to the present time, to avail himself of the provision which shall be made? How shall it be known, whether, if the purchaser had employed his money in some other way, he would not be in a better situation than by having applied it in the purchase of securities, though he should now receive the full amount? And if neither of these things can be known, how shall it be determined whether a discrimination, independent of the breach of contract, would not do a real injury to purchasers; and if it included a compensation to the primitive proprietors, would not give them an advantage to which they had no equitable pretensions.

It may well be imagined, also, that there are not wanting instances in which individuals, urged by a present necessity, parted with the securities received by them from the public, and shortly after replaced them with others as an indemnity for their first loss. Shall they be deprived of the indemnity which they have endeavoured to secure by so provident an arrangement?

Questions of this sort, on a close inspection, multiply themselves without end, and demonstrate the injustice of a discrimination, even on the most subtle calculations of equity abstracted from the obligation of contract.

The difficulties, too, of regulating the details of a plan for that purpose, which would have even the semblance of equity, would be found

immense. It may well be doubted whether they would not be insurmountable, and replete with such absurd as well as inequitable consequences as to disgust even the proposers of the measure.

As a specimen of its capricious operation it will be sufficient to notice the effect it would have on two persons, who may be supposed two years ago to have purchased each securities at three shillings in the pound, and one of them to retain those bought by him till the discrimination should take place; the other to have parted with those bought by him, within a month past, at nine shillings. The former, who had had most confidence in the Government, would in this case only receive at the rate of three shillings and the interest; while the latter, who had had less confidence, would receive for what cost him the same money at the rate of nine shillings, and his representative, standing in his place, would be entitled to a like rate.

The impolicy of a discrimination results from two considerations; one, that it proceeds upon a principle destructive of that quality of the public debt, or the stock of the nation, which is essential to its capacity for answering the purposes of money—that is, the security of transfer. The other, that as well on this account as because it includes a breach of faith, it renders property in the funds less valuable; consequently induces lenders to demand a higher premium for what they lend, and produces every other inconvenience of a bad state of public credit.

It will be perceived at first sight, that the transferable quality of stock is essential to its operation as money, and that this depends on the idea of complete security to the transferee, and a firm persuasion that no distinction can, in any circumstances, be made between him and the original proprietor.

The precedent of an invasion of this fundamental principle would of course tend to deprive the community of an advantage with which no temporary saving could bear the least comparison.

And it will as readily be perceived, that the same cause would operate a diminution of the value of stock in the hands of the first as well as of every other holder. The price, which any man who should incline to purchase would be willing to give for it, would be in a compound ratio to the immediate chance of the profit it afforded, and to the continuance of his profit. If there was supposed to be any hazard of the latter, the risk would be taken into the calculation, and either there would be no purchase at all, or it would be at a proportionably less price.

For this diminution of the value of stock, every person who should be about to lend to the Government would demand a compensation, and would add to the actual difference between the nominal and the market value, an equivalent for the chance of greater decrease; which, in a precarious state of public credit, is always to be taken into the account.

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Every compensation of this sort, it is evident, would be an absolute loss to the Government.

In the preceding discussion of the impolicy of a discrimination, the injurious tendency of it to those who continue to be the holders of the securities they received from the Government has been explained. Nothing need be added on this head, except that it is an additional and interesting light, in which the injustice of the measure may be seen. It would not only divest present proprietors by purchase of the rights they had acquired under the sanction of public faith, but it would depreciate the property of the remaining original holders.

It is equally unnecessary to add any thing to what has been already said, to demonstrate the fatal influence which the principle of discrimination would have on the public credit.

But there is still a point of view in which it will appear, perhaps, even more exceptionable than in either of the former—it would be repugnant to an express provision of the Constitution of the United States. This provision is, that “all debts contracted, and engagements entered into before the adoption of that Constitution, shall be as valid against the United States under it, as under the Confederation,” which amounts to a constitutional ratification of the contracts respecting the debt, in the state in which they existed under the Confederation. And resorting to that standard, there can be no doubt that the rights of assignee and original holders must be considered as equal.

In exploding thus fully the principle of discrimination, the Secretary is happy in reflecting that he is only the advocate of what has been already sanctioned by the formal and express authority of the Government of the Union, in these emphatic terms: “The remaining class of creditors (say Congress in their circular address to the States of the 26th April, 1783) is composed partly of such of our fellow-citizens as originally lent to the public the use of their funds, or have since manifested most confidence in their country, by receiving transfers from the lenders; and partly of those whose property has been either advanced or assumed for the public service. To discriminate the merits of these several descriptions of creditors would be a task equally unnecessary and invidious. If the voice of humanity plead more loudly in favor of some than of others, the voice of policy, no less than of justice, pleads in favor of all. A wise nation will never permit those who relieve the wants of their country, or who rely most on its faith, its firmness, and its resources, when either of them is distrusted, to suffer by the event.”

The Secretary concluding, that a discrimination between the different classes of creditors of the United States cannot with propriety be made, proceeds to examine whether a difference ought to be permitted to remain between them and another description of public creditors—those of the States individually.

The Secretary, after mature reflection on this point, entertains a full conviction that an assumption of the debts of the particular States by the Union, and a like provision for them as for those of the Union, will be a measure of sound policy and substantial justice.

It would, in the opinion of the Secretary, contribute, in an eminent degree, to an orderly, stable, and satisfactory arrangement of the national finances.

Admitting, as ought to be the case, that a provision must be made in some way or other for the entire debt, it will follow that no greater revenues will be required, whether that provision be made wholly by the United States, or partly by them, and partly by the States separately.

The principal question then must be, whether such a provision cannot be more conveniently and effectually made by one general plan, issuing from one authority, than by different plans originating in different authorities.

In the first case there can be no competition for resources; in the last, there must be such a competition. The consequence of this, without the greatest caution on both sides, might be interfering regulations, and thence collision and confusion. Particular branches of industry might also be oppressed by it. The most productive objects of revenue are not numerous. Either these must be wholly engrossed by one side, which might lessen the efficacy of the provisions by the other, or both must have recourse to the same objects in different modes, which might occasion an accumulation upon them beyond what they could properly bear. If this should not happen, the caution requisite to avoiding it would prevent the revenue's deriving the full benefit of each object. The danger of interference and of excess would be apt to impose restraints very unfriendly to the complete command of those resources, which are the most convenient, and to compel the having recourse to others less eligible in themselves, and less agreeable to the community.

The difficulty of an effectual command of the public resources, in case of separate provisions for the debt, may be seen in another and perhaps more striking light. It would naturally happen that different States, from local considerations, would, in some instances, have recourse to different objects, in others, to the same objects in different degrees, for procuring the funds of which they stood in need. It is easy to conceive how this diversity would affect the aggregate revenue of the country. By the supposition, articles which yielded a full supply in some States, would yield nothing or an insufficient product, in others. And hence the public revenue would not derive the full benefit of those articles from State regulations. Neither could the deficiencies be made good by those of the Union. It is a provision of the national Constitution, that “all duties, imposts, and excises, shall be uniform throughout the United States.” And as the General Government

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would be under the necessity, from motives of policy, of paying regard to the duty which may have been previously imposed upon any article, though but in a single State, it would be constrained either to refrain wholly from any further imposition upon such articles where it had been already rated as high as was proper, or to confine itself to the difference between the existing rate, and what the articles would reasonably bear. Thus the pre-occupancy of an article by a single State would tend to arrest or abridge the impositions of the Union on that article. And as it is supposable that a great variety of articles might be placed in this situation, by dissimilar arrangements of the particular States, it is evident that the aggregate revenue of the country would be likely to be very materially contracted by the plan of separate provisions.

If all the public creditors receive their dues from one source, distributed with an equal hand, their interest will be the same. And having the same interests, they will unite in the support of the fiscal arrangements of the Government; as these, too, can be made with more convenience where there is no competition. These circumstances combined will ensure to the revenue laws a more ready and more satisfactory execution.

If, on the contrary, there are distinct provisions, there will be distinct interests, drawing different ways. That union and concert of views, among the creditors, which in every Government is of great importance to their security, and that of public credit, will not only not exist, but will be likely to give place to mutual jealousy and opposition. And from this cause, the operation of the systems which may be adopted both by the particular States and the Union, with relation to their respective debts, will be in danger of being counteracted.

There are several reasons which render it probable that the situation of the State creditors would be worse than that of the creditors of the Union, if there be not a national assumption of the State debts. Of these it will be sufficient to mention two; one, that a principal branch of revenue is exclusively vested in the Union; the other, that a State must always be checked in the imposition of taxes on articles of consumption, from the want of power to extend the same regulation to the other States, and from the tendency of partial duties to injure its industry and commerce. Should the State creditors stand upon a less eligible footing than the others, it is unnatural to expect they would see with pleasure a provision for them. The influence which their dissatisfaction might have could not but operate injuriously, both for the creditors and credit of the United States.

Hence it is even the interest of the creditors of the Union, that those of the individual States should be comprehended in a general provision. Any attempt to secure to the former either exclusive or peculiar advantages would materially hazard their interests.

Neither would it be just that one class of the public creditors should be more favored than the other. The objects for which both descriptions of the debt were contracted are, in the main, the same. Indeed a great part of the particular debts of the States has arisen from assumptions by them, on account of the Union. And it is most equitable that there should be the same measure of retribution for all.

There is an objection, however, to an assumption of the State debts, which deserves particular notice. It may be supposed that it would increase the difficulty of an equitable settlement between them and the United States.

The principles of that settlement, whenever they shall be discussed, will require all the moderation and wisdom of the Government. In the opinion of the Secretary, that discussion, till further lights are obtained, would be premature.

All, therefore, which he would now think advisable on the point in question would be, that the amount of the debts assumed and provided for should be charged to the respective States, to abide an eventual arrangement. This the United States, as assignees to the creditors, should have an indisputable right to do.

But as it might be a satisfaction to the House to have before them some plan for the liquidation of accounts between the Union and its members, which, including the assumption of the State debts, would consist with equity, the Secretary will submit in this place such thoughts on the subject as have occurred to his own mind, or been suggested to him, most compatible, in his judgment, with the end proposed.

Let each State be charged with all the money advanced to it out of the Treasury of the United States, liquidated according to the specie value, at the time of each advance, with interest at six per cent.

Let it also be charged with the amount, in specie value, of all its securities which shall be assumed, with the interest upon them to the time when interest shall become payable by the United States.

Let it be credited for all moneys paid and articles furnished to the United States, and for all other expenditures during the war, either towards general or particular defence, whether authorized or unauthorized by the United States; the whole liquidated to specie value, and bearing an interest of six per cent. from the several times at which the several payments, advances, and expenditures, accrued.

And let all sums of the Continental money now in the treasuries of the respective States, which shall be paid into the Treasury of the United States, be credited at specie value.

Upon a statement of the accounts according to these principles, there can be little doubt that balances would appear in favor of all the States against the United States.

To equalise the contributions of the States, let each be then charged with its proportion of

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the aggregate of those balances, according to some equitable ratio, to be devised for that purpose.

If the contributions should be found disproportionate, the result of this adjustment would be that some States would be creditors, some debtors to the Union.

Should this be the case, it will be attended with less inconvenience for the United States to have to pay balances to than to receive them from the particular States; it may, perhaps, be practicable to effect the former by a second process, in the nature of a transfer of the amount of the debts of the debtor States, to the credit of the creditor States, observing the ratio by which the first apportionment shall have been made. This, whilst it would destroy the balances due from the former, would increase those due to the latter: these to be provided for by the United States, at a reasonable interest, but not to be transferable.

The expediency of this second process must depend on a knowledge of the result of the first. If the inequalities should be too great, the arrangement may be impracticable without unduly increasing the debt of the United States. But it is not likely that this would be the case. It is also to be remarked, that though this second process might not, upon the principle of apportionment, bring the thing to the point aimed at, yet it may approach so nearly to it as to avoid essentially the embarrassment of having considerable balances to collect from any of the States.

The whole of this arrangement to be under the superintendence of Commissioners, vested with equitable discretion, and final authority.

The general principle of it seems to be equitable, for it appears difficult to conceive a good reason why the expenses for the particular defence of a part in a common war should not be a common charge, as well as those incurred professedly for the general defence. The defence of each part is that of the whole; and unless all the expenditures are brought into a common mass, the tendency must be to add to the calamities suffered, by being the most exposed to the ravages of war, and increase of burthens.

The plan seems to be susceptible of no objection which does not belong to every other that proceeds on the idea of a final adjustment of accounts. The difficulty of settling a ratio is common to all. This must, probably, either be sought for in the proportions of the requisitions during the war, or in the decision of Commissioners appointed with plenary power. The rule prescribed in the Constitution with regard to representation and direct taxes would evidently not be applicable to the situation of parties during the period in question.

The existing debt of the United States is excluded from the computation, as it ought to be, because it will be provided for out of a general fund.

The only discussion of a preliminary kind

which remains, relates to the distinctions of the debt into principal and interest. It is well known that the arrears of the latter bear a large proportion to the amount of the former. The immediate payment of these arrears is evidently impracticable, and a question arises, what ought to be done with them?

There is good reason to conclude, that the impressions of many are more favorable to the claim of the principal, than to that of the interest; at least so far as to produce an opinion that an inferior provision might suffice for the latter.

But to the Secretary this opinion does not appear to be well founded. His investigations of the subject have led him to a conclusion that the arrears of interest have pretensions at least equal to the principal.

The liquidated debt, traced to its origin, falls under two principal discriminations. One, relating to loans; the other, to services performed and articles supplied.

The part arising from loans was at first made payable at fixed periods, which have long since elapsed, with an early option to lenders either to receive back their money at the expiration of those periods, or to continue it at interest until the whole amount of Continental bills circulating should not exceed the sum in circulation at the time of each loan. This contingency, in the sense of the contract, never happened; and the presumption is, that the creditors preferred continuing their money indefinitely at interest to receiving it in a depreciated and depreciating state.

The other parts of it were chiefly for objects which ought to have been paid for at the time; that is, when the services were performed or the supplies furnished, and were not accompanied with any contract for interest. But by different acts of Government and the Administration, concurred in by the creditors, these parts of the debt have been converted into a capital bearing an interest of six per cent. per annum, but without definite period of redemption. A portion of the Loan-office debt has been exchanged for new securities of that import; and the whole of it seems to have acquired that character after the expiration of the periods fixed for repayment.

If this view of the subject be a just one, the capital of the debt of the United States may be considered in the light of an annuity, at the rate of six per cent. per annum, redeemable at the pleasure of the Government, by payment of the principal. For it seems to be a clear position, that when a public contracts a debt payable with interest, without any precise time being stipulated or understood for payment of the capital, that time is a matter of pure discretion with the Government, which is at liberty to consult its own convenience respecting it, taking care to pay the interest with punctuality.

Wherefore, as long as the United States should pay the interest of their debt, as it accrued, their creditors would have no right to demand the principal.

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But with regard to the arrears of interest, the case is different. These are now due, and those to whom they are due have a right to claim immediate payment. To say that it would be impracticable to comply, would not vary the nature of the right. Nor can this idea of impracticability be honorably carried further than to justify the proposition of a new contract upon the basis of a commutation of that right for an equivalent. This equivalent, too, ought to be a real and fair one. And what other fair equivalent can be imagined for the detention of money, but a reasonable interest? Or what can be the standard of that interest but the market rate, or the rate which the Government pays in ordinary cases?

From this view of the matter, which appears to be the accurate and true one, it will follow that the arrears of interest are entitled to an equal provision with the principal of the debt.

The result of the foregoing discussions is this: That there ought to be no discrimination between the original holders of the debt, and present possessors by purchase; that it is expedient there should be an assumption of State debts by the Union, and the arrears of interest should be provided for on an equal footing with the principal.

The next inquiry in order, towards determining the nature of a proper provision, respects the quantum of the debt, and the present rates of interest.

The debt of the Union is distinguishable into foreign and domestic.

The foreign debt amounts to principal,
\$10,070,307 00
Bearing an interest of four, and partly an interest of five per cent.

Arrears of interest to the last of December, 1789, 1,640,071 62

Making together, \$11,710,378 62
The domestic debt may be subdivided into liquidated and unliquidated, principal and interest.

The principal of the liquidated part amounts to 27,383,917 74
Bearing an interest of six per cent.

The arrears of interest to the end of 1790, amount to 13,030,168 20

Making together, \$40,144,085 94
This includes all that has been paid in indents (except what has come into the Treasury of the United States) which, in the opinion of the Secretary, can be considered in no other light than as interest due.
The unliquidated part of the domestic debt, which consists chiefly

of the Continental bills of credit, is not ascertained, but may be estimated at 2,000,000 00

These several sums constitute the whole of the debt of the United States, amounting together to \$54,124,464 56

That of the individual States is not equally well ascertained. The Secretary, however, presumes that the total amount may be safely stated at twenty-five millions of dollars, principal and interest. The present rate of interest of the State debts is, in general, the same with that of the domestic debt of the Union.

On the supposition, that the arrears of interest ought to be provided for on the same terms with the principal, the annual amount of the interest, which at the existing rates would be payable on the entire mass of the public debt, would be,

On the foreign debt, computing the interest on the principal as it stands, and allowing four per cent. on the arrears of interest, \$542,599 66

On the domestic debt, including that of the States, 4,044,845 15

Making together, \$4,587,444 81

The interesting problem now occurs, Is it in the power of the United States, consistently with those prudential considerations which ought not to be overlooked, to make a provision equal to the purpose of funding the whole debt, at the rates of interest which it now bears, in addition to the sum which will be necessary for the current service of the Government?

The Secretary will not say that such a provision would exceed the abilities of the country; but he is clearly of opinion, that to make it would require the extension of taxation to a degree, and to objects, which the true interest of the public creditor forbids. It is therefore to be hoped, and even to be expected, that they will cheerfully concur in such modifications of their claims, on fair and equitable principles, as will facilitate to the Government an arrangement substantial, durable, and satisfactory to the community. The importance of the last characteristic will strike every discerning mind. No plan, however flattering in appearance, to which it did not belong, could be truly entitled to confidence.

It will not be forgotten, that exigencies may, ere long, arise, which would call for resources greatly beyond what is now deemed sufficient for the current service; and that, should the faculties of the country be exhausted or even strained to provide for the public debt, there could be less reliance on the sacredness of the provision.

But while the Secretary yields to the force of these considerations, he does not lose sight of those fundamental principles of good faith which dictate that every practicable exertion ought to be made scrupulously to fulfil the en-

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gagements of the Government; that no change in the rights of its creditors ought to be attempted without their voluntary consent; and that this consent ought to be voluntary in fact, as well as in name. Consequently, that every proposal of a change ought to be in the shape of an appeal to their reason and to their interest; not to their necessities. To this end it is requisite, that a fair equivalent should be offered for what may be asked to be given up, and unquestionable security for the remainder. Without this, an alteration, consistently with the credit and honor of the nation, would be impracticable.

It remains to see, what can be proposed in conformity to these views.

It has been remarked, that the capital of the debt of the Union is to be viewed in the light of an annuity at the rate of six per cent. per annum, redeemable at the pleasure of the Government, by payment of the principal. And it will not be required, that the arrears of interest should be considered in a more favorable light. The same character, in general, may be applied to the debts of the individual States.

This view of the subject admits, that the United States would have it in their power to avail themselves of any fall in the market rate of interest, for reducing that of the debt.

This property of the debt is favorable to the public, unfavorable to the creditor; and may facilitate an arrangement for the reduction of interest, upon the basis of a fair equivalent.

Probabilities are always a rational ground of contract. The Secretary conceives, that there is good reason to believe, if effectual measures are taken to establish public credit, that the Government rate of interest in the United States will, in a very short time, fall at least as low as five per cent., and that in a period not exceeding twenty years, it will sink still lower, probably to four.

There are two principal causes which will be likely to produce this effect; one, the low rate of interest in Europe; the other, the increase of the moneyed capital of the nation, by the funding of the public debt.

From three to four per cent. is deemed good interest in several parts of Europe. Even less is deemed so, in some places. And it is on the decline; the increasing plenty of money continually tending to lower it. It is presumable, that no country will be able to borrow of foreigners upon better terms than the United States, because none can, perhaps, afford so good security. Our situation exposes us less, than that of any other nation, to those casualties, which are the chief causes of expense; our incumbrances, in proportion to our real means, are less, though these cannot immediately be brought so readily into action, and our progress in resources from the early state of the country, and the immense tracts of unsettled territory, must necessarily exceed that of any other. The advantages of this situation have already engaged the attention of the European money-

lenders, particularly among the Dutch. And as they become better understood, they will have the greater influence. Hence, as large a proportion of the cash of Europe as may be wanted, will be, in a certain sense, in our market, for the use of Government. And this will naturally have the effect of a reduction of the rate of interest, not indeed to the level of the places, which send their money to market, but to something much nearer to it than our present rate.

The influence which the funding of the debt is calculated to have, in lowering interest, has been already remarked and explained. It is hardly possible, that it should not be materially affected by such an increase of the moneyed capital of the nation, as would result from the proper funding of seventy millions of dollars. But the probability of a decrease in the rate of interest acquires confirmation from facts, which existed prior to the revolution. It is well known, that in some of the States money might with facility be borrowed, on good security, at five per cent. and, not unfrequently, even at less.

The most enlightened of the public creditors will be most sensible of the justness of this view of the subject, and of the propriety of the use which will be made of it.

The Secretary, in pursuance of it, will assume, as a probability sufficiently great to be a ground of calculation, both on the part of the Government and its creditors, that the interest of money in the United States will, in five years, fall to five per cent., and in twenty, to four. The probability, in the mind of the Secretary, is rather that the fall may be more rapid and more considerable; but he prefers a mean, as most likely to engage the assent of the creditors, and more equitable in itself; because it is predicated on probabilities, which may err on one side as well as on the other.

Premising these things, the Secretary submits to the House the expediency of proposing a loan to the full amount of the debt, as well of the particular States as of the Union, upon the following terms:

First. That for every hundred dollars subscribed, payable in the debt, (as well interest as principal,) the subscriber be entitled, at his option, either

To have two-thirds funded at an annuity, or yearly interest of six per cent., redeemable at the pleasure of the Government, by payment of the principal, and to receive the other third in lands in the Western Territory, at the rate of twenty cents per acre. Or,

To have the whole sum funded at an annuity or yearly interest of four per cent., irredeemable by any payment exceeding five dollars per annum on account both of principal and interest; and to receive, as a compensation for the reduction of interest, fifteen dollars and eighty cents, payable in lands, as in the preceding case. Or,

To have sixty-six dollars and two-thirds of

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a dollar funded immediately at an annuity or yearly interest of six per cent., irredeemable by any payment exceeding four dollars and two-thirds of a dollar per annum, on account both of principal and interest; and to have, at the end of ten years, twenty-six dollars and eighty-eight cents funded at the like interest and rate of redemption. Or,

To have an annuity for the remainder of life, upon the contingency of living to a given age, not less distant than ten years, computing interest at four per cent. Or,

To have an annuity for the remainder of life, upon the contingency of the survivorship of the youngest of two persons, computing interest in this case also at four per cent.

In addition to the foregoing loan, payable wholly in the debt, the Secretary would propose, that one should be opened for ten millions of dollars, on the following plan:

That for every hundred dollars subscribed, payable one-half in specie, and the other half in debt, (as well principal as interest,) the subscriber be entitled to an annuity or yearly interest of five per cent., irredeemable by any payment exceeding six dollars per annum, on account both of principal and interest.

The principles and operation of these different plans may now require explanation.

The first is simply a proposition for paying one-third of the debt in land, and funding the other two-thirds, at the existing rate of interest, and upon the same terms of redemption, to which it is at present subject.

Here is no conjecture, no calculation of probabilities. The creditor is offered the advantage of making his interest principal, and he is asked to facilitate to the Government an effectual provision for his demands, by accepting a third part of them in land, at a fair valuation.

The general price at which the Western lands have been heretofore sold, has been a dollar per acre in public securities; but at the time the principal purchases were made, these securities were worth, in the market, less than three shillings in the pound. The nominal price, therefore, would not be the proper standard, under present circumstances, nor would the precise specie value then given be a just rule; because, as the payments were to be made by instalments, and the securities were, at the times of the purchases, extremely low, the probability of a moderate rise must be presumed to have been taken into the account. Twenty cents, therefore, seem to bear an equitable proportion to the two considerations of value at the time, and likelihood of increase.

It will be understood, that upon this plan the public retains the advantage of availing itself of any fall in the market rate of interest, for reducing that upon the debt, which is perfectly just, as no present sacrifice, either in the quantum of the principal, or in the rate of interest, is required from the creditor.

The inducement to the measure is, the payment of one-third of the debt in land.

The second plan is grounded upon the supposition, that interest, in five years, will fall to five per cent., in fifteen more to four. As the capital remains entire, but bearing an interest of four per cent. only, compensation is to be made to the creditor, for the interest of two per cent. per annum for five years, and of one per cent. per annum, for fifteen years, to commence at the distance of five years. The present value of these two sums or annuities, computed according to the terms of the supposition, is, by strict calculation, fifteen dollars and seven hundred and ninety-two thousandth parts of a dollar; a fraction less than the sum proposed.

The inducement to the measure here is, the reduction of interest to a rate more within the compass of a convenient provision, and the payment of the compensation in lands.

The inducements to the individual are—the accommodation afforded to the public; the high probability of a complete equivalent; the chance even of gain, should the rate of interest fall, either more speedily or in a greater degree, than the calculation supposes. Should it fall to five per cent. sooner than five years; should it fall lower than five before the additional fifteen were expired; or should it fall below four, previous to the payment of the debt, there would be, in each case, an absolute profit to the creditor. As his capital will remain entire, the value of it will increase with every decrease of the rate of interest.

The third plan proceeds upon the like supposition of a successive fall in the rate of interest. And upon that supposition offers an equivalent to the creditor. One hundred dollars, bearing an interest of six per cent. for five years; of five per cent. for fifteen years, and thenceforth of four per cent. (these being successive rates of interest in the market,) is equal to a capital of - \$122 510725 parts,

Bearing an interest of four per centum, which, converted into a capital, bearing a fixed rate of interest of six per cent., is equal to - 81 6738166 parts,

The difference between sixty-six dollars and two-thirds of a dollar, (the sum to be funded immediately, and this last sum is - 15 0172 parts,

Which, at six per cent. per annum, amounts, at the end of ten years, to 26 8755 parts, the sum to be funded at the expiration of that period.

It ought, however, to be acknowledged, that this calculation does not make allowance for the principle of redemption, which the plan itself includes; upon which principle the

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equivalent in a capital of six per cent. would be, by strict calculation - \$87 50766 parts.

But there are two considerations which induce the Secretary to think, that the one proposed would operate more equitably than this. One is that it may not be very early in the power of the United States to avail themselves of the right of redemption reserved in the plan. The other is, that with regard to the part to be funded at the end of ten years, the principle of redemption is suspended during that time, and the full interest at six per cent. goes on improving at the same rate; which for the last five years will exceed the market rate of interest, according to the supposition.

The equivalent is regulated, in this plan, by the circumstance of fixing the rate of interest higher than it is supposed it will continue to be in the market; permitting only a gradual discharge of the debt in an established proportion, and consequently preventing advantage being taken of any decrease of interest below the stipulated rate.

Thus, the true value of eighty-one dollars and sixty-seven cents, the capital proposed, considered as a perpetuity, and bearing six per cent. interest, when the market rate of interest was five per cent., would be a small fraction more than ninety-eight dollars, when it was four per cent., would be one hundred and twenty-two dollars and fifty-one cents. But the proposed capital being subject to gradual redemption, it is evident, that its value, in such case, would be somewhat less. Yet, from this may be perceived, the manner in which a less capital at a fixed rate of interest becomes an equivalent for a greater capital at a rate liable to variation and diminution.

It is presumable, that those creditors, who do not entertain a favorable opinion of property in Western lands, will give a preference to this last mode of modelling the debt. The Secretary is sincere in affirming, that, in his opinion, it will be likely to prove to the full as beneficial to the creditors as a provision for his debt upon its present terms.

It is not intended, in either case, to oblige the Government to redeem, in the proportion specified, but to secure to it the right of doing so, to avoid the inconvenience of a perpetuity.

The fourth and fifth plans abandon the supposition which is the basis of the two preceding ones, and offer only four per cent. throughout.

The reason of this is, that the payment being deferred, there will be an accumulation of compound interest, in the intermediate period against the public, which, without a very provident administration, would turn to its detriment; and the suspension of the burthen would be too apt to beget a relaxation of efforts in the mean time. The measure, therefore, its object being temporary accommodation, could only be advisable upon a moderate rate of interest.

With regard to individuals, the inducement

will be sufficient at four per cent. There is no disposition of money, in private loans, making allowance for the usual delays and casualties, which would be equally beneficial as a future provision.

A hundred dollars advanced upon the life of a person of eleven years old would produce an annuity,

	<i>Dolls.</i>	<i>Parts.</i>
If commencing at twenty-one, of	10	346
If commencing at thirty-one, of	18	803
If commencing at forty-one, of	37	286
If commencing at fifty-one, of	78	580

The same sum advanced upon the chance of the survivorship of the youngest of two lives, one of the persons being twenty-five, the other thirty years old, would produce, if the youngest of the two should survive, an annuity for the remainder of life, of 23 dollars, 556 parts.

From these instances may readily be discerned the advantages which these deferred annuities afford for securing a comfortable provision for the evening of life, or for wives who survive their husbands.

The sixth plan also relinquishes the supposition, which is the foundation of the second and third, and offers a higher rate of interest upon similar terms of redemption, for the consideration of the payment of one-half of the loan in specie. This is a plan highly advantageous to the creditors, who may be able to make that payment; while the specie itself could be applied in purchases of the debt, upon terms which would fully indemnify the public for the increased interest.

It is not improbable that foreign holders of the domestic debt may embrace this as a desirable arrangement.

As an auxiliary expedient, and by way of experiment, the Secretary would propose a loan upon the principles of a tontine.

To consist of six classes, composed respectively of persons of the following ages:

First class, of those of twenty years and under.

Second class, of those above twenty, and not exceeding thirty.

Third class, of those above thirty, and not exceeding forty.

Fourth class, of those above forty, and not exceeding fifty.

Fifth class, of those above fifty, and not exceeding sixty.

Sixth class, of those above sixty.

Each share to be two hundred dollars. The number of shares in each class to be indefinite. Persons to be at liberty to subscribe on their own lives, or on those of others nominated by them.

	<i>Dolls.</i>	<i>Cents.</i>
The annuity upon a share in the first class to be	8	40
upon a share in the sec'd	8	65
upon a share in the third	9	0
upon a share in the fourth	9	65
upon a share in the fifth	10	70
upon a share in the sixth	12	80

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The annuities of those who die to be equally divided among the survivors, until four-fifths shall be dead, when the principle of survivorship shall cease, and each annuitant thenceforth enjoy his dividend as a several annuity during the life upon which it shall depend.

These annuities are calculated on the best life in each class, and at a rate of interest of four per cent., with some deductions in favor of the public. To the advantages which these circumstances present, the cessation of the right of survivorship on the death of four-fifths of the annuitants will be no inconsiderable addition.

The inducements to individuals are a competent interest for their money from the outset, secured for life, and the prospect for continual increase, and even of large profit to those, whose fortune it is, to survive their associates.

It will have appeared, that in all the proposed loans the Secretary has contemplated the putting the interest upon the same footing with the principal. That on the debt of the United States he would have computed to the last of the present year. That on the debt of the particular States to the last of the year 1791; the reason for which distinction will be seen hereafter.

In order to keep up a due circulation of money, it will be expedient that the interest of the debt should be paid quarter-yearly. This regulation will, at the same time, conduce to the advantage of the public creditors, giving them, in fact, by the anticipation of payment, a highest rate of interest; which may, with propriety, be taken into the estimate of compensation to be made to them. Six per cent. per annum, paid in this mode, will truly be worth six dollars, and one hundred and thirty-five thousandths parts of a dollar, computing the market interest at the same rate.

The Secretary thinks it advisable to hold out various propositions, all of them compatible with the public interest, because it is, in his opinion, of the greatest consequence, that the debt should, with the consent of the creditors, be remoulded into such shape as will bring the expenditure of the nation to a level with its income. Till this shall be accomplished, the finances of the United States will never wear a proper countenance. Arrears of interest, continually accruing, will be as continual a monument either of inability or of ill faith, and will not cease to have an evil influence on public credit. In nothing are appearances of greater moment than in whatever regards credit. Opinion is the soul of it, and this is affected by appearances as well as realities. By offering an option to the creditors, between a number of plans, the change meditated will be more likely to be accomplished. Different tempers will be governed by different views of the subject.

But while the Secretary would endeavor to effect a change in the form of the debt, by new loans, in order to render it more susceptible of an adequate provision, he would not think it

proper to aim at procuring the concurrence of the creditors by operating upon their necessities.

Hence, whatever surplus of revenue might remain, after satisfying the interest of the new loans, and the demand for the current service, ought to be divided among those creditors, if any, who may not think fit to subscribe to them. But for this purpose, under the circumstance of depending propositions, a temporary appropriation will be most advisable, and the sum must be limited to four per cent. as the revenues will only be calculated to produce in that proportion to the entire debt.

The Secretary confides, for the success of the propositions to be made, on the goodness of the reasons upon which they rest; on the fairness of the equivalent to be offered in each case; on the discernment of the creditors of their true interest; and on their disposition to facilitate the arrangements of the Government, and to render them satisfactory to the community.

The remaining part of the task to be performed is, to take a view of the means of providing for the debt, according to the modification of it which is proposed.

On this point the Secretary premises that, in his opinion, the funds to be established ought, for the present, to be confined to the existing debt of the United States; as well because a progressive augmentation of the revenue will be most convenient, as because the consent of the State creditors is necessary to the assumption contemplated; and though the obtaining of that consent may be inferred with great assurance from their obvious interest to give it, yet till it shall be obtained, an actual provision for the debt would be premature. Taxes could not, with propriety, be laid for an object which depended on such a contingency.

All that ought now to be done respecting it is to put the matter in an effectual train for a future provision. For which purpose the Secretary will, in the course of this report, submit such propositions as appear to him advisable.

The Secretary now proceeds to a consideration of the necessary funds.

It has been stated that the debt of the United States consists of

The foreign debt, amounting, with arrears of interest, to	\$11,710,378 62
And the domestic debt, amounting, with like arrears, computed to the end of the year 1790, to	42,414,085 94
Making together,	\$54,124,464 56

The interest of the domestic debt is computed to the end of this year, because the details of carrying any plan into execution will exhaust the year.

The annual interest of the foreign debt has been stated at	\$ 542,599 66
And the interest of the domestic debt, at four per cent., would amount to	1,696,563 43
Making together,	\$2,239,163 09

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Thus, to pay the interest of the foreign debt, and to pay four per cent. on the whole of the domestic debt, principal and interest, forming a new capital, will require a yearly income of \$2,239,163 09.

The sum which, in the opinion of the Secretary, ought now to be provided in addition to what the current service will require.

For though the rate of interest proposed by the third plan exceeds four per cent. on the whole debt, and the annuities on the tontine will also exceed four per cent. on the sums which may be subscribed; yet as the actual provision for a part is, in the former case, suspended, as measures for reducing the debt by purchases may be advantageously pursued, and as the payment of the deferred annuities will of course be postponed, four per cent. on the whole will be a sufficient provision.

With regard to the instalments of the foreign debt, these, in the opinion of the Secretary, ought to be paid by new loans abroad. Could funds be conveniently spared from other exigencies for paying them, the United States could ill bear the drain of cash at the present juncture which the measure would be likely to occasion.

But to the sum which has been stated for payment of interest must be added a provision for the current service. This the Secretary estimates at \$600,000, making, with the amount of the interest, \$2,839,163 09.

This sum may, in the opinion of the Secretary, be obtained from the present duties on imports and tonnage, with the additions which, without any possible disadvantage either to trade or agriculture, may be made on wines, spirits, (including those distilled within the United States,) teas, and coffee.

The Secretary conceives that it will be sound policy to carry the duties upon articles of this kind as high as will be consistent with the practicability of a safe collection. This will lessen the necessity both of having recourse to direct taxation, and of accumulating duties where they would be more inconvenient to trade, and upon objects which are more to be regarded as necessities of life.

That the articles which have been enumerated will, better than most others, bear high duties, can hardly be a question. They are all of them, in reality, luxuries, the greatest part of them foreign luxuries; some of them, in the excess in which they are used, pernicious luxuries. And there is, perhaps, none of them which is not consumed in so great abundance, as may justly denominate it a source of national extravagance and impoverishment. The consumption of ardent spirits particularly, no doubt very much on account of their cheapness, is carried to an extreme, which is truly to be regretted, as well in regard to the health and the morals as to the economy of the community.

Should the increase of duties tend to a decrease of the consumption of those articles, the effect would be, in every respect, desirable.

The saving which it would occasion would leave individuals more at ease, and promote a more favorable balance of trade. As far as this decrease might be applicable to distilled spirits, it would encourage the substitution of cider and malt liquors, benefit agriculture, and open a new and productive source of revenue.

It is not, however, probable that this decrease would be in a degree which would frustrate the expected benefit to the revenue from raising the duties. Experience has shown that luxuries of every kind lay the strongest hold on the attachments of mankind, which, especially when confirmed by habit, are not easily alienated from them.

The same fact affords a security to the merchant that he is not likely to be prejudiced by considerable duties on such articles. They will usually command a proportional price. The chief things in this view to be attended to are, that the terms of payment be so regulated as not to require inconvenient advances, and that the mode of collection be secure.

The other reasons which plead for carrying the duties upon the articles which have been mentioned, to as great extent as they will well bear, may be added these; that they are of a nature, from their extensive consumption, to be very productive, and are amongst the most difficult objects of illicit introduction.

Invited by so many motives to make the best use of the resource which these articles afford, the essential inquiry is, in what mode can the duties upon them be most effectually collected?

With regard to such of them as will be brought from abroad, a duty on importation recommends itself by two leading considerations; one is, that meeting the object at its first entrance into the country the collection is drawn to a point, and so far simplified; the other is, that it avoids the possibility of interference between the regulations of the United States and those of the particular States.

But a duty, the precautions for the collection of which should terminate with the landing of the goods, as is essentially the case in the existing system, could not, with safety, be carried to the extent which is contemplated.

In that system, the evasion of the duties depends, as it were, on a single risk. To land the goods in defiance of the vigilance of the officers of the customs is almost the sole difficulty. No future pursuit is materially to be apprehended. And where the inducement is equivalent to the risk, there will be found too many who are willing to run it. Consequently there will be extensive frauds on the revenue, against which the utmost rigor of penal laws has proved, as often as it has been tried, an ineffectual guard.

The only expedient which has been discovered for conciliating high duties with a safe collection is the establishment of a second or interior scrutiny.

By pursuing the article from its importation into the hands of the dealers in it, the risk of

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detection is so greatly enhanced that few, in comparison, will venture to incur it. Indeed, every dealer, who is not himself the fraudulent importer, then becomes, in some sort, a sentinel upon him.

The introduction of a system, founded on this principle, in some shape or other, is, in the opinion of the Secretary, essential to the efficacy of every attempt to render the revenues of the United States equal to their exigencies, their safety, their prosperity, their honor.

Nor is it less essential to the interest of the honest and fair trader. It might even be added, that every individual citizen, besides his share in the general weal, has a particular interest in it. The practice of smuggling never fails to have one of two effects, and sometimes unites them both. Either the smuggler undersells the fair trader, as, by saving the duty, he can afford to do, and makes it a charge upon him; or he sells at the increased price occasioned by the duty, and defrauds every man who buys of him of his share of what the public ought to receive. For it is evident that the loss falls ultimately upon the citizens, who must be charged with other taxes to make good the deficiency, and supply the wants of the State.

The Secretary will not presume that the plan which he shall submit to the consideration of the House is the best which could be devised. But it is the one which has appeared to him freest from objections of any that has occurred of equal efficacy. He acknowledges, too, that it is susceptible of improvement by other precautions in favor of the revenue, which he did not think it expedient to add. The chief outlines of the plan are not original, but it is no ill recommendation of it that it has been tried with success.

The Secretary accordingly proposes,

That the duties heretofore laid upon wines, distilled spirits, teas, and coffee should, after the last day of May next, cease, and that instead of them the following duties be laid:—

Upon every gallon of Madeira wine, of the quality of London particular, thirty-five cents.

Upon every gallon of other Madeira wine, thirty cents.

Upon every gallon of Sherry, twenty-five cents.

Upon every gallon of other wine, twenty cents.

Upon every gallon of distilled spirits, more than ten per cent. below proof, according to Dicas's hydrometer, twenty cents.

Upon every gallon of those spirits under five, and not more than ten per cent. below proof, according to the same hydrometer, twenty-one cents.

Upon every gallon of those spirits of proof, and not more than five per cent. below proof, according to the same hydrometer, twenty-two cents.

Upon every gallon of those spirits above proof, but not exceeding twenty per cent. according to the same hydrometer, twenty-five cents.

Upon every gallon of those spirits more than twenty, and not more than forty per cent. above proof, according to the same hydrometer, thirty cents.

Upon every gallon of those spirits more than forty per cent. above proof, according to the same hydrometer, forty cents.

Upon every pound of hyson tea, forty cents.

Upon every pound of other green tea, twenty-four cents.

Upon every pound of souchong and other black teas, except bohea, twenty cents.

Upon every pound of bohea, twelve cents.

Upon every pound of coffee, five cents.

That upon spirits distilled within the United States, from molasses, sugar, or other foreign materials, there be paid,

Upon every gallon of those spirits more than ten per cent. below proof, according to Dicas's hydrometer, eleven cents.

Upon every gallon of those spirits under five, and not more than ten per cent. below proof, according to the same hydrometer, twelve cents.

Upon every gallon of those spirits of proof, and not more than five per cent. below proof, according to the same hydrometer, thirteen cents.

Upon every gallon of those spirits above proof, and not exceeding twenty per cent. according to the same hydrometer, fifteen cents.

Upon every gallon of those spirits, more than twenty, and not more than forty per cent. above proof, according to the same hydrometer, twenty cents.

Upon every gallon of those spirits more than forty per cent. above proof, according to the same hydrometer, thirty cents.

That upon spirits distilled within the United States, in any city, town, or village, from materials of the growth or production of the United States, there be paid,

Upon every gallon of those spirits more than ten per cent. below proof, according to Dicas's hydrometer, nine cents.

Upon every gallon of those spirits under five, and not more than ten per cent. below proof, according to the same hydrometer, ten cents.

Upon every gallon of those spirits of proof, and not more than five per cent. below proof, according to the same hydrometer, eleven cents.

Upon every gallon of those spirits above proof, but not exceeding twenty per cent. according to the same hydrometer, thirteen cents.

Upon every gallon of those spirits more than twenty, and not more than forty per cent. above proof, according to the same hydrometer, seventeen cents.

Upon every gallon of those spirits more than forty per cent. above proof, according to the same hydrometer, twenty-five cents.

That upon all stills employed in distilling spirits from materials of the growth or production of the United States, in any other place than a city, town, or village, there be paid the yearly sum of sixty cents for every gallon, English wine measure, of the capacity of each still, including its head.

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The Secretary does not distribute the duties on teas into different classes, as has been done in the impost act of the last session; because this distribution depends on considerations of commercial policy, not of revenue. It is sufficient, therefore, for him to remark that the rates above specified are proposed with reference to the lowest class.

The Secretary, conceiving that he could not convey an accurate idea of the plan contemplated by him for the collection of these duties in any mode so effectual as by the draught of a bill for the purpose, begs leave respectfully to refer the House to that which will be found annexed to this report, relatively to the article of distilled spirits; and which, for the better explanation of some of its parts, is accompanied with marginal remarks.

It would be the intention of the Secretary that the duty on wines should be collected upon precisely the same plan with that on imported spirits.

But with regard to teas and coffee, the Secretary is inclined to think that it will be expedient, till experience shall evince the propriety of going further, to exclude the ordinary right of the officers to visit and inspect the places in which those articles may be kept. The other precautions, without this, will afford, though not complete, considerable security.

It will not escape the observation of the House that the Secretary, in the plan submitted, has taken the most scrupulous care that those citizens upon whom it is immediately to operate, be secured from every species of injury by the misconduct of the officers to be employed. There are not only strong guards against their being guilty of abuses of authority; they are not only punishable criminally for any they may commit, and made answerable in damages to individuals for whatever prejudice these may sustain by their acts or neglects; but even where seizures are made with probable cause, if there be an acquittal of the article seized, a compensation to the proprietors for the injury their property may suffer, and even for its detention, is to be made out of the public treasury.

So solicitous indeed has the Secretary been to obviate every appearance of hardship, that he has even included a compensation to the dealers for their agency in aid of the revenue.

With all these precautions to manifest a spirit of moderation and justice on the part of the Government; and when it is considered that the object of the proposed system is the firm establishment of public credit; that on this depends the character, security, and prosperity of the nation; that advantages, in every light important, may be expected to result from it; that the immediate operation of it will be upon an enlightened class of citizens, zealously devoted to good government, and to a liberal and enlarged policy, and that it is peculiarly the interest of the virtuous part of them to co-operate in whatever will restrain the spirit of illicit traffic; there will be perceived to exist

the justest ground of confidence, that the plan, if eligible in itself, will experience the cheerful and prompt acquiescence of the community.

The Secretary computes the nett product of the duties proposed in this report at about one million seven hundred and three thousand four hundred dollars, which, if near the truth, will, together with the probable product of the duties on imports and tonnage, complete the sum required. But it will readily occur that in so unexplored a field there must be a considerable degree of uncertainty in the data. And that, on this account, it will be prudent to have an auxiliary resource for the first year, in which the interest will become payable, that there may be no possibility of disappointment to the public creditors, ere there may be an opportunity of providing for any deficiency which the experiment may discover. This will accordingly be attended to.

The proper appropriation of the funds provided, and to be provided, seems next to offer itself for consideration.

On this head the Secretary would propose that the duties on distilled spirits should be applied, in the first instance, to the payment of the interest of the foreign debt.

That reserving out of the residue of those duties an annual sum of six hundred thousand dollars for the current service of the United States, the surplus, together with the product of the other duties, be applied to the payment of the interest on the new loan, by an appropriation co-extensive with the duration of the debt.

And that if any part of the debt should remain unsubscribed, the excess of the revenue be divided among the creditors of the unsubscribed part by a temporary disposition, with a limitation, however, to four per cent.

It will hardly have been unnoticed, that the Secretary has been thus far silent on the subject of the post-office. The reason is, that he has had in view the application of the revenue arising from that source to the purposes of a sinking fund. The postmaster-general gives it as his opinion, that the immediate product of it, upon a proper arrangement, would probably be not less than one hundred thousand dollars. And from its nature, with good management, it must be a growing, and will be likely to become a considerable fund. The postmaster-general is now engaged in preparing a plan which will be the foundation of a proposition for a new arrangement of the establishment. This, and some other points relative to the subject referred to the Secretary, he begs leave to reserve for a future report.

Persuaded as the Secretary is that the proper funding of the present debt will render it a national blessing, yet he is so far from acceding to the position, in the latitude in which it is sometimes laid down, that "public debts are public benefits;" a position inviting to prodigality, and liable to dangerous abuse, that he ardently wishes to see it incorporated, as a fun-

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damental maxim, in the system of public credit of the United States, that the creation of debt should always be accompanied with the means of extinguishment. This he regards as the true secret for rendering public credit immortal. And he presumes that it is difficult to conceive a situation in which there may not be an adherence to the maxim. At least he feels an unfeigned solicitude that this may be attempted by the United States, and that they may commence their measures for the establishment of credit with the observance of it.

Under this impression, the Secretary proposes, that the nett product of the post-office, to a sum not exceeding one million of dollars, be vested in commissioners, to consist of the Vice President of the United States or President of the Senate, the Speaker of the House of Representatives, the Chief Justice, Secretary of the Treasury, and Attorney General of the United States, for the time being, in trust, to be applied by them, or any three of them, to the discharge of the existing public debt, either by purchases of stock in the market, or by payments on account of the principal, as shall appear to them most advisable, in conformity to the public engagements; to continue so vested until the whole of the debt shall be discharged.

As an additional expedient for effecting a reduction of the debt, and for other purposes which will be mentioned, the Secretary would further propose that the same commissioners be authorized, with the approbation of the President of the United States, to borrow, on their credit, a sum not exceeding twelve millions of dollars, to be applied,

First. To the payment of the interest and instalments of the foreign debt, to the end of the present year, which will require \$3,491,923 46.

Secondly. To the payment of any deficiency which may happen in the product of the funds provided for paying the interest of the domestic debt.

Thirdly. To the effecting a change in the form of such part of the foreign debt as bears an interest of five per cent. It is conceived that, for this purpose, a new loan at a lower interest may be combined with other expedients. The remainder of this part of the debt, after paying the instalments which will accrue in the course of 1790, will be \$3,888,888 81.

Fourthly. To the purchase of the public debt at the price it shall bear in the market, while it continues below its true value. This measure, which would be, in the opinion of the Secretary, highly dishonorable to the Government, if it were to precede a provision for funding the debt, would become altogether unexceptionable after that had been made. Its effect would be in favor of the public creditors, as it would tend to raise the value of stock; and all the difference between its true value and the actual price would be so much clear gain to the public. The payment of foreign interest on the capital to be borrowed for this pur-

pose, should that be a necessary consequence, would not, in the judgment of the Secretary, be a good objection to the measure. The saving by the operation would be itself a sufficient indemnity; and the employment of that capital, in a country situated like this, would much more than compensate for it. Besides, if the Government does not undertake this operation, the same inconvenience which the objection in question supposes would happen in another way, with a circumstance of aggravation. As long, at least, as the debt shall continue below its proper value, it will be an object of speculation to foreigners, who will not only receive the interest upon what they purchase, and remit it abroad, as in the case of the loan, but will reap the additional profit of the difference in value. By the Government's entering into competition with them, it will not only reap a part of this profit itself, but will contract the extent and lessen the extra profit of foreign purchases. That competition will accelerate the rise of stock, and whatever greater rate this obliges foreigners to pay for what they purchase is so much clear saving to the nation. In the opinion of the Secretary, and contrary to an idea which is not without patrons, it ought to be the policy of the Government to raise the value of stock to its true standard as fast as possible. When it arrives to that point, foreign speculations, (which till then must be deemed pernicious further than that they serve to bring it to that point,) will become beneficial. Their money laid out in this country upon our agriculture, commerce, and manufactures, will produce much more to us than the income they will receive from it.

The Secretary contemplates the application of this money, through the medium of a National Bank, for which, with the permission of the House, he will submit a plan in the course of the session.

The Secretary now proceeds, in the last place, to offer to the consideration of the House his ideas of the steps which ought at the present session to be taken towards the assumption of the State debts.

These are briefly, that concurrent resolutions of the two Houses, with the approbation of the President, be entered into, declaring, in substance,

"That the United States do assume, and will, at the first session in the year 1791, provide, on the same terms with the present debt of the United States, for all such part of the debts of the respective States, or any of them, as shall, prior to the first day of January in the said year 1791, be subscribed towards a loan to the United States, upon the principle of either of the plans which shall have been adopted by them for obtaining a rel oan of their present debt.

Provided that the provision to be made as aforesaid shall be suspended with respect to the debt of any State, which may have exchanged the securities of the United States for others issued by itself, until the whole of the said se-

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curities shall either be re-exchanged or surrendered to the United States.

And provided also, that the interest upon the debt assumed be computed to the end of the year 1791; and that the interest to be paid by the United States commence on the first day of January, 1792.

That the amount of the debt of each State so assumed and provided for be charged to such State in account with the United States, upon the same principles upon which it shall be lent to the United States.

That subscriptions be opened for receiving loans of the said debts at the same times and places, and under the like regulations as shall have been prescribed in relation to the debt of the United States.

The Secretary has now completed the objects which he proposed to himself to comprise in the present report. He has, for the most part, omitted details, as well to avoid fatiguing the attention of the House, as because more time would have been desirable even to digest the general principles of the plan. If these should be found right, the particular modifications will readily suggest themselves in the progress of the work.

The Secretary, in the views which have directed his pursuit of the subject, has been influenced, in the first place, by the consideration that his duty, from the very terms of the resolution of the House, obliged him to propose what appeared to him an adequate provision for the support of the public credit, adapted, at the same time, to the real circumstances of the United States; and in the next, by the reflection that measures which will not bear the test of future unbiased examination can neither be productive of individual reputation, nor (which is of much greater consequence) public honor or advantage.

Deeply impressed, as the Secretary is, with a full and deliberate conviction, that the establishment of public credit, upon the basis of a satisfactory provision for the public debt, is, under the present circumstances of the country, the true desideratum towards relief from individual and national embarrassments; that, without it, these embarrassments will be likely to press still more severely upon the community, he cannot but indulge an anxious wish that an effectual plan for that purpose may, during the present session, be the result of the united wisdom of the Legislature.

He is fully convinced that it is of the greatest importance that no further delay should attend the making of the requisite provision; not only because it will give a better impression of the good faith of the country, and will bring earlier relief to the creditors; both which circumstances are of great moment to public credit; but because the advantages to the community from raising stock as speedily as possible to its natural value will be incomparably greater than any that can result from its continuance below that standard. No profit which could be derived

from purchases in the market, on account of the Government, to any practicable extent, would be an equivalent for the loss which would be sustained by the purchases of foreigners at a low value: not to repeat that Governmental purchases, to be honorable, ought to be preceded by a provision. Delay, by disseminating doubt, would sink the price of stock; and as the temptation to foreign speculations from the lowness of price would be too great to be neglected, millions would probably be lost to the United States.

All which is humbly submitted.

ALEXANDER HAMILTON,
Secretary of the Treasury.

REPORT ON PUBLIC CREDIT.

TREASURY DEPARTMENT,
December 13, 1790.

In obedience to the order of the House of Representatives, of the ninth day of August last, requiring the Secretary of the Treasury to prepare and report, on this day, such further provision as may, in his opinion, be necessary for establishing the public credit, the said Secretary respectfully reports:

That the object which appears to be most immediately essential to the further support of public credit, in pursuance of the plan adopted during the last session of Congress, is, the establishment of proper and sufficient funds, for paying the interest which will begin to accrue after the year one thousand seven hundred and ninety-one, on the amount of the debts of the several States, assumed by the United States; having regard, at the same time, to the probable or estimated deficiency in those already established, as they respect the original debt of the Union.

In order to this, it is necessary, in the first place, to take a view of the sums requisite for those purposes.

	<i>Dolls.</i>	<i>Cts.</i>
The amount which has been assumed of the State debts, is	21,500,000	00
The sum of annual interest upon that amount, which, according to the terms of the proposed loan, will begin to accrue after the year one thousand seven hundred and ninety-one, is	788,333	33
The estimated deficiency, in the funds already established, as they respect the original debt of the United States, is	38,291	40
Making together	826,624	73

For the procuring of which sum, the reiterated reflections of the Secretary have suggested nothing so eligible and unexceptionable, in his judgment, as a further duty on foreign distilled spirits, and a duty on spirits distilled within the United States, to be collected in the mode delineated in the plan of a bill which forms a

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part of his Report to the House of Representatives, of the ninth day of January last.

Under this impression, he begs leave, with all deference, to propose to the consideration of the House—

That the following additions be made to the duties on spirits imported from foreign countries, which are specified in the act making further provision for the payment of the debts of the United States, namely,

On those of the first class of proof therein mentioned, per gallon, eight cents.

On those of the second class, per gallon, eight and a half cents.

On those of the third class, per gallon, nine cents.

On those of the fourth class, per gallon, ten cents.

On those of the fifth class, per gallon, ten cents.

On those of the sixth class, per gallon, fifteen cents.

And that the following duties be laid on spirits distilled within the United States, namely:

If from molasses, sugar, or other foreign materials, and of the said first class of proof, per gallon, eleven cents.

Of the said second class of proof, per gallon, twelve cents.

Of the said third class of proof, per gallon, thirteen cents.

Of the said fourth class of proof, per gallon, fifteen cents.

Of the said fifth class of proof, per gallon, twenty cents.

Of the said sixth class of proof, per gallon, thirty cents.

If from materials of the growth or production of the United States, distilled within any city, town, or village, and of the said first class of proof, per gallon, nine cents.

Of the said second class of proof, per gallon, ten cents.

Of the said third class of proof, per gallon, eleven cents.

Of the said fourth class of proof, per gallon, thirteen cents.

Of the said fifth class of proof, per gallon, seventeen cents.

Of the said sixth class of proof, per gallon, twenty cents.

And upon each still employed in distilling spirits from the like materials in any other place than a city, town, or village, in lieu of the rates above mentioned, the yearly sum of sixty cents for every gallon English wine measure of the capacity of such still including its head; exempting, nevertheless, all such stills, within a certain defined dimension, as are used essentially for domestic purposes of their respective proprietors.

The product of these several duties (which correspond in their rates with those proposed in the Report above referred to, of the ninth of January last) may, upon as good grounds as the nature of the case will admit, prior to an expe-

periment, be computed at eight hundred and seventy-seven thousand and five hundred dollars; the particulars of which computation are contained in the statement which accompanies this Report.

This computed product exceeds the sum which has been stated as necessary to be provided, by fifty thousand eight hundred and seventy-five dollars and twenty-seven cents; an excess, which, if it should be realized by the actual product, may be beneficially applied towards increasing the sinking fund.

The Secretary has been encouraged to renew the proposition of these duties, in the same form in which they were before submitted, from a belief, founded on circumstances which appeared in the different discussions on the subject, that collateral considerations, which were afterwards obviated, rather than objections to the measure itself, prevented its adoption during the last session; from the impracticability which he conceives to exist, of devising any substitute equally conducive to the ease and interest of the community; and from an opinion that the extension of the plan of collection, which it contemplates to the duties already imposed on wines and distilled spirits, is necessary to a well grounded reliance on their efficacy and productiveness.

The expediency of improving the resource of distilled spirits, as an article of revenue, to the greatest practicable extent, had been noticed upon another occasion. Various considerations might be added to those, then adduced, to evince it. But they are too obvious to justify the detail. There is scarcely an attitude in which the object can present itself, which does not invite, by all the inducements of sound policy and public good, to take a strong and effectual hold of it.

The manner of doing it, or in other words, the mode of collection, appears to be the only point about which a difficulty or question can arise. If that suggested be liable to just objections, the united information and wisdom of the Legislative body ensure the substitution of a more perfect plan.

The Secretary, however, begs leave to remark, that there appears to him two leading principles; one or the other of which must necessarily characterize whatever plan may be adopted. One of them makes the security of the revenue to depend chiefly on the vigilance of the public officers; the other rests it, essentially, on the integrity of the individuals, interested to avoid the payment of it.

The first is the basis of a plan submitted by the Secretary; the last has pervaded most, if not all the systems which have been hitherto practised upon in different parts of the United States. The oaths of the dealers have been almost the only security for their compliance with the laws.

It cannot be too much lamented, that these have been found an inadequate dependence. But experience has, on every trial, manifested

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them to be such. Taxes or duties, relying for their collection on that security, wholly, or almost wholly, are uniformly unproductive. And they cannot fail to be unequal, as long as men continue to be discriminated by unequal portions of rectitude. The most conscientious will pay most; the least conscientious, least.

The impulse of interest, always sufficiently great, acts with peculiar force in matters of this kind; in respect to which a loose mode of thinking is too apt to prevail. The want of a habit of appreciating properly the nature of the public rights, renders that impulse, in such cases, too frequently an overmatch for the sense of obligation; and the evasions, which are perceived or suspected to be practised by some, prompt others to imitation, by the powerful motive of self-defence. They infer, that they must follow the example, or be unable to maintain an advantageous competition in the business; an alternative very perplexing to all but men of exact probity, who are thereby rendered, in a great measure, victims to a principle of legislation, which does not sufficiently accord with the bias of human nature. And thus the laws become sources of discouragement and loss to honest industry, and of profit and advantage to perjury and fraud.

It is a truth that cannot be kept too constantly in view, that all revenue laws, which are so constructed as to involve a tax and defective execution, are instruments of oppression to the most meritorious part of those on whom they immediately operate, and of additional burthens on the community at large.

The last effect is produced in two ways. The deficiencies in the funds (which, in the main, afford only partial exemptions) must be supplied from other taxes. And the charges of collection, which, in most cases, are nearly the same, whether a tax or duty yield much or little, occasion an accumulation of the ultimate expense of furnishing a given sum to the Treasury.

Another, and a very serious evil, chargeable on the system opposite to that proposed, is, that it leads to frequent and familiar violations of oaths; which by loosening one of the strongest bands of society, and weakening one of the principal securities to life and property, offends not less against the maxims of good government and sound policy, than against those of religion and morality.

It may not be improper further to remark, that the two great objections to the class of duties denominated excises, are inapplicable to the plan suggested. These objections are:

First, The summary jurisdiction confided to the officers of excise; in derogation from the course of the common law, and the right of trial by jury.

And, secondly, The general power vested in the same officers of visiting and searching indiscriminately the houses, stores, and other buildings of the dealers in excised articles. But by the plan proposed, the officers to be em-

ployed are to be clothed with no such summary jurisdiction, and their discretionary power of visiting and searching is to be restricted to those places, which the dealers themselves shall designate by public insignia or marks; as the depositories of the articles on which the duties are to be laid. Hence it is one of the recommendations of the plan, that it is not liable to those objections.

Duties of the kind proposed are not novel in the United States; as has been intimated in another place. They have existed to a considerable extent, under several of the State Governments, particularly in Massachusetts, Connecticut, and Pennsylvania. In Connecticut, a State exemplary for its attachment to popular principles, not only all ardent spirits, but foreign articles of consumption, generally, have been the subjects of an excise, or inland duty.

If the supposition, that duties of this kind are attended with greater expense in the collection than taxes on land, should seem an argument for preferring the latter, it may be observed, that the fact ought not too readily to be taken for granted. The state of things in England is sometimes referred to as an example on this point. But there the smallness of the expense in the collection of the land tax is to be ascribed to the peculiar modification of it; which proceeding without new assessments, according to a fixed standard long since adjusted, totally disregards the comparative value of lands and the variations in their value. The consequence of this is an inequality, so palpable and extreme, as would be likely to be ill relished by the landholders of the United States. If in pursuit of greater equality, accurate periodical valuations or assessments are to afford a rule, it may well be doubted whether the expense of a land-tax will not always exceed that of the kind of duties proposed.

The ingenious but fallacious hypothesis, that all taxes on consumption fall finally, with accumulated weight on land, is now too generally and too satisfactorily exploded, to require to be combated here. It has become an acknowledged truth, that in the operation of those taxes, every species of capital and industry contribute their proportion to the revenue; and consequently, that as far as they can be made substitutes for taxes on lands, they serve to exempt them from an undue share of the public burthen.

Among other substantial reasons which recommend, as a provision for the public debt, duties upon articles of consumption, in preference to taxes on houses and lands, is this: It is very desirable, if practicable, to reserve the latter fund for objects and occasions, which will more immediately interest the sensibility of the whole community, and more directly affect the public safety. It will be a consolatory reflection, that so capital a resource remains untouched by that provision, which, while it will have a very material influence in favor of public credit, will be also conducive to

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the tranquillity of the public mind in respect to external danger, and will really operate as a powerful guarantee of peace. In proportion as the estimation of our resources is exalted in the eyes of foreign nations, the respect for us must increase, and this must beget a proportionable caution neither to insult nor injure us with levity; while, on the contrary, the appearance of exhausted resources (which would perhaps be a consequence of mortgaging the revenue to be derived from land, for the interest of the public debt) might tend to invite both insult and injury, by inspiring an opinion, that our efforts to resent or repel them were little to be dreaded.

It may not be unworthy of reflection, that while the idea of residuary resources, in so striking a particular, cannot fail to have many beneficial consequences, the suspension of taxes on real-estates can as little fail to be pleasing to the mass of the community; and it may reasonably be presumed, that so provident a forbearance on the part of the Government will insure a more cheerful acquiescence on that part of the class of the community immediately to be affected, whenever experience and the exigency of conjunctures shall dictate a resort to that species of revenue.

But in order to be at liberty to pursue this salutary course, it is indispensable that an efficacious use should be made of those articles of consumption which are the most proper and the most productive; to which class distilled spirits very evidently belong; and a prudent energy will be requisite, as well in relation to the mode of collection, as to the quantum of the duty.

It need scarcely be observed, that the duties on the great mass of imported articles have reached a point which it would not be expedient to exceed. There is, at least, satisfactory evidence, that they cannot be extended further, without contravening the sense of the body of the merchants; and though it is not to be admitted as a general rule, that this circumstance ought to conclude against the expediency of a public measure, yet when due regard is had to the disposition which that enlightened class of citizens has manifested towards the National Government; to the alacrity with which they have hitherto seconded its operation; to the accommodating temper with which they look forward to those additional impositions on the objects of trade, which are to commence with the ensuing year, and to the greatness of the innovation which, in this particular, has already taken place in the former state of things, there will be perceived to exist the most solid reasons against lightly passing the bounds which coincide with their impressions of what is reasonable and proper. It would be, in every view, inauspicious to give occasion for a supposition, that trade alone is destined to feel the immediate weight of the hand of Government, in every new emergency of the Treasury.

However true, as a general position, that the consumer pays the duty, yet it will not follow,

that trade may not be essentially distressed and injured, by carrying duties on importation to a height which is disproportionate to the mercantile capital of the country. It may not only be the cause of diverting too large a share of it from the exigencies of business, but as the requisite advances to satisfy the duties will, in many, if not in most cases, precede the receipts, from the sale of the articles on which they are laid, the consequence will often be sacrifices which the merchant cannot afford to make.

The inconvenience of exceeding the proper limit, in this respect, which will be felt every where, will fall with particular severity on those places which have not the advantage of public banks, and which abound least in pecuniary resources. Appearances do not justify such an estimate of the extent of the mercantile capital of the United States, as to encourage to material accumulation on the already considerable rates of the duties on the mass of foreign importation.

Another motive for caution on this point arises from the reflection, that the effect of an important augmentation, made by law of the last session, is hitherto a mere matter of speculative calculation, and has not yet even begun to be tried.

It is presumable, too, that a still further augmentation would have an influence the reverse of favorable to the public credit. The operation would be apt to be regarded as artificial; as destitute of solidity; as presenting a numerical increase, but involving an actual diminution of revenue. The distrust of the efficacy of the present provision might also be accompanied with a doubt of a better substitute hereafter. The inference would not be unnatural, that a defect of other means, or an inability to command them, could alone have given birth to so unpromising an effort to draw all from one source.

A diversification of the nature of the funds is desirable on other accounts. It is clear that less dependence can be placed on one species of funds, and that, too, liable to the vicissitudes of the continuance, or interruption of foreign intercourse, than upon a variety of different funds formed by the union of internal with external objects.

The inference, from these various and important considerations, seems to be, that to attempt to extract wholly from duties on imported articles the sum necessary to a complete provision for the public debt, would probably be both deceptive and pernicious; incompatible with the interests, not less of revenue than of commerce; that resources of a different kind must of necessity be explored; and that the selection of the most fit objects is the only thing which ought to occupy inquiry.

Besides the establishment of supplementary funds, it is requisite to the support of the public credit that those established should stand upon a footing which will give all reasonable assurance of their effectual collection.

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Among the articles enumerated in the act making further provision for the payment of the public debt of the United States, there are two, wines and teas, in regard to which some other regulations than have yet been adopted seem necessary for the security of the revenue, and desirable for the accommodation of the merchant.

With these views it is submitted, that the term for the payment of the duties on wines be enlarged, as it respects Madeira wines, to eighteen months, and as it respects other wines, to nine months; and that they be collected on a plan similar to that proposed in relation to imported distilled spirits.

And that a third option (two being allowed by the present law) be given to the importers of teas, which shall be, to give bond without surety for the amount of duty in each case, payable in two years, upon the following terms:

The teas to be deposited at the expense and risk of the importer in storehouses to be agreed upon between him and the proper officer of the revenue; each storehouse having two locks, the key of one of which to be in the custody of the importer or his agent, and the key of the other of which to be in the custody of an officer, whose duty it shall be made to attend, at all reasonable times, for the purpose of deliveries.

These deliveries, whether for home sale, or for exportation to a foreign country, to be warranted by permits from the chief officer of inspection of the place.

If for home sale, the permits to be granted after the duties shall have been paid, or secured to be paid.

When the amount of the duties shall not exceed one hundred dollars, four months to be allowed for payment. When it shall exceed one hundred dollars, and not exceed five hundred dollars, the term of payment to be eight months; and twelve months whenever the amount shall exceed five hundred dollars: *Provided*, That the credit shall in no case extend beyond the period of two years originally allowed for the entire sum. If the duties on the whole quantity deposited shall not have been paid, or secured to be paid, before the expiration of that time, it shall be lawful for the proper officer to cause a sale to be made of so much as shall be sufficient to discharge what shall remain unsatisfied. In every case, it shall be at the option of the party applying for the permit, either to pay the amount of the duties on the quantity to be delivered, or to give bond for it, with one or more sureties, to the satisfaction of the officer whose province it shall be to grant the permit.

If the deliveries are to be made for exportation, the permits to be granted upon bond being entered into to secure and ascertain the exportation. This may require some alterations of form, in the manner of proceeding, relatively to the exportation of this article.

All teas to be landed under the care of the inspectors of the revenue, the chests and other packages containing them to be marked, and

certificates which shall accompany them to be granted, as in the case of distilled spirits.

To these more direct expedients for the support of public credit, the institution of a National Bank presents itself as a necessary auxiliary. This, the Secretary regards as an indispensable engine in the administration of the finances. To present this important object in a more distinct and more comprehensive light, he has concluded to make it the subject of a separate Report, which he begs leave herewith to submit.

All which is humbly submitted,
ALEXANDER HAMILTON,
Secretary of the Treasury.

Estimate of the probable product of the Funds, proposed in the annexed Report.

4,000,000 gallons of distilled spirits imported from foreign countries, at eight cents per gallon	\$320,000
3,500,000 gallons of spirits, distilled in the United States from foreign materials, at eleven cents per gallon	385,000
3,000,000 gallons distilled from materials of the United States, at nine cents per gallon	270,000
Total	\$975,000
Deduct for drawbacks, and expense of collection, 10 per cent.	97,500
Net product	\$877,500

REPORT ON A NATIONAL BANK.

*Communicated to the House of Representatives,
December 14, 1790.*

TREASURY DEPARTMENT,
December 13, 1790.

In obedience to the order of the House of Representatives, of the ninth day of August last, requiring the Secretary of the Treasury to prepare and report, on this day, such further provision as may, in his opinion, be necessary for establishing the public credit, the said Secretary further respectfully reports:

That, from a conviction (as suggested in his Report now presented) that a National Bank is an institution of primary importance to the prosperous administration of the finances, and would be of the greatest utility in the operations connected with the support of the public credit, his attention has been drawn to devising the plan of such an institution, upon a scale which will entitle it to the confidence, and be likely to render it equal to the exigencies of the public.

Previously to entering upon the detail of this plan, he entreats the indulgence of the House towards some preliminary reflections naturally arising out of the subject, which he hopes will be deemed neither useless nor out of place. Public opinion being the ultimate arbiter of every measure of Government, it can scarcely appear improper, in deference to that, to accom-

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pany the origination of any new proposition with explanations, which the superior information of those to whom it is immediately addressed would render superfluous.

It is a fact, well understood, that public banks have found admission and patronage among the principal and most enlightened commercial nations. They have successively obtained in Italy, Germany, Holland, England, and France, as well as in the United States. And it is a circumstance which cannot but have considerable weight, in a candid estimate of their tendency, that, after an experience of centuries, there exists not a question about their utility in the countries in which they have been so long established. Theorists and men of business unite in the acknowledgment of it.

Trade and industry, wherever they have been tried, have been indebted to them for important aid. And Government has been repeatedly under the greatest obligations to them in dangerous and distressing emergencies. That of the United States, as well in some of the most critical conjunctures of the late war, as since the peace, has received assistance from those established among us, with which it could not have dispensed.

With this twofold evidence before us, it might be expected that there would be a perfect union of opinions in their favor. Yet doubts have been entertained; jealousies and prejudices have circulated; and, though the experiment is every day dissipating them, within the spheres in which effects are best known, yet there are still persons by whom they have not been entirely renounced. To give a full and accurate view of the subject, would be to make a treatise of a report; but there are certain aspects in which it may be cursorily exhibited, which may perhaps conduce to a just impression of its merits. These will involve a comparison of the advantages with the disadvantages, real or supposed, of such institutions.

The following are among the principal advantages of a Bank:

First. The augmentation of the active or productive capital of a country. Gold and silver, when they are employed merely as the instruments of exchange and alienation, have been not improperly denominated dead stock; but when deposited in banks, to become the basis of a paper circulation, which takes their character and place, as the signs or representatives of value, they then acquire life, or, in other words, an active and productive quality. This idea, which appears rather subtle and abstract, in a general form, may be made obvious and palpable, by entering into a few particulars. It is evident, for instance, that the money which the merchant keeps in his chest, waiting for a favorable opportunity to employ it, produces nothing till that opportunity arrives. But if, instead of locking it up in this manner, he either deposits it in a bank, or invests it in the stock of a bank, it yields a profit during the interval,

in which he partakes, or not, according to the choice he may have made of being a depositor or a proprietor; and when any advantageous speculation offers, in order to be able to embrace it, he has only to withdraw his money, if a depositor, or, if a proprietor, to obtain a loan from the bank, or to dispose of his stock—an alternative seldom or never attended with difficulty, when the affairs of the institution are in a prosperous train. His money, thus deposited or invested, is a fund upon which himself and others can borrow to a much larger amount. It is a well established fact, that banks in good credit can circulate a far greater sum than the actual quantum of their capital in gold and silver. The extent of the possible excess seems indeterminate; though it has been conjecturally stated at the proportions of two and three to one. This faculty is produced in various ways. 1st. A great portion of the notes which are issued, and pass current as cash, are indefinitely suspended in circulation, from the confidence which each holder has, that he can, at any moment, turn them into gold and silver. 2dly. Every loan which a bank makes, is, in its first shape, a credit given to the borrower on its books, the amount of which it stands ready to pay, either in its own notes, or gold or silver, at his option. But, in a great number of cases, no actual payment is made in either. The borrower frequently, by a check or order, transfers his credit to some other person, to whom he has a payment to make; who, in his turn, is as often content with a similar credit, because he is satisfied that he can, whenever he pleases, either convert it into cash, or pass it to some other hand, as an equivalent for it. And in this manner the credit keeps circulating, performing in every stage the office of money, till it is extinguished by a discount with some person who has a payment to make to the bank, to an equal or greater amount. Thus large sums are lent and paid, frequently through a variety of hands, without the intervention of a single piece of coin. 3dly. There is always a large quantity of gold and silver in the repositories of the bank, besides its own stock, which is placed there, with a view partly to its safe keeping, and partly to the accommodation of an institution, which is itself a source of general accommodation. These deposits are of immense consequence in the operations of a bank. Though liable to be redrawn at any moment, experience proves, that the money so much oftener changes proprietors than place, and that what is drawn out is generally so speedily replaced as to authorize the counting upon the sums deposited as an effective fund, which, concurring with the stock of the bank, enables it to extend its loans, and to answer all the demands for coin, whether in consequence of those loans, or arising from the occasional return of its notes.

These different circumstances explain the manner in which the ability of a bank to circulate a greater sum than its actual capital in

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coin is acquired. This, however, must be gradual, and must be preceded by a firm establishment of confidence—a confidence which may be bestowed on the most rational grounds, since the excess in question will always be bottomed on good security of one kind or another. This every well conducted bank carefully requires, before it will consent to advance either its money or its credit, and where there is an auxiliary capital, (as will be the plan hereafter submitted,) which, together with the capital in coin, define the boundary that shall not be exceeded by the engagements of the bank, the security may, consistently with all the maxims of a reasonable circumspection, be regarded as complete.

The same circumstances illustrate the truth of the position, that it is one of the properties of banks to increase the active capital of a country. This, in other words, is the sum of them: the money of one individual, while he is waiting for an opportunity to employ it, by being either deposited in the bank for safe keeping, or invested in its stock, is in a condition to administer to the wants of others, without being put out of his own reach when occasion presents. This yields an extra profit, arising from what is paid for the use of his money by others, when he could not himself make use of it, and keeps the money itself in a state of incessant activity. In the almost infinite vicissitudes and competitions of mercantile enterprise, there never can be danger of an intermission of demand, or that the money will remain for a moment idle in the vaults of the bank. This additional employment given to money, and the faculty of a bank to lend and circulate a greater sum than the amount of its stock in coin, are, to all the purposes of trade and industry, an absolute increase of capital. Purchases and undertakings, in general, can be carried on by any given sum of bank paper or credit, as effectually as by an equal sum of gold and silver. And thus, by contributing to enlarge the mass of industrious and commercial enterprise, banks become nurseries of national wealth—a consequence as satisfactorily verified by experience as it is clearly deducible in theory.

Secondly. Greater facility to the Government in obtaining pecuniary aids, especially in sudden emergencies. This is another, and an undisputed advantage of public banks—one which, as already remarked, has been realized in signal instances among ourselves. The reason is obvious; the capitals of a great number of individuals are, by this operation, collected to a point, and placed under one direction. The mass formed by this union, is, in a certain sense, magnified by the credit attached to it; and while this mass is always ready, and can at once be put in motion, in aid of the Government, the interest of the bank to afford that aid, independent of regard to the public safety and welfare, is a sure pledge for its disposition to go as far in its compliances as can in prudence be desired. There is, in the nature of things, as

will be more particularly noticed in another place, an intimate connexion of interest between the Government and the bank of a nation.

Thirdly. The facilitating of the payment of taxes. This advantage is produced in two ways. Those who are in a situation to have access to the bank, can have the assistance of loans, to answer, with punctuality, the public calls upon them. This accommodation has been sensibly felt in the payment of the duties heretofore laid by those who reside where establishments of this nature exist. This, however, though an extensive, is not a universal benefit. The other way in which the effect here contemplated is produced, and in which the benefit is general, is the increasing of the quantity of circulating medium; and the quickening of circulation. The manner in which the first happens has already been traced. The last may require some illustration. When payments are to be made between different places, having an intercourse of business with each other, if there happen to be no private bills at market, and there are no bank notes which have a currency in both, the consequence is, that coin must be remitted. This is attended with trouble, delay, expense, and risk. If, on the contrary, there are bank notes current in both places, the transmission of these by the post, or any other speedy or convenient conveyance, answers the purpose; and these again, in the alternations of demand, are frequently returned, very soon after, to the place from whence they were first sent: whence the transportation and re-transportation of the metals are obviated, and a more convenient and more expeditious medium of payment is substituted. Nor is this all; the metals, instead of being suspended from their usual functions during this process of vibration from place to place, continue in activity, and administer still to the ordinary circulation, which, of course, is prevented from suffering either diminution or stagnation. These circumstances are additional causes of what, in a practical sense, or to the purposes of business, may be called greater plenty of money. And it is evident, that whatever enhances the quantity of circulating money adds to the ease with which every industrious member of the community may acquire that portion of it of which he stands in need, and enables him the better to pay his taxes, as well as to supply his other wants. Even where the circulation of the bank paper is not general, it must still have the same effect, though in a less degree. For, whatever furnishes additional supplies to the channels of circulation, in one quarter, naturally contributes to keep the stream fuller elsewhere. This last view of the subject serves both to illustrate the position that banks tend to facilitate the payment of taxes, and to exemplify their utility to business of every kind in which money is an agent.

It would be to intrude too much on the patience of the House to prolong the details of the advantages of banks; especially, as all those

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which might still be particularized, are readily to be inferred as consequences from those which have been enumerated. Their disadvantages, real or supposed, are now to be reviewed. The most serious of the charges which have been brought against them, are,

That they serve to increase usury;

That they tend to prevent other kinds of lending;

That they furnish temptations to overtrading;

That they afford aid to ignorant adventurers, who disturb the natural and beneficial course of trade;

That they give to bankrupt and fraudulent traders, a fictitious credit, which enables them to maintain false appearances, and to extend their impositions; and, lastly,

That they have a tendency to banish gold and silver from the country.

There is great reason to believe, that, on a close and candid survey, it will be discovered that these charges are either destitute of foundation, or that, as far as the evils they suggest have been found to exist, they have proceeded from other, or partial, or temporary causes, are not inherent in the nature and permanent tendency of such institutions, or are more than counterbalanced by opposite advantages. This survey shall be had in the order in which the charges have been stated. The first of them, is—

That banks serve to increase usury.

It is a truth, which ought not to be denied, that the method of conducting business, which is essential to bank operations, has, among us in particular instances, given occasion to usurious transactions. The punctuality in payments, which they necessarily exact, has sometimes obliged those who have adventured beyond both their capital and their credit, to procure money at any price, and, consequently, to resort to usurers for aid.

But experience and practice gradually bring a cure for this evil. A general habit of punctuality among traders is the natural consequence of the necessity of observing it with the bank; a circumstance which itself more than compensates for any occasional ill which may have sprung from that necessity in the particular under consideration. As far, therefore, as traders depend on each other for pecuniary supplies they can calculate their expectations with greater certainty; and are in proportionably less danger of disappointments, which might compel them to have recourse to so pernicious an expedient as that of borrowing at usury; the mischiefs of which, after a few examples, naturally inspire great care in all but men of desperate circumstances, to avoid the possibility of being subjected to them. One, and not the least of these evils, incident to the use of that expedient, if the fact be known, or even strongly suspected, is loss of credit with the bank itself.

The directors of a bank, too, though in order

to extend its business and its popularity in the infancy of an institution, they may be tempted to go further in accommodation than the strict rules of prudence will warrant, grow more circumspcct of course as its affairs become better established, and as evils of too great facility are experimentally demonstrated. They become more attentive to the situation and conduct of those with whom they deal; they observe more narrowly their operations and pursuits; they economize the credit they give to those of suspicious solidity; they refuse it to those whose career is more manifestly hazardous. In a word, in the course of practice, from the very nature of things, the interest will make it the policy of a bank to succor the wary and industrious; to discredit the rash and unthrifty; to discountenance both usurious lenders and usurious borrowers.

There is a leading view in which the tendency of banks will be seen to be to abridge rather than to promote usury. This relates to their property of increasing the quantity and quickening the circulation of money. If it be evident that usury will prevail or diminish according to the proportion which the demand for borrowing bears to the quantity of money at market to be lent; whatever has the property just mentioned, whether it be in the shape of paper or coin, by contributing to render the supply more equal to the demand, must tend to counteract the progress of usury.

But bank lending, it is pretended, is an impediment to other kinds of lending; which, by confining the resource of borrowing to a particular class, leaves the rest of the community more destitute, and, therefore, more exposed to the extortions of usurers. As the profits of bank stock exceed the legal rate of interest, the possessors of money, it is urged, prefer investing it in that article to lending it at this rate; to which there are the additional motives of a more prompt command of the capital, and of more frequent and exact returns, without trouble or perplexity in the collection. This constitutes the second charge which has been enumerated.

The fact on which this charge rests is not to be admitted without several qualifications; particularly in reference to the state of things in this country.

First. The great bulk of the stock of a bank will consist of the funds of men in trade among ourselves, and moneyed foreigners; the former of whom could not spare their capitals out of their reach, to be invested on loans for long periods on mortgages or personal security; and the latter of whom would not be willing to be subjected to the casualties, delays, and embarrassments of such a disposition of their money in a distant country.

Secondly. There will always be a considerable proportion of those who are properly the money lenders of a country, who, from that spirit of caution which usually characterizes this description of men, will incline rather to vest their

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funds in mortgages on real estate than in the stock of a bank, which they are apt to consider as a more precarious security.

These considerations serve, in a material degree, to narrow the foundation of the objection as to the point of fact. But there is a more satisfactory answer to it. The effect supposed, as far as it has existence, is temporary. The reverse of it takes place in the general and permanent operation of the thing.

The capital of every public bank will, of course, be restricted within a certain defined limit. It is the province of legislative prudence so to adjust this limit that, while it will not be too contracted for the demand which the course of business may create, and for the security which the public ought to have for the solidity of the paper which may be issued by the bank, it will still be within the compass of the pecuniary resources of the community; so that there may be an easy practicability of completing the subscriptions to it. When this is once done, the supposed effect of necessity ceases. There is then no longer room for the investment of any additional capital. Stock may, indeed, change hands by one person selling and another buying, but the money which the buyer takes out of the common mass to purchase the stock the seller receives and restores to it. Hence, the future surpluses which may accumulate must take their natural course, and lending at interest must go on as if there were no such institution.

It must, indeed, flow in a more copious stream. The bank furnishes an extraordinary supply for borrowers within its immediate sphere. A larger supply consequently remains for borrowers elsewhere. In proportion as the circulation of the bank is extended, there is an augmentation of the aggregate mass of money for answering the aggregate mass of demand. Hence greater facility in obtaining it for every purpose.

It ought not to escape without a remark, that, as far as the citizens of other countries become adventurers in the bank, there is a positive increase of the gold and silver of the country. It is true that from this a half yearly rent is drawn back, accruing from the dividends upon the stock. But as this rent arises from the employment of the capital by our own citizens, it is probable that it is more than replaced by the profits of that employment. It is also likely that a part of it is, in the course of trade, converted into the products of our country; and it may even prove an incentive in some cases to emigration to a country in which the character of citizen is as easy to be acquired as it is estimable and important. This view of the subject furnishes an answer to an objection which has been deduced from the circumstance here taken notice of, namely, the income resulting to foreigners from the part of the stock owned by them, which has been represented as tending to drain the country of its specie. In this objection, the original investment of the capital, and the constant use of it afterwards, seem both to have been overlooked.

That banks furnish temptations to overtrading is the third of the enumerated objections. This must mean that, by affording additional aids to mercantile enterprise, they induce the merchant sometimes to adventure beyond the prudent or salutary point. But the very statement of the thing shows that the subject of the charge is an occasional ill incident to a general good. Credit of every kind (as a species of which only, can bank lending have the effect supposed) must be, in different degrees, chargeable with the same inconvenience. It is even applicable to gold and silver when they abound in circulation. But would it be wise, on this account, to decry the precious metals, to root out credit, or to proscribe the means of that enterprise which is the main spring of trade, and a principal source of national wealth, because it now and then runs into excesses, of which overtrading is one?

If the abuses of a beneficial thing are to determine its condemnation, there is scarcely a source of public prosperity which will not speedily be closed. In every case the evil is to be compared with the good; and in the present case such a comparison would issue in this, that the new and increased energies derived to commercial enterprise from the aid of banks are a source of general profit and advantage, which greatly outweigh the partial ills the overtrading of a few individuals at particular times, or of numbers in particular conjunctures.

The fourth and fifth charges may be considered together. These relate to the aid which is sometimes afforded by banks to unskilful adventurers and fraudulent traders. These charges, also, have some degree of foundation, though far less than has been pretended; and they add to the instances of partial ills, connected with more extensive and overbalancing benefits.

The practice of giving fictitious credit to improper persons is one of those evils which experience, guided by interest, speedily corrects. The bank itself is in so much jeopardy of being a sufferer by it, that it has the strongest of all inducements to be on its guard. It may not only be injured immediately by the delinquencies of the persons to whom such credit is given, but eventually by the incapacities of others whom their impositions or failures may have ruined.

Nor is there much danger of a bank's being betrayed into this error from want of information. The directors themselves being, for the most part, selected from the class of traders, are to be expected to possess individually an accurate knowledge of the characters and situations of those who come within that description. And they have, in addition to this, the course of dealing of the persons themselves with the bank to assist their judgment, which is, in most cases, a good index of the state in which those persons are. The artifices and shifts, which those in desperate or declining circumstances are obliged to employ to keep up the counte-

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nance which the rules of the bank require, and the train of their connexions are so many prognostics, not difficult to be interpreted, of the fate which awaits them. Hence, it not unfrequently happens that banks are the first to discover the unsoundness of such characters, and by withholding credit to announce to the public that they are not entitled to it.

If banks, in spite of every precaution, are sometimes betrayed into giving a false credit to the persons described, they more frequently enable honest and industrious men of small or, perhaps, of no capital to undertake and prosecute business with advantage to themselves and to the community; and to assist merchants of both capital and credit, who meet with fortuitous and unforeseen shocks, which might, without such helps, prove fatal to them and to others, to make head against their misfortunes, and finally to retrieve their affairs—circumstances which form no inconsiderable encomium on the utility of banks.

But the last and heaviest charge is still to be examined: that is, that banks tend to banish the gold and silver of the country.

The force of this objection rests on their being an engine of paper credit, which, by furnishing a substitute for the metals, is supposed to promote their exportation. It is an objection which, if it has any foundation, lies not against banks peculiarly, but against every species of paper credit.

The most common answer given to it is, that the thing supposed is of little or no consequence; that it is immaterial what serves the purpose of money, whether paper, or gold and silver; that the effect of both upon industry is the same; and that the intrinsic wealth of a nation is to be measured, not by the abundance of the precious metals contained in it, but by the quantity of the productions of its labor and industry.

This answer is not destitute of solidity, though not entirely satisfactory. It is certain that the vivification of industry, by a full circulation, with the aid of a proper and well regulated paper credit, may more than compensate for the loss of a part of the gold and silver of a nation, if the consequence of avoiding that loss should be a scanty or defective circulation.

But the positive and permanent increase or decrease of the precious metals in a country can hardly ever be a matter of indifference. As the commodity taken in lieu of every other, it is a species of the most effective wealth; and as the money of the world, it is of great concern to the State that it possess a sufficiency of it to face any demands which the protection of its external interests may create.

The objection seems to admit of another and a more conclusive answer, which controverts the fact itself. A nation that has no mines of its own must derive the precious metals from others; generally speaking, in exchange for the products of its labor and industry. The quantity it will possess will, therefore, in the ordinary course of things be regulated by the favor-

able or unfavorable balance of its trade; that is, by the proportion between its abilities to supply foreigners and its wants of them; between the amount of its exportations and that of its importations. Hence, the state of its agriculture and manufactures, the quantity and quality of its labor and industry must, in the main, influence and determine the increase or decrease of its gold and silver.

If this be true, the inference seems to be, that well constituted banks favor the increase of the precious metals. It has been shown that they augment, in different ways, the active capital of a country. This it is which generates employment; which animates and expands labor and industry. Every addition which is made to it, by contributing to put in motion a greater quantity of both, tends to create a greater quantity of the products of both; and by furnishing more materials for exportation, conduces to a favorable balance of trade, and, consequently, to the introduction and increase of gold and silver.

This conclusion appears to be drawn from solid premises. There are, however, objections to be made to it.

It may be said, that as bank paper affords a substitute for specie, it serves to counteract that rigorous necessity for the metals as a medium of circulation, which, in the case of a wrong balance, might restrain in some degree their exportation; and it may be added that, from the same cause, in the same case it would retard those economical and parsimonious reforms in the manner of living which the scarcity of money is calculated to produce, and which might be necessary to rectify such wrong balance.

There is, perhaps, some truth in both these observations; but they appear to be of a nature rather to form exceptions to the generality of the conclusion than to overthrow it. The state of things in which the absolute exigencies of circulation can be supposed to resist, with any effect, the urgent demands for specie which a wrong balance of trade may occasion presents an extreme case. And a situation in which a too expensive manner of living of a community, compared with its means, can stand in need of a corrective from distress or necessity, is one which, perhaps, rarely results but from extraordinary and adventitious causes; such, for example, as a national revolution, which unsettles all the established habits of the people, and inflames the appetite for extravagance, by the illusions of an ideal wealth, engendered by the continual multiplication of a depreciating currency, or some similar cause. There is good reason to believe that where the laws are wise and well executed, and the inviolability of property and contracts maintained, the economy of a people will, in the general course of things, correspond with its means.

The support of industry is, probably, in every case, of more consequence towards correcting a wrong balance of trade than any practicable

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retrenchments in the expenses of families or individuals; and the stagnation of it would be likely to have more effect in prolonging than any such savings in shortening its continuance. That stagnation is a natural consequence of an inadequate medium, which, without the aid of bank circulation, would, in the cases supposed, be severely felt.

It also deserves notice, that as the circulation is always in a compound ratio to the fund upon which it depends, and to the demand for it, and as that fund is itself affected by the exportation of the metals, there is no danger of its being overstocked, as in the case of paper issued at the pleasure of the Government, or of its preventing the consequences of any unfavorable balance from being sufficiently felt to produce the reforms alluded to, as far as circumstances may require and admit.

Nothing can be more fallible than the comparisons which have been made between different countries, to illustrate the truth of the position under consideration. The comparative quantity of gold and silver in different countries depends upon an infinite variety of facts and combinations, all of which ought to be known, in order to judge whether the existence or non-existence of paper currencies has any share in the relative proportions they contain. The mass and value of the productions of the labor and industry of each, compared with its wants; the nature of its establishments abroad; the kind of wars in which it is usually engaged; the relation it bears to the countries which are the original possessors of those metals; the privileges it enjoys in their trade; these, and a number of other circumstances, are all to be taken into the account, and render the investigation too complex to justify any reliance on the vague and general surmises which have been hitherto hazarded on the point.

In the foregoing discussion the objection has been considered as applying to the permanent expulsion and diminution of the metals. Their temporary exportation for particular purposes has not been contemplated. This, it must be confessed, is facilitated by banks, from the faculty they possess of supplying their place. But their utility is in nothing more conspicuous than in these very cases. They enable the Government to pay its foreign debts, and to answer any exigencies which the external concerns of the community may have produced. They enable the merchant to support his credit, (on which the prosperity of trade depends,) when special circumstances prevent remittances in other modes. They enable him also to prosecute enterprises which ultimately tend to an augmentation of the species of wealth in question. It is evident that gold and silver may often be employed in procuring commodities abroad, which, in a circuitous commerce, replace the original fund with considerable addition. But it is not to be inferred from this facility given to temporary exportation, that banks, which are so friendly to trade and industry, are,

in their general tendency, inimical to the increase of the precious metals.

These several views of the subject appear sufficient to impress a full conviction of the utility of banks, and to demonstrate that they are of great importance, not only in relation to the administration of the finances, but in the general system of political economy.

The judgment of many concerning them has, no doubt, been perplexed by the misinterpretation of appearances which were to be ascribed to other causes. The general devastation of personal property, occasioned by the late war, naturally produced, on the one hand, a great demand for money, and, on the other, a great deficiency of it to answer the demand. Some injudicious laws, which grew out of the public distresses, by impairing confidence, and causing a part of the inadequate sum in the country to be locked up, aggravated the evil. The dissipated habits contracted by many individuals during the war, which, after the peace, plunged them into expenses beyond their income; the number of adventurers without capital, and, in many instances, without information, who at that epoch rushed into trade, and were obliged to make any sacrifices to support a transient credit; the employment of considerable sums in speculations upon the public debt, which, from its unsettled state, was incapable of becoming itself a substitute: all these circumstances concurring, necessarily led to usurious borrowing, produced most of the inconveniences, and were the true causes of most of the appearances which, where banks were established, have been by some erroneously placed to their account—a mistake which they might easily have avoided by turning their eyes towards places where there were none, and where, nevertheless, the same evils would have been perceived to exist, even in a greater degree than where those institutions had obtained.

These evils have either ceased, or been greatly mitigated. Their more complete extinction may be looked for from that additional security to property which the Constitution of the United States happily gives; (a circumstance of prodigious moment in the scale, both of public and private prosperity,) from the attraction of foreign capital, under the auspices of that security, to be employed upon objects, and in enterprises, for which the state of this country opens a wide and inviting field; from the consistency and stability which the public debt is fast acquiring, as well in the public opinion at home and abroad, as, in fact, from the augmentation of capital which that circumstance and the quarter-yearly payment of interest will afford; and from the more copious circulation which will be likely to be created by a well constituted National Bank.

The establishment of banks in this country seems to be recommended by reasons of a peculiar nature. Previously to the Revolution, circulation was in a great measure carried on by paper emitted by the several local Govern-

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ments. In Pennsylvania alone, the quantity of it was near a million and a half of dollars. This auxiliary may be said to be now at an end. And it is generally supposed that there has been, for some time past, a deficiency of circulating medium. How far that deficiency is to be considered as real or imaginary, is not susceptible of demonstration; but there are circumstances and appearances which, in relation to the country at large, countenance the supposition of its reality.

The circumstances are, besides the fact just mentioned respecting paper emissions, the vast tracts of waste land, and the little advanced state of manufactures. The progressive settlement of the former, while it promises ample retribution, in the generation of future resources, diminishes or obstructs, in the mean time, the active wealth of the country. It not only draws off a part of the circulating money, and places it in a more passive state, but it diverts into its own channels a portion of that species of labor and industry which would otherwise be employed in furnishing materials for foreign trade, and which, by contributing to a favorable balance, would assist the introduction of specie. In the early periods of new settlements, the settlers not only furnish no surplus for exportation, but they consume a part of that which is produced by the labor of others. The same thing is a cause that manufactures do not advance, or advance slowly. And notwithstanding some hypotheses to the contrary, there are many things to induce a suspicion, that the precious metals will not abound in any country which has not mines, or variety of manufactures. They have been sometimes acquired by the sword; but the modern system of war has expelled this resource, and it is one upon which it is to be hoped the United States will never be inclined to rely.

The appearances alluded to are, greater prevalence of direct barter, in the more interior districts of the country, which, however, has been for some time past gradually lessening; and greater difficulty, generally, in the advantageous alienation of improved real estate; which, also, has of late diminished, but is still seriously felt in different parts of the Union. The difficulty of getting money, which has been a general complaint, is not added to the number; because it is the complaint of all times, and one in which imagination must ever have too great scope to permit an appeal to it.

If the supposition of such a deficiency be in any degree founded, and some aid to circulation be desirable, it remains to inquire what ought to be the nature of that aid.

The emitting of paper money by the authority of Government is wisely prohibited to the individual States, by the National Constitution; and the spirit of that prohibition ought not to be disregarded by the Government of the United States. Though paper emissions, under a general authority, might have some advantages not applicable, and be free from some disadvan-

tages which are applicable to the like emissions by the States, separately, yet they are of a nature so liable to abuse—and, it may even be affirmed, so certain of being abused, that the wisdom of the Government will be shown in never trusting itself with the use of so seducing and dangerous an expedient. In times of tranquillity, it might have no ill consequence; it might even perhaps be managed in a way to be productive of good: but, in great and trying emergencies, there is almost a moral certainty of its becoming mischievous. The stamping of paper is an operation so much easier than the laying of taxes, that a Government, in the practice of paper emissions, would rarely fail, in any such emergency, to indulge itself too far in the employment of that resource, to avoid, as much as possible, one less auspicious to present popularity. If it should not even be carried so far as to be rendered an absolute bubble, it would at least be likely to be extended to a degree which would occasion an inflated and artificial state of things, incompatible with the regular and prosperous course of political economy.

Among other material differences between a paper currency, issued by the mercantile authority of Government, and one issued by a bank, payable in coin, is this: That, in the first case, there is no standard to which an appeal can be made, as to the quantity which will only satisfy, or which will surcharge the circulation: in the last, that standard results from the demand. If more should be issued than is necessary, it will return upon the bank. Its emissions, as elsewhere intimated, must always be in a compound ratio to the fund and the demand: whence it is evident, that there is a limitation in the nature of the thing; while the discretion of the Government is the only measure of the extent of the emissions, by its own authority.

This consideration further illustrates the danger of emissions of that sort, and the preference which is due to bank paper.

The payment of the interest of the public debt, at thirteen different places, is a weighty reason, peculiar to our immediate situation, for desiring a bank circulation. Without a paper, in general currency, equivalent to gold and silver, a considerable proportion of the specie of the country must always be suspended from circulation, and left to accumulate, preparatory to each day of payment; and as often as one approaches, there must in several cases be an actual transportation of the metals, at both expense and risk, from their natural and proper reservoirs, to distant places. This necessity will be felt very injuriously to the trade of some of the States; and will embarrass, not a little, the operations of the treasury in those States. It will also obstruct those negotiations, between different parts of the Union, by the instrumentality of treasury bills, which have already afforded valuable accommodations to trade in general.

Assuming it, then, as a consequence, from

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what has been said, that a National Bank is a desirable institution, two inquiries emerge: Is there no such institution, already in being, which has a claim to that character, and which supersedes the propriety or necessity of another? If there be none, what are the principles upon which one ought to be established?

There are at present three banks in the United States: that of North America, established in the city of Philadelphia; that of New York, established in the city of New York; that of Massachusetts, established in the town of Boston. Of these three, the first is the only one which has at any time had a direct relation to the Government of the United States.

The Bank of North America originated in a resolution of Congress of the 26th of May, 1781, founded upon a proposition of the Superintendent of Finance, which was afterwards carried into execution by an ordinance of the 31st of December following, entitled "An ordinance to incorporate the subscribers to the Bank of North America."

The aid afforded to the United States by this institution, during the remaining period of the war, was of essential consequence; and its conduct towards them since the peace, has not weakened its title to their patronage and favor. So far, its pretensions to the character in question are respectable; but there are circumstances which militate against them, and considerations which indicate the propriety of an establishment on different principles.

The directors of this bank, on behalf of their constituents, have since accepted, and acted under, a new charter, from the State of Pennsylvania, materially variant from their original one, and which so narrows the foundation of the institution, as to render it an incompetent basis for the extensive purposes of a National Bank.

The limit assigned by the ordinance of Congress to the stock of the bank, is ten millions of dollars. The last charter of Pennsylvania confines it to two millions. Questions naturally arise, whether there be not a direct repugnancy between two charters so differently circumstanced? and whether the acceptance of the one is not to be deemed a virtual surrender of the other? But, perhaps, it is neither advisable nor necessary to attempt a solution of them.

There is nothing in the acts of Congress which imply an exclusive right in the institution to which they relate, except during the term of the war. There is, therefore, nothing, if the public good require it, which prevents the establishment of another. It may, however, be incidentally remarked, that, in the general opinion of the citizens of the United States, the Bank of North America has taken the station of a bank of Pennsylvania only. This is a strong argument for a new institution, or for a renovation of the old, to restore it to the situation in which it originally stood in the view of the United States.

But, though the ordinance of Congress contains no grant of exclusive privileges, there

may be room to allege, that the Government of the United States ought not, in point of candor and equity, to establish any rival or interfering institution, in prejudice of the one already established; especially as this has, from services rendered, well founded claims to protection and regard.

The justice of such an observation ought, within proper bounds, to be admitted. A new establishment of the sort ought not to be made without cogent and sincere reasons of public good. And, in the manner of doing it, every facility should be given to a consolidation of the old with the new, upon terms not injurious to the parties concerned. But there is no ground to maintain that, in a case in which the Government has made no condition restricting its authority, it ought voluntarily to restrict it, through regard to the interests of a particular institution, when those of the State dictate a different course; especially, too, after such circumstances have intervened, as characterise the actual situation of the Bank of North America.

The inducements to a new disposition of the thing are now to be considered. The first of them which occurs is, the, at least, ambiguous situation in which the Bank of North America has placed itself, by the acceptance of its last charter. If this has rendered it the mere bank of a particular State, liable to dissolution at the expiration of fourteen years, to which term the act of that State has restricted its duration, it would be neither fit nor expedient to accept it as an equivalent for a Bank of the United States.

The restriction of its capital, also, which, according to the same supposition, cannot be extended beyond two millions of dollars, is a conclusive reason for a different establishment. So small a capital promises neither the requisite aid to Government, nor the requisite security to the community. It may answer very well the purposes of local accommodation, but is an inadequate foundation for a circulation co-extensive with the United States, embracing the whole of their revenues, and affecting every individual into whose hands the paper may come.

And, inadequate as such a capital would be to the essential ends of a National Bank, it is liable to being rendered still more so, by that principle of the constitution of the Bank of North America, contained equally in its old and in its new charter, which leaves the increase of the actual capital at any time (now far short of the allowed extent) to the discretion of the directors or stockholders. It is naturally to be expected, that the allurements of an advanced price of stock, and of large dividends, may disincline those who are interested to an extension of capital, from which they will be apt to fear a diminution of profits. And for this circumstance, the interest and accommodation of the public (as well individually as collectively) are made more subordinate to the interest, real or imagined, of the stockholders,

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than they ought to be. It is true, that, unless the latter be consulted, there can be no bank, in the sense at least in which institutions of this kind, worthy of confidence, can be established in this country. But it does not follow that this is alone to be consulted, or that it even ought to be paramount. Public utility is more truly the object of public banks than private profit. And it is the business of Government to constitute them on such principles, that, while the latter will result in a sufficient degree to afford competent motives to engage in them, the former be not made subservient to it. To effect this, a principal object of attention ought to be to give free scope to the creation of an ample capital, and with this view, fixing the bounds which are deemed safe and convenient, to leave no discretion either to stop short of them, or to overpass them. The want of this precaution in the establishment of the Bank of North America is a further and important reason for desiring one differently constituted.

There may be room at first sight for supposition, that, as the profits of a bank will bear a proportion to the extent of its operations, and as for this reason the interest of the stockholders will not be disadvantageously affected by any necessary augmentations of capital, there is no cause to apprehend that they will be indispensed to such augmentations. But most men, in matters of this nature, prefer the certainties they enjoy, to probabilities depending on untried experiments, especially, when these promise rather that they will not be injured, than that they will be benefited.

From the influence of this principle, and a desire of enhancing its profits, the directors of a bank will be more apt to overstrain its faculties, in an attempt to face the additional demands which the course of business may create, than to set on foot new subscriptions, which may hazard a diminution of the profits, and even a temporary reduction of the price of stock.

Banks are among the best expedients for lowering the rate of interest in a country; but, to have this effect, their capitals must be completely equal to all the demands of business, and such as will tend to remove the idea, that the accommodations they afford are in any degree favors—an idea very apt to accompany the parsimonious dispensation of contracted funds. In this, as in every other case, the plenty of the commodity ought to beget a moderation of the price.

The want of a principle of rotation in the constitution of the Bank of North America is another argument for a variation of the establishment. Scarcely one of the reasons which militate against this principle in the Constitution of a country, is applicable to that of a bank; while there are strong reasons in favor of it, in relation to the one, which do not apply to the other. The knowledge to be derived from experience is the only circumstance common to both, which pleads against rotation in the directing officers of a bank.

But the objects of the Government of a nation, and those of the government of a bank, are so widely different, as greatly to weaken the force of that consideration in reference to the latter. Almost every important case of legislation requires, towards a right decision, a general and accurate acquaintance with the affairs of the State, and habits of thinking seldom acquired but from a familiarity with public concerns. The administration of a bank, on the contrary, is regulated by a few simple fixed maxims, the application of which is not difficult to any man of judgment, especially if instructed in the principles of trade. It is, in general, a constant succession of the same details.

But, though this be the case, the idea of the advantages of experience is not to be slighted. Room ought to be left for the regular transmission of official information; and, for this purpose, the head of the direction ought to be excepted from the principle of rotation. With this exception, and with the aid of the information of the subordinate officers, there can be no danger of any ill effects from want of experience or knowledge; especially as the periodical exclusion ought not to reach the whole of the directors at one time.

The argument in favor of the principle of rotation is this: that, by lessening the danger of combination among the directors, to make the institution subservient to party views, or to the accommodation, preferably, of any particular set of men, it will render the public confidence more firm, stable, and unqualified.

When it is considered that the directors of a bank are not elected by the great body of the community, in which a diversity of views will naturally prevail at different conjunctures, but by a small and select class of men, among whom it is far more easy to cultivate a steady adherence to the same persons and objects, and that those directors have it in their power so immediately to conciliate, by obliging the most influential of this class, it is easy to perceive that, without the principle of rotation, changes in that body can rarely happen, but as a concession which they may themselves think it expedient to make to public opinion.

The continual administration of an institution of this kind, by the same persons, will never fail, with or without cause, from their conduct, to excite distrust and discontent. The necessary secrecy of their transactions gives unlimited scope to imagination to infer that something is or may be wrong. And this inevitable mystery is a solid reason for inserting in the constitution of a bank the necessity of a change of men. As neither the mass of the parties interested, nor the public in general, can be permitted to be witnesses of the interior management of the directors, it is reasonable that both should have that check upon their conduct, and that security against the prevalence of a partial or pernicious system, which will be produced by the certainty of periodical changes.

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Such, too, is the delicacy of the credit of a bank, that every thing which can fortify confidence and repel suspicion, without injuring its operations, ought carefully to be sought after in its formation.

A further consideration in favor of a change is the improper rule by which the right of voting for directors is regulated in the plan upon which the Bank of North America was originally constituted, namely, a vote for each share, and the want of a rule in the last charter; unless the silence of it, on that point, may signify that every stockholder is to have an equal and a single vote; which would be a rule in a different extreme, not less erroneous. It is of importance that a rule should be established on this head, as it is one of those things which ought not to be left to discretion; and it is, consequently, of equal importance that the rule should be a proper one.

A vote for each share renders a combination between a few principal stockholders, to monopolize the power and benefits of the bank, too easy. An equal vote to each stockholder, however great or small his interest in the institution, allows not that degree of weight to large stockholders which it is reasonable they should have, and which, perhaps, their security and that of the bank require. A prudent mean is to be preferred. A conviction of this has produced a by-law of the corporation of the Bank of North America, which evidently aims at such a mean. But a reflection arises here, that a like majority with that which enacted this law may, at any moment, repeal it.

The last inducement which shall be mentioned, is the want of precautions to guard against a foreign influence insinuating itself into the direction of the bank. It seems scarcely reconcileable with a due caution, to permit that any but citizens should be eligible, as directors of a National Bank, or that non-resident foreigners should be able to influence the appointment of directors by the votes of their proxies. In the event, however, of an incorporation on the plan of the Bank of North America, it may be necessary to qualify this principle, so as to leave the right of foreigners, who now hold shares of its stock, unimpaired; but without the power of transmitting the privilege in question to foreign alliances.

It is to be considered that such a bank is not a mere matter of private property, but a political machine, of the greatest importance to the State.

There are other variations from the constitution of the Bank of North America, not of inconsiderable moment, which appear desirable, but which are not of magnitude enough to claim a preliminary discussion. These will be seen in the plan which will be submitted in the sequel.

If the objections which have been stated to the constitution of the Bank of North America are admitted to be well founded, they will, nevertheless, not derogate from the merit of

the main design, or of the services which that bank has rendered, or of the benefits which it has produced. The creation of such an institution, at the time it took place, was a measure dictated by wisdom. Its utility has been amply evinced by its fruits; American independence owes much to it. And it is very conceivable, that reasons of the moment may have rendered those features in it inexpedient, which a revision, with a permanent view, suggests as desirable.

The order of the subject leads next to an inquiry into the principles upon which a National Bank ought to be organized.

The situation of the United States naturally inspires a wish that the form of the institution could admit of a plurality of branches. But various considerations discourage from pursuing this idea. The complexity of such a plan would be apt to inspire doubts, which might deter from adventuring in it. And the practicability of a safe and orderly administration, though not to be abandoned as desperate, cannot be made so manifest in perspective, as to promise the removal of those doubts, or to justify the Government in adopting the idea as an original experiment. The most that would seem advisable, on this point, is to insert a provision which may lead to it hereafter, if experience shall more clearly demonstrate its utility, and satisfy those who may have the direction, that it may be adopted with safety. It is certain that it would have some advantages, both peculiar and important. Besides more general accommodation, it would lessen the danger of a run upon the bank.

The argument against it is, that each branch must be under a distinct, though subordinate direction, to which a considerable latitude of discretion must, of necessity, be entrusted. And, as the property of the whole institution would be liable for the engagements of each part, that and its credit would be at stake, upon the prudence of the directors of every part. The mismanagement of either branch might hazard serious disorder in the whole.

Another wish, dictated by the particular situation of the country, is, that the bank could be so constituted as to be made an immediate instrument of loans to the proprietors of land; but this wish also yields to the difficulty of accomplishing it. Land is, alone, an unfit fund for bank circulation. If the notes issued upon it were not to be payable in coin, on demand, or at a short date, this would amount to nothing more than a repetition of the paper emissions, which are now exploded by the general voice. If the notes are to be payable in coin, the land must first be converted into it by sale or mortgage. The difficulty of effecting the latter is the very thing which begets the desire of finding another resource; and the former would not be practicable on a sudden emergency, but with sacrifices which would make the cure worse than the disease. Neither is the idea of constituting the fund partly of coin and partly of

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land, free from impediments. These two species of property do not, for the most part, unite in the same hands. Will the moneyed man consent to enter into a partnership with the landholder, by which the latter will share in the profits which will be made by the money of the former? The money, it is evident, will be the agent or efficient cause of the profits—the land can only be regarded as an additional security. It is not difficult to foresee, that a union, on such terms, will not readily be formed. If the landholders are to procure the money by sale or mortgage of a part of their lands, this they can as well do when the stock consists wholly of money, as if it were to be compounded of money and land.

To procure for the landholders the assistance of loans, is the great desideratum. Supposing other difficulties surmounted, and a fund created, composed partly of coin and partly of land, yet the benefit contemplated could only then be obtained by the bank's advancing them its notes for the whole, or part, of the value of the lands they had subscribed to the stock. If this advance was small, the relief aimed at would not be given; if it was large, the quantity of notes issued would be a cause of distrust; and, if received at all, they would be likely to return speedily upon the bank for payment; which, after exhausting its coin, might be under a necessity of turning its lands into money, at any price that could be obtained for them, to the irreparable prejudice of the proprietors.

Considerations of public advantage suggest a further wish, which is—that the bank could be established upon principles, that would cause the profits of it to redound to the immediate benefit of the State. This is contemplated by many who speak of a National Bank, but the idea seems liable to insuperable objections. To attach full confidence to an institution of this nature, it appears to be an essential ingredient in its structure, that it shall be under a private not a public direction, under the guidance of individual interest, not of public policy; which would be supposed to be, and, in certain emergencies under a feeble or too sanguine administration, would really be liable to being too much influenced by public necessity. The suspicion of this would, most probably, be a canker that would continually corrode the vitals of the credit of the bank, and would be most likely to prove fatal in those situations in which the public good would require that they should be most sound and vigorous. It would, indeed, be little less than a miracle, should the credit of the bank be at the disposal of the Government, if, in a long series of time, there was not experienced a calamitous abuse of it. It is true, that it would be the real interest of the Government not to abuse it; its genuine policy to husband and cherish it with the most guarded circumspection as an inestimable treasure. But what Government ever uniformly consulted its true interests in opposition to the temptations of momentary exigencies? What nation

was ever blessed with a constant succession of upright and wise administrators?

The keen, steady, and, as it were, magnetic sense of their own interest as proprietors, in the directors of a bank, pointing invariably to its true pole—the prosperity of the institution—is the only security that can always be relied upon for a careful and prudent administration. It is, therefore, the only basis on which an enlightened, unqualified, and permanent confidence can be expected to be erected and maintained.

The precedents of the banks established in several cities of Europe, Amsterdam, Hamburg, and others, may seem to militate against this position. Without a precise knowledge of all the peculiarities of their respective constitutions it is difficult to pronounce how far this may be the case. That of Amsterdam, however, which we best know, is rather under a municipal than a governmental direction. Particular magistrates of the city, not officers of the republic, have the management of it. It is also a bank of deposits, not of loan, or circulation; consequently, less liable to abuse, as well as less useful. Its general business consists in receiving money for safe-keeping, which, if not called for within a certain time, becomes a part of its stock, and irreclaimable. But a credit is given for it on the books of the bank, which, being transferable, answers all the purposes of money.

The directors being magistrates of the city, and the stockholders in general its most influential citizens, it is evident that the principle of private interest must be prevalent in the management of the bank. And it is equally evident that, from the nature of its operations, that principle is less essential to it than to an institution constituted with a view to the accommodation of the public and individuals by direct loans and a paper circulation.

As far as may concern the aid of the bank within the proper limits, a good Government has nothing more to wish for than it will always possess, though the management be in the hands of private individuals. As the institution, if rightly constituted, must depend for its renovation, from time to time, on the pleasure of the Government, it will not be likely to feel a disposition to render itself, by its conduct, unworthy of public patronage. The Government, too, in the administration of its finances, has it in its power to reciprocate benefits to the bank of not less importance than those which the bank affords to the Government, and which, besides, are never unattended with an immediate and adequate compensation. Independent of these more particular considerations, the natural weight and influence of a good Government will always go far towards procuring a compliance with its desires; and, as the directors will usually be composed of some of the most discreet, respectable, and well informed citizens, it can hardly ever be difficult to make them sensible of the force of the inducements which ought to stimulate their exertions:

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It will not follow, from what has been said, that the State may not be the holder of a part of the stock of a bank, and consequently a sharer in the profits of it. It will only follow that it ought not to desire any participation in the direction of it, and, therefore, ought not to own the whole or a principal part of the stock; for, if the mass of the property should belong to the public, and if the direction of it should be in private hands, this would be to commit the interests of the State to persons not interested, or not enough interested in their proper management.

There is one thing, however, which the Government owes to itself and to the community, at least to all that part of it who are not stockholders; which is, to reserve to itself a right of ascertaining, as often as may be necessary, the state of the bank; excluding, however, all pretension to control. This right forms an article in the primitive constitution of the Bank of North America; and its propriety stands upon the clearest reasons. If the paper of a bank is to be permitted to insinuate itself into all the revenues and receipts of a country; if it is even to be tolerated as the substitute for gold and silver in all the transactions of business, it becomes, in either view, a national concern of the first magnitude. As such, the ordinary rules of prudence require that the Government should possess the means of ascertaining, whenever it thinks fit, that so delicate a trust is executed with fidelity and care. A right of this nature is not only desirable, as it respects the Government, but it ought to be equally so to all those concerned in the institution, as an additional title to public and private confidence, and as a thing that can only be formidable to practices that imply mismanagement. The presumption must always be that the characters who would be entrusted with the principle of this right, on behalf of the Government, will not be deficient in the discretion which it may require; at least, the admitting of this presumption cannot be deemed too great a return of confidence for that very large portion of it which the Government is required to place in the bank.

Abandoning, therefore, ideas which, however agreeable or desirable, are neither practicable nor safe, the following plan for the constitution of a National Bank is respectfully submitted to the consideration of the House:

1. The capital stock of the bank shall not exceed ten millions of dollars, divided into twenty-five thousand shares, each share being four hundred dollars; to raise which sum subscriptions shall be opened on the first Monday of April next, and shall continue open until the whole shall be subscribed. Bodies politic as well as individuals may subscribe.

2. The amount of each share shall be payable one-fourth in gold and silver coin, and three-fourths in that part of the public debt, which, according to the loan proposed by the act making provision for the debt of the United States, shall bear an accruing interest, at the

time of payment, of six per centum per annum.

3. The respective sums subscribed shall be payable in four equal parts, as well specie as debt, in succession, and at the distance of six calendar months from each other; the first payment to be made at the time of subscription. If there shall be a failure in any subsequent payment, the party failing shall lose the benefit of any dividend which may have accrued prior to the time for making such payment, and during the delay of the same.

4. The subscribers to the bank, and their successors shall be incorporated, and shall so continue until the final redemption of that part of its stock which shall consist of the public debt.

5. The capacity of the corporation to hold real and personal estate shall be limited to fifteen millions of dollars, including the amount of its capital or original stock. The lands and tenements which it shall be permitted to hold shall be only such as shall be requisite for the immediate accommodation of the institution, and such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted, in the usual course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts.

6. The totality of the debts of the company, whether by bond, bill, note, or other contract, (credits for deposits excepted) shall never exceed the amount of its capital stock. In case of excess, directors, under whose administration it shall happen, shall be liable for it in their private or separate capacities. Those who may have dissented may excuse themselves from this responsibility by immediately giving notice of the fact, and their dissent, to the President of the United States, and to the stockholders, at a general meeting to be called by the President of the bank at their request.

7. The company may sell or demise its lands and tenements, or may sell the whole, or any part of the public debt, whereof its stock shall consist; but shall trade in nothing except bills of exchange, gold and silver bullion, or in the sale of goods pledged for money lent; nor shall they take more than at the rate of six per cent. per annum upon its loans or discounts.

8. No loan shall be made by the bank for the use or on account of the Government of the United States, or of either of them to an amount exceeding fifty thousand dollars, or of any foreign Prince or State, unless previously authorized by a law of the United States.

9. The stock of the bank shall be transferable according to such rules as shall be instituted by the company in that behalf.

10. The affairs of the bank shall be under the management of twenty-five directors, one of whom shall be the President; and there shall be on the first Monday of January, in each year, a choice of directors, by a plurality of suffrages of the stockholders, to serve for a year. The directors, at their first meeting after each

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election, shall choose one of their number as President.

11. The number of votes to which each stockholder shall be entitled shall be according to the number of shares he shall hold, in the proportions following, that is to say: for one share, and not more than two shares, one vote; for every two shares above two, and not exceeding ten, one vote; for every four shares above ten, and not exceeding thirty, one vote; for every six shares above thirty, and not exceeding sixty, one vote; for every eight shares above sixty, and not exceeding one hundred, one vote; and for every ten shares above one hundred, one vote; but no person, copartnership, or body politic shall be entitled to a greater number than thirty votes. And, after the first election, no share or shares shall confer a right of suffrage which shall not have been holden three calendar months previous to the day of election. Stockholders actually resident within the United States, and none other, may vote in the elections by proxy.

12. Not more than three-fourths of the directors in office, exclusive of the President, shall be eligible for the next succeeding year. But the director who shall be President at the time of an election may always be re-elected.

13. None but a stockholder, being a citizen of the United States, shall be eligible as a director.

14. Any number of stockholders, not less than sixty, who together shall be proprietors of two hundred shares or upwards, shall have power at any time to call a general meeting of the stockholders for purposes relative to the institution, giving at least six weeks' notice, in two public gazettes of the place where the bank is kept, and specifying, in such notice, the object of the meeting.

15. In case of the death, resignation, absence from the United States, or removal, of a director by the stockholders, his place may be filled by a new choice for the remainder of the year.

16. No director shall be entitled to any emolument, unless the same shall have been allowed by the stockholders at a general meeting. The stockholders shall make such compensation to the President for his extraordinary attendance at the bank as shall appear to them reasonable.

17. Not less than seven directors shall constitute a board for the transaction of business.

18. Every cashier or treasurer, before he enters on the duties of his office, shall be required to give bond, with two or more sureties, to the satisfaction of the directors, in a sum not less than twenty thousand dollars, with condition for his good behavior.

19. Half-yearly dividends shall be made of so much of the profits of the bank as shall appear to the directors advisable. And, once in every three years, the directors shall lay before the stockholders at a general meeting, for their information, an exact and particular statement

of the debts which shall have remained unpaid after the expiration of the original credit, for a period of treble the term of that credit, and of the surplus of profit, if any, after deducting losses and dividends.

20. The bills and notes of the bank, originally made payable, or which shall have become payable on demand in gold and silver coin, shall be receivable in all payments to the United States.

21. The officer at the head of the Treasury Department of the United States shall be furnished, from time to time, as often as he may require, not exceeding once a week, with statements of the amount of the capital stock of the bank, and of the debts due to the same; of the moneys deposited therein, of the notes in circulation, and of the cash in hand; and shall have a right to inspect such general accounts in the books of the bank as shall relate to the said statements, provided that this shall not be construed to imply a right of inspecting the account of any private individual or individuals with the bank.

22. No similar institution shall be established by any future act of the United States during the continuance of the one hereby proposed to be established.

23. It shall be lawful for the directors of the bank to establish offices wheresoever they shall think fit within the United States, for the purposes of discount and deposite, only and upon the same terms, and in the same manner as shall be practised at the bank, and to commit the management of the said offices and the making of the said discounts, either to agents specially appointed by them, or to such persons as may be chosen by the stockholders residing at the place where any such office shall be, under such agreements, and subject to such regulations as they shall deem proper, not being contrary to law or to the constitution of the bank.

24. And lastly, the President of the United States shall be authorized to cause a subscription to be made to the stock of the said company, on behalf of the United States, to an amount not exceeding two millions of dollars, to be paid out of the moneys which shall be borrowed by virtue of either of the acts, the one, entitled "An act making provision for the debt of the United States;" and the other, entitled "An act making provision for the reduction of the public debt;" borrowing of the bank an equal sum, to be applied to the purposes for which the said moneys shall have been procured, reimbursable in ten years, by equal annual instalments; or at any time sooner, or in any greater proportions that the Government may think fit.

The reasons for the several provisions contained in the foregoing plan have been so far anticipated, and will, for the most part, be so readily suggested by the nature of those provisions that any comments which need further be made will be both few and concise.

The combination of a portion of the public debt, in the formation of the capital, is the prin-

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principal thing of which an explanation is requisite. The chief object of this is to enable the creation of a capital sufficiently large to be the basis of an extensive circulation, and an adequate security for it. As has been elsewhere remarked, the original plan of the Bank of North America contemplated a capital of ten millions of dollars, which is certainly not too broad a foundation for the extensive operations to which a National Bank is destined. But to collect such a sum in this country in gold and silver into one depository may, without hesitation, be pronounced impracticable. Hence the necessity of an auxiliary, which the public debt at once presents.

This part of the fund will be always ready to come in aid of the specie; it will more and more command a ready sale; and can, therefore, expeditiously be turned into coin, if an exigency of the bank should at any time require it. This quality of prompt convertibility into coin renders it an equivalent for that necessary agent of bank circulation, and distinguishes it from a fund in land, of which the sale would generally be far less compendious, and at greater disadvantage. The quarter-yearly receipts of interest will also be an actual addition to the specie fund, during the intervals between them and the half-yearly dividends of profits. The objection to combining land with specie, resulting from their not being generally in possession of the same persons, does not apply to the debt, which will always be found in considerable quantities among the moneyed and trading people.

The debt composing part of the capital, besides its collateral effect in enabling the bank to extend its operations, and consequently to enlarge its profits, will produce a direct annual revenue of six per centum from the Government, which will enter into the half-yearly dividends received by the stockholders.

When the present price of the public debt is considered, and the effect which its conversion into bank stock, incorporated with a specie fund, would, in all probability, have to accelerate its rise to the proper point, it will easily be discovered that the operation presents in its outset a very considerable advantage to those who may become subscribers; and from the influence which that rise would have on the general mass of the debt, a proportional benefit to all the public creditors, and, in the sense which has been more than once adverted to, to the community at large.

There is an important fact, which exemplifies the fitness of the public debt for a bank fund, and which may serve to remove doubts in some minds on this point: it is this, that the Bank of England, in its first erection, rested wholly on that foundation. The subscribers to a loan to Government of one million two hundred thousand pounds sterling were incorporated as a bank, of which the debt created by the loan and the interest upon it were the sole fund. The subsequent augmentations of its capital, which

now amounts to between eleven and twelve millions of pounds sterling, have been of the same nature.

The confining of the right of the bank to contract debts to the amount of its capital is an important precaution, which is not to be found in the constitution of the Bank of North America, and which, while the fund consists wholly of coin, would be a restriction attended with inconveniences, but would be free from any if the composition of it should be such as is now proposed. The restriction exists in the establishment of the Bank of England, and as a source of security is worthy of imitation. The consequence of exceeding the limit there is, that each stockholder is liable for the excess, in proportion to his interest in the bank. When it is considered that the directors owe their appointments to the choice of the stockholders, a responsibility of this kind, on the part of the latter, does not appear unreasonable; but, on the other hand, it may be deemed a hardship upon those who may have dissented from the choice. And there are many among us whom it might perhaps discourage from becoming concerned in the institution. These reasons have induced the placing of the responsibility upon the directors by whom the limit prescribed should be transgressed.

The interdiction of loans on account of the United States, or any particular State, beyond the moderate sum specified, or of any foreign Power, will serve as a barrier to Executive encroachments, and to combinations inauspicious to the safety or contrary to the policy of the Union.

The limitation of the rate of interest is dictated by the consideration that different rates prevail in different parts of the Union; and as the operations of the bank may extend through the whole, some rule seems to be necessary. There is room for a question whether the limitation ought not rather to be to five than to six per cent., as proposed. It may, with safety, be taken for granted, that the former rate would yield an ample dividend, perhaps as much as the latter, by the extension it would give to business. The natural effect of low interest is to increase trade and industry; because undertakings of every kind can be prosecuted with greater advantage. This is a truth generally admitted; but it is requisite to have analyzed the subject in all its relations to be able to form a just conception of the extent of that effect. Such an analysis cannot but satisfy an intelligent mind that the difference of one per cent. in the rate at which money may be had is often capable of making an essential change for the better in the situation of any country or place.

Every thing, therefore, which tends to lower the rate of interest is peculiarly worthy of the care of legislators. And though laws which violently sink the legal rate of interest greatly below the market level are not to be commended, because they are not calculated to answer

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their aim, yet whatever has a tendency to effect a reduction, without violence to the natural course of things, ought to be attended to and pursued. Banks are among the means most proper to accomplish this end; and the moderation of the rate at which their discounts are made is a material ingredient towards it; with which their own interest, viewed on an enlarged and permanent scale, does not appear to clash.

But, as the most obvious ideas are apt to have greater force than those which depend on complex and remote combinations, there would be danger that the persons whose funds must constitute the stock of the bank would be diffident of the sufficiency of the profits to be expected, if the rate of loans and discounts were to be placed below the point to which they have been accustomed, and might, on this account, be indisposed to embarking in the plan. There is, it is true, one reflection, which, in regard to men actively engaged in trade, ought to be a security against this danger; it is this: that the accommodations which they might derive in the way of their business, at a low rate, would more than indemnify them for any difference in the dividend, supposing even that some diminution of it were to be the consequence. But, upon the whole, the hazard of contrary reasoning among the mass of moneyed men is a powerful argument against the experiment. The institutions of the kind already existing add to the difficulty of making it. Mature reflection and a large capital may, of themselves, lead to the desired end.

The last thing which requires any explanatory remark is, the authority proposed to be given to the President to subscribe the amount of two millions of dollars on account of the public. The main design of this is to enlarge the specie fund of the bank, and to enable it to give a more early extension to its operations. Though it is proposed to borrow with one hand what is lent with the other, yet the disbursement of what is borrowed will be progressive, and bank notes may be thrown into circulation instead of the gold and silver. Besides, there is to be an annual reimbursement of a part of the sum borrowed, which will finally operate as an actual investment of so much specie. In addition to the inducements to this measure, which results from the general interest of the Government to enlarge the sphere of the utility of the bank, there is this more particular consideration, to wit: that as far as the dividend on the stock shall exceed the interest paid on the loan, there is positive profit.

The Secretary begs leave to conclude with this general observation: that if the Bank of North America shall come forward with any propositions which have for their objects the engrafting upon that institution the characteristics which shall appear to the Legislature necessary to the due extent and safety of a National Bank, there are in his judgment weighty inducements to give every reasonable facility

to the measure. Not only the pretensions of that institution, from its original relation to the Government of the United States, and from the services it has rendered, are such as to claim a disposition favorable to it, if those who are interested in it are willing, on their part, to place it on a footing satisfactory to the Government, and equal to the purposes of a bank of the United States, but its co-operation will materially accelerate the accomplishment of the great object, and the collision which might otherwise arise, might, in a variety of ways, prove equally disagreeable and injurious. The incorporation or union here contemplated may be effected in different modes, under the auspices of an act of the United States, if it shall be desired by the Bank of North America, upon terms which shall appear expedient to the Government.

All which is humbly submitted.

ALEXANDER HAMILTON,
Secretary of the Treasury.

REPORT ON THE SUBJECT OF A MINT.

The Secretary of the Treasury having attentively considered the subject referred to him by the order of the House of Representatives of the fifteenth of April last, relative to the establishment of a Mint, most respectfully submits the result of his inquiries and reflections.

A plan for an establishment of this nature involves a great variety of considerations—intricate, nice, and important. The general state of debtor and creditor; all the relations and consequences of price; the essential interests of trade and industry; the value of all property; the whole income both of the State and of individuals, are liable to be sensibly influenced, beneficially or otherwise, by the judicious or injudicious regulation of this interesting object.

It is one, likewise, not more necessary than difficult to be rightly adjusted; one which has frequently occupied the reflections and researches of politicians, without having harmonized their opinions on some of the most important of the principles which enter into its discussion. Accordingly, different systems continue to be advocated, and the systems of different nations, after much investigation, continue to differ from each other.

But if a right adjustment of the matter be truly of such nicety and difficulty, a question naturally arises, whether it may not be most advisable to leave things, in this respect, in the state in which they are? Why, might it be asked, since they have so long proceeded in a train which has caused no general sensation of inconvenience, should alterations be attempted, the precise effect of which cannot with certainty be calculated?

The answer to this question is not perplexing. The immense disorder which actually reigns in so delicate and important a concern, and the still greater disorder which is every moment possible, call loudly for a reform. The

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dollar originally contemplated in the money transactions of this country by successive diminutions of its weight and fineness has sustained a depreciation of five per cent., and yet the new dollar has a currency in all payments in place of the old, with scarcely any attention to the difference between them. The operation of this in depreciating the value of property depending upon past contracts, and (as far as inattention to the alteration in the coin may be supposed to leave prices stationary) of all other property, is apparent. Nor can it require argument to prove that a nation ought not to suffer the value of the property of its citizens to fluctuate with the fluctuations of a foreign mint, and to change with the changes in the regulations of a foreign sovereign. This, nevertheless, is the condition of one which, having no coins of its own, adopts with implicit confidence those of other countries.

The unequal values allowed in different parts of the Union to coins of the same intrinsic worth, the defective species of them which embarrass the circulation of some of the States, and the dissimilarity in their several moneys of account are inconveniences, which if not to be ascribed to the want of a national coinage, will at least be most effectually remedied by the establishment of one; a measure that will, at the same time, give additional security against impositions by counterfeit as well as by base currencies.

It was with great reason, therefore, that the attention of Congress, under the late Confederation, was repeatedly drawn to the establishment of a mint; and it is with equal reason that the subject has been resumed, now that the favorable change which has taken place in the situation of public affairs admits of its being carried into execution.

But though the difficulty of devising a proper establishment ought not to deter from undertaking so necessary a work, yet it cannot but inspire diffidence in one whose duty it is made to propose a plan for the purpose, and may perhaps be permitted to be relied upon as some excuse for any errors which may be chargeable upon it, or for any deviations from sounder principles which may have been suggested by others, or even in part acted upon by the former Government of the United States.

In order to a right judgment of what ought to be done, the following particulars require to be discussed:

1st. What ought to be the nature of the money unit of the United States?

2d. What the proportion between gold and silver, if coins of both metals are to be established?

3d. What the proportion and composition of alloy in each kind?

4th. Whether the expense of coinage shall be defrayed by the Government, or out of the material itself?

5th. What shall be the number, denominations, sizes, and devices of the coins?

6th. Whether foreign coins shall be permitted to be current or not; if the former, at what rate, and for what period?

A pre-requisite to determining with propriety what ought to be the money unit of the United States is to endeavor to form as accurate an idea as the nature of the case will admit, of what it actually is. The pound, though of various value, is the unit in the money of account of all the States. But it is not equally easy to pronounce what is to be considered as the unit in the coins. There being no formal regulation on the point, (the resolutions of Congress of the 6th of July, 1785, and 8th of August, 1786, having never yet been carried into operation) it can only be inferred from usage or practice. The manner of adjusting foreign exchanges would seem to indicate the dollar as best entitled to that character. In these, the old piaster of Spain, or old Seville piece of eight reals, of the value of four shillings and sixpence sterling, is evidently contemplated. The computed par between Great Britain and Pennsylvania will serve as an example. According to that one hundred pounds sterling is equal to one hundred and sixty-six pounds and two-thirds of a pound, Pennsylvania currency; which corresponds with the proportion between 4s. 6d. sterling and 7s. 6d. the current value of the dollar in that State, by invariable usage. And, as far as the information of the Secretary goes, the same comparison holds in the other States.

But this circumstance in favor of a dollar loses much of its weight from two considerations. That species of coin has never had any settled or standard value according to weight or fineness, but has been permitted to circulate by tale, without regard to either, very much as a mere money of convenience, while gold has had a fixed price by weight and with an eye to its fineness. This greater stability of value of the gold coins is an argument of force for regarding the money unit as having been hitherto virtually attached to gold rather than to silver.

Twenty-four grains and six-eighths of a grain of fine gold have corresponded with the nominal value of the dollar in the several States, without regard to the successive diminutions of its intrinsic worth.

But if the dollar should, notwithstanding, be supposed to have the best title to be considered as the present unit in the coins, it would remain to determine what kind of dollar ought to be understood; or, in other words, what precise quantity of fine silver.

The old piaster of Spain, which appears to have regulated our foreign exchanges, weighed 17 dwts. 12 grains, and contained 386 grains and 15 mites of fine silver. But this piece has been long since out of circulation. The dollars now in common currency are of recent date, and much inferior to that both in weight and fineness. The average weight of them, upon different trials, in large masses, has been found to be 17 dwts. 8 grains. Their fineness is

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less precisely ascertained; the results of various assays, made by different persons, under the direction of the late Superintendent of the Finances, and of the Secretary, being as various as the assays themselves. The difference between their extremes is not less than 24 grains in a dollar of the same weight and age; which is too much for any probable difference in the pieces. It is rather to be presumed that a degree of inaccuracy has been occasioned by the want of proper apparatus, and, in general, of practice. The experiment which appears to have the best pretensions to exactness would make the new dollar to contain 370 grains and 933 thousandth parts of a grain of pure silver.

According to an authority on which the Secretary places reliance, the standard of Spain, for its silver coin, in the year 1761, was 261 fine and 27 parts alloy; at which proportion, a dollar of 17 dwts. 8 grains would consist of 377 grains of fine silver and 39 grains of alloy. But there is no question that this standard has been since altered considerably for the worse; to what precise point is not as well ascertained as could be wished; but from a computation of the value of dollars in the markets both of Amsterdam and London, (a criterion which cannot materially mislead,) the new dollar appears to contain about 368 grains of fine silver, and that which immediately preceded it about 374 grains.

In this state of things there is some difficulty in defining the dollar which is to be understood as constituting the present money unit, on the supposition of its being most applicable to that species of coin. The old Seville piece of 386 grains and 15 mites fine comports best with the computations of foreign exchanges, and with the more ancient contracts respecting landed property; but far the greater number of contracts still in operation concerning that kind of property, and all those of a merely personal nature now in force must be referred to a dollar of a different kind. The actual dollar, at the time of contracting, is the only one which can be supposed to have been intended; and it has been seen that as long ago as the year 1761 there had been a material degradation of the standard. And even in regard to the more ancient contracts, no person has ever had any idea of a scruple about receiving the dollar of the day as a full equivalent for the nominal sum which the dollar originally imported.

A recurrence, therefore, to the ancient dollar would be, in the greatest number of cases, an innovation in fact, and in all an innovation in respect to opinion. The actual dollar in common circulation has evidently a much better claim to be regarded as the actual money unit.

The mean intrinsic value of the different kinds of known dollars has been intimated as affording the proper criterion. But when it is recollected that the more ancient and more valuable ones are not now to be met with at all in circulation, and that the mass of those generally current is composed of the newest and most inferior

kinds, it will be perceived that even an equation of that nature would be a considerable innovation upon the real present state of things; which it will certainly be prudent to approach, as far as may be consistent with the permanent order designed to be introduced.

An additional reason for considering the prevailing dollar as the standard of the present money unit rather than the ancient one, is, that it will not only be conformable to the true existing proportion between the two metals in this country, but will be more conformable to that which obtains in the commercial world generally.

The difference established by custom in the United States between coined gold and coined silver has been stated upon another occasion to be nearly as 1 to 15.6. This, if truly the case, would imply that gold was extremely overvalued in the United States; for the highest actual proportion in any part of Europe, very little, if at all, exceeds 1 to 15; and the average proportion throughout Europe is probably not more than about one to fourteen and four-fifths. But that statement has proceeded upon the idea of the ancient dollar. One pennyworth of gold of twenty-two carats fine, at 6s. 8d., and the old Seville piece of 386 grains and 15 mites of pure silver at 7s. 6d., furnish the exact ratio of 1 to 15.6262. But this does not coincide with the real difference between the metals in our market, or, which is with us the same thing, in our currency. To determine this, the quantity of fine silver in the general mass of the dollars now in circulation must afford the rule. Taking the rate of the late dollar of 374 grains, the proportion would be as 1 to 15.11. Taking the rate of the newest dollar, the proportion would then be as one to 14.87. The mean of the two would give the proportion of 1 to 15 very nearly; less than the legal proportion in the coins of Great Britain, which is as 1 to 15.2; but somewhat more than the actual or market proportion, which is not quite 1 to 15.

The preceding view of the subject does not indeed afford a precise or certain definition of the present unit in the coins, but it furnishes data which will serve as guides in the progress of the investigation. It ascertains, at least, that the sum in the money-account of each State, corresponding with the nominal value of the dollar in such State, corresponds also with 24 grains and six-eighths of a grain of fine gold; and with something between 368 and 374 grains of fine silver.

The next inquiry towards a right determination of what ought to be the future money unit of the United States turns on these questions: whether it ought to be peculiarly attached to either of the metals in preference to the other or not; and, if to either, to which of them?

The suggestions and proceedings hitherto have had for object the annexing of it emphatically to the silver dollar. A resolution of Congress, of the 6th of July, 1785, declares that the money unit of the United States shall be a

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dollar, and another resolution of the 8th of August, 1786, fixes that dollar at 375 grains and sixty-four-hundredths of a grain of fine silver. The same resolution, however, determines that there shall also be two gold coins, one of 246 grains and 268 parts of a grain of pure gold, equal to ten dollars, and the other of half that quantity of pure gold, equal to five dollars; and it is not explained whether either of the two species of coins, of gold or silver, shall have any greater legality in payments than the other. Yet it would seem that a preference in this particular is necessary to execute the idea of attaching the unit exclusively to one kind. If each of them be as valid as the other in payments to any amount, it is not obvious in what effectual sense either of them can be deemed the money unit rather than the other.

If the general declaration that the dollar shall be the money unit of the United States could be understood to give it a superior legality in payments, the institution of coins of gold, and the declaration that each of them shall be equal to a certain number of dollars would appear to destroy that inference: and the circumstance of making the dollar the unit in the money of account seems to be rather matter of form than of substance.

Contrary to the ideas which have heretofore prevailed in the suggestions concerning a coinage for the United States, though not without much hesitation, arising from a deference for those ideas, the Secretary is, upon the whole, strongly inclined to the opinion that a preference ought to be given to neither of the metals for the money unit. Perhaps, if either were to be preferred, it ought to be gold rather than silver.

The reasons are these:

The inducement to such a preference is to render the unit as little variable as possible; because on this depends the steady value of all contracts, and, in a certain sense, of all other property. And, it is truly observed that if the unit belong indiscriminately to both metals it is subject to all the fluctuations that happen in the relative value which they bear to each other. But the same reason would lead to annexing it to that particular one which is itself the least liable to variation, if there be in this respect any discernible difference between the two.

Gold may, perhaps, in certain cases, be said to have greater stability than silver; as being of superior value less liberties have been taken with it in the regulations of different countries. Its standard has remained more uniform, and it has, in other respects, undergone fewer changes; as being not so much an article of merchandise, owing to the use made of silver in the trade with the East Indies and China, it is less liable to be influenced by circumstances of commercial demand. And if, reasoning by analogy, it could be affirmed that there is a physical probability of greater proportional increase in the quantity of silver than in that of gold, it would

afford an additional reason for calculating on greater steadiness in the value of the latter.

As long as gold, either from its intrinsic superiority as a metal, from its greater rarity, or from the prejudices of mankind, retains so considerable a pre-eminence in value over silver as it has hitherto had, a natural consequence of this seems to be that its condition will be more stationary. The revolutions, therefore, which may take place in the comparative value of gold and silver will be changes in the state of the latter rather than in that of the former.

If there should be an appearance of too much abstraction in any of these ideas, it may be remarked that the most simple impressions do not naturally incline to giving a preference to the inferior or least valuable of the two metals.

It is sometimes observed that silver ought to be encouraged rather than gold, as being more conducive to the extension of bank circulation from the greater difficulty and inconvenience which its greater bulk, compared with its value, occasions in the transportation of it. But bank circulation is desirable rather as an auxiliary to than as a substitute for that of the precious metals, and ought to be left to its natural course. Artificial expedients to extend it by opposing obstacles to the other are, at least, not recommended by any very obvious advantages. And in general it is the safest rule to regulate every particular institution or object according to the principles which, in relation to itself, appear the most sound. In addition to this, it may be observed that the inconvenience of transporting either of the metals is sufficiently great to induce a preference of bank paper, whenever it can be made to answer the purpose equally well.

But, upon the whole, it seems to be most advisable, as has been observed, not to attach the unit exclusively to either of the metals; because this cannot be done effectually, without destroying the office and character of one of them as money, and reducing it to the situation of a mere merchandise; which, accordingly at different times, has been proposed from different and very respectable quarters; but which would probably be a greater evil than occasional variations in the unit, from the fluctuations in the relative value of the metals; especially if care be taken to regulate the proportion between them with an eye to their average commercial value.

To annul the use of either of the metals as money is to abridge the quantity of circulating medium, and is liable to all the objections which arise from a comparison of the benefits of a full with the evils of a scanty circulation.

It is not a satisfactory answer to say that none but the favored metal would, in this case, find its way into the country, as in that all balances must be paid. The practicability of this would, in some measure, depend on the abundance or scarcity of it in the country paying. Where there was but little, it either

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would not be procurable at all, or it would cost a premium to obtain it; which, in every case of a competition with others, in a branch of trade, would constitute a deduction from the profits of the party receiving. Perhaps, too, the embarrassments which such a circumstance might sometimes create, in the pecuniary liquidation of balances, might lead to additional efforts to find a substitute in commodities, and might so far impede the introduction of metals. Neither could the exclusion of either of them be deemed, in other respects, favorable to commerce. It is often in the course of trade as desirable to possess the kind of money as the kind of commodity best adapted to a foreign market.

It seems, however, most probable that the chief, if not the sole effect of such a regulation would be to diminish the utility of one of the metals. It could hardly prove an obstacle to the introduction of that which was excluded in the natural course of trade; because it would always command a ready sale for the purpose of exportation to foreign markets. But such an effect, if the only one, is not to be regarded as a trivial inconvenience.

If, then, the unit ought not to be attached exclusively to either of the metals, the proportion which ought to subsist between them in the coins becomes a preliminary inquiry, in order to its proper adjustment. This proportion appears to be, in several views, of no inconsiderable moment.

One consequence of overvaluing either metal in respect to the other is the banishment of that which is undervalued. If two countries are supposed, in one of which the proportion of gold to silver is as 1 to 16, in the other as 1 to 15, gold being worth more, silver less in one than in the other, it is manifest that in their reciprocal payments, each will select that species which it values least, to pay to the other where it is valued most. Besides this, the dealers in money will, from the same cause, often find a profitable traffic in an exchange of the metals between the two countries. And hence it would come to pass, if other things were equal, that the greatest part of the gold would be collected in one, and the greatest part of the silver in the other. The course of trade might, in some degree, counteract the tendency of the difference in the legal proportions, by the market value; but this is so far and so often influenced by the legal rates, that it does not prevent their producing the effect which is inferred. Facts, too, verify the inference; in Spain and England, where gold is rated higher than in other parts of Europe, there is a scarcity of silver; while it is found to abound in France and Holland, where it is rated higher, in proportion to gold, than in the neighboring nations. And it is continually flowing from Europe to China and the East Indies, owing to the comparative cheapness of it in the former, and dearness of it in the latter.

This consequence is deemed by some not very material; and there are even persons,

who, from a fanciful predilection to gold, are willing to invite it even by a higher price. But general utility will best be promoted by a due proportion of both metals. If gold be most convenient in large payments, silver is best adapted to the more minute and ordinary circulation.

But it is to be suspected that there is another consequence more serious than the one which has been mentioned. This is the diminution of the total quantity of specie which a country would naturally possess.

It is evident that as often as a country which overrates either of the metals receives a payment in that metal, it gets a less actual quantity than it ought to do, or than it would do, if the rate were a just one.

It is also equally evident that there will be a continual effort to make payment to it in that species to which it has annexed an exaggerated estimation, whether it is current at a less proportional value. And it would seem to be a very natural effect of these two causes, not only that the mass of the precious metals in the country in question would consist chiefly of that kind to which it had given an extraordinary value, but that it would be absolutely less than if they had been duly proportioned to each other.

A conclusion of this sort, however, is to be drawn with great caution. In such matters there are always some local and many other particular circumstances which qualify and vary the operation of general principles, even where they are just; and there are endless combinations, very difficult to be analyzed, which often render principles that have the most plausible pretensions unsound and delusive.

There ought, for instance, according to those which have been stated, to have formerly been a greater quantity of gold in proportion to silver in the United States, than there has been; because the actual value of gold in this country, compared with silver, was perhaps higher than in any other. But our situation with regard to the West India islands, into some of which there is a large influx of silver directly from the mines of South America, occasions an extraordinary supply of that metal, and consequently a greater proportion of it in our circulation than might have been expected from its relative value.

What influence the proportion under consideration may have on the state of prices, and how far this may counteract the tendency to increase or lessen the quantity of the metals are points not easy to be developed; and yet they are very necessary to an accurate judgment of the true operation of the thing.

But, however impossible it may be to pronounce with certainty that the possession of a less quantity of specie is a consequence of overvaluing either of the metals, there is enough of probability in the considerations which seem to indicate it, to form an argument of weight against such overvaluation.

A third ill consequence resulting from it is,

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a greater and more frequent disturbance between the legal and market proportions of the metals. This has not hitherto been experienced in the United States, but it has been experienced elsewhere; and from its not having been felt by us hitherto, it does not follow that this will not be the case hereafter; when our commerce shall have attained a maturity which will place it under the influence of more fixed principles.

In establishing a proportion between the metals there seems to be an option of one of two things—

To approach as nearly as can be ascertained, the mean or average proportion in what may be called the commercial world; or

To retain that which now exists in the United States. As far as these happen to coincide, they will render the course to be pursued more plain and more certain.

To ascertain the first with precision would require better materials than are possessed, or than could be obtained without an inconvenient delay.

Sir Isaac Newton, in a representation to the treasury of Great Britain, in the year 1717, after stating the particular proportions in the different countries of Europe, concludes thus:—“By the course of trade and exchange between nation and nation in all Europe, fine gold is to fine silver as 14 and four-fifths or 15 to 1.”

But however accurate and decisive this authority may be deemed, in relation to the period to which it applies, it cannot be taken, at the distance of more than seventy years, as a rule for determining the existing proportion. Alterations have since been made in the regulations of their coins by several nations; which, as well as the course of trade, have an influence upon the market values. Nevertheless, there is reason to believe that the state of the matter, as represented by Sir Isaac Newton, is not very remote from its actual state.

In Holland, the greatest money market of Europe, gold was to silver, in December, 1789, as 1 to 14.88; and in that of London it has been, for some time past, but little different, approaching, perhaps, something nearer 1 to 15.

It has been seen that the existing proportion between the two metals in this country is about as 1 to 15.

It is fortunate, in this respect, that the innovations of the Spanish mint have imperceptibly introduced a proportion so analogous as this is, to that which prevails among the principal commercial nations, as it greatly facilitates a proper regulation of the matter.

This proportion of 1 to 15 is recommended by the particular situation of our trade, as being very nearly that which obtains in the market of Great Britain, to which nation our specie is principally exported. A lower rate for either of the metals in our market than in hers might not only afford a motive the more, in certain cases, to remit in specie rather than in commodities, but it might, in some others, cause us to pay a greater quantity of it for a

given sum than we should otherwise do. If the effect should rather be to occasion a premium to be given for the metal which was underrated, this would obviate those disadvantages, but it would involve another—a customary difference between the market and legal proportions, which would amount to a species of disorder in the national coinage.

Looking forward to the payments of interest hereafter to be made to Holland, the same proportion does not appear ineligible. The present legal proportion in the coins of Holland is stated to be 1 to 14.9. That of the market varies somewhat, at different times, but seldom very widely from this point.

There can hardly be a better rule in any country for the legal than the market proportion, if this can be supposed to have been produced by the free and steady course of commercial principles. The presumption in such case is that each metal finds its true level, according to its intrinsic utility, in the general system of money operations.

But it must be admitted, that this argument in favor of continuing the existing proportion is not applicable to the state of the coins with us. There have been too many artificial and heterogeneous ingredients, too much want of order in the pecuniary transactions of this country to authorize the attributing the effects which have appeared to the regular operations of commerce. A proof of this is to be drawn from the alterations which have happened in the proportion between the metals merely by the successive degradations of the dollar, in consequence of the mutability of a foreign mint. The value of gold to silver appears to have declined wholly from this cause from 15.6 to about 15 to 1. Yet as this last proportion, however produced, coincides so nearly with what may be deemed the commercial average, it may be supposed to furnish as good a rule as can be pursued.

The only question seems to be, whether the value of gold ought not to be a little lowered to bring it to a more exact level with the two markets which have been mentioned. But as the ratio of 1 to 15 is so nearly conformable to the state of those markets, and best agrees with that of our own, it will probably be found the most eligible. If the market of Spain continues to give a higher value to gold (as it has done in time past) than that which is recommended, there may be some advantage in a middle station.

A further preliminary to the adjustment of the future money unit is, to determine what shall be the proportion and composition of alloy in each species of the coins.

The first, by the resolution of the 8th of August, 1786, before referred to, is regulated at one-twelfth, or, in other words, at one part alloy to eleven parts fine, whether gold or silver; which appears to be a convenient rule; unless there should be some collateral consideration which may dictate a departure from it. Its correspondency, in regard to both metals, is a re-

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commendation of it, because a difference could answer no purpose of pecuniary or commercial utility, and uniformity is favorable to order.

This ratio, as it regards gold, coincides with the proportion, real or professed, in the coins of Portugal, England, France, and Spain. In those of the two former it is real, in those of the two latter there is a deduction for what is called "remedy of weight and alloy," which is in the nature of an allowance to the master of the mint for errors and imperfections in the process, rendering the coin either lighter or baser than it ought to be. The same thing is known in the theory of the English mint, where one-sixth of a carat is allowed. But the difference seems to be that there it is merely an occasional indemnity within a certain limit for real and unavoidable errors and imperfections; whereas, in the practice of the mints of France and Spain, it appears to amount to a stated and regular deviation from the nominal standard. Accordingly, the real standards of France and Spain are something worse than 22 carats, or 11 parts in 12 fine.

The principal gold coins in Germany, Holland, Sweden, Denmark, Poland, and Italy are finer than those of England and Portugal, in different degrees, from 1 carat and a quarter to 1 carat and seven-eighths, which last is within one-eighth of a carat of pure gold.

There are similar diversities in the standards of the silver coins of the different countries of Europe. That of Great Britain is 223 parts fine to 18 alloy; those of the other European nations vary from that of Great Britain as widely as from about 17 of the same parts better to 75 worse.

The principal reasons assigned for the use of alloy are the saving of expense in the refining of the metals, (which in their natural state are usually mixed with a portion of the coarser kinds,) and the rendering them harder as a security against too great waste by friction or wearing. The first reason, drawn from the original composition of the metals, is strengthened at present by the practice of alloying their coins, which has obtained among so many nations. The reality of the effect to which the last reason is applicable has been denied, and experience has been appealed to, as proving that the more alloyed coins wear faster than the purer. The true state of this matter may be worthy of future investigation, though first appearances are in favor of alloy. In the mean time the saving of trouble and expense are sufficient inducements to following those examples which suppose its expediency. And the same considerations lead to taking as our models those nations with whom we have most intercourse, and whose coins are most prevalent in our circulation. These are Spain, Portugal, England, and France. The relation which the proposed proportion bears to their gold coins has been explained. In respect to their silver coins, it will not be very remote from the mean of their several standards.

The component ingredients of the alloy in each metal will also require to be regulated. In silver, copper is the only kind in use, and it is doubtless the only proper one. In gold, there is a mixture of silver and copper; in the English coins consisting of equal parts; in the coins of some other countries, varying from one-third to two-thirds silver.

The reason of this union of silver with copper is this: the silver counteracts the tendency of the copper to injure the color or beauty of the coin, by giving it too much redness, or rather a coppery hue, which a small quantity will produce; and the copper prevents the too great whiteness which silver alone would confer. It is apprehended that there are considerations which may render it prudent to establish by law that the proportion of silver to copper, in the gold coins of the United States, shall not be more than one half nor less than one-third; vesting a discretion in some proper place to regulate the matter within those limits as experience in the execution may recommend.

A third point remains to be discussed, as a pre-requisite to the determination of the money unit, which is, whether the expense of coining shall be defrayed by the public, or out of the material itself; or, as it is sometimes stated, whether the coinage shall be free, or shall be subject to a duty or imposition? This forms, perhaps, one of the nicest questions in the doctrine of money.

The practice of different nations is dissimilar in this particular. In England coinage is said to be entirely free: the mint price of the metals in bullion being the same with the value of them in coin. In France there is a duty, which has been, if it is not now, eight per cent. In Holland there is a difference between the mint price and the value of coins, which has been computed at .96, or something less than one per cent. upon gold; at 1.48, or something less than one and a half per cent. upon silver. The resolution of the 8th of August, 1786, proceeds upon the idea of a deduction of half per cent. from gold, and of two per cent. from silver, as an indemnification for the expense of coining. This is inferred from a report of the late Board of Treasury, upon which that resolution appears to have been founded.

Upon the supposition that the expense of coinage ought to be defrayed out of the metals, there are two ways in which it may be effected: one by a reduction of the quantity of fine gold and silver in the coins, the other by establishing a difference between the value of those metals in the coins and the mint price of them in bullion.

The first method appears to the Secretary inadmissible. He is unable to distinguish an operation of this sort from that of raising the denomination of the coin—a measure which has been disapproved by the wisest men of the nations in which it has been practised, and condemned by the rest of the world. To declare that a less weight of gold or silver shall pass for the same sum, which before represented a

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greater weight, or to ordain that the same weight shall pass for a greater sum are things substantially of one nature. The consequence of either of them, if the change can be realized, is to degrade the money unit; obliging creditors to receive less than their just dues, and depreciating property of every kind. For it is manifest that every thing would, in this case, be represented by a less quantity of gold and silver than before.

It is sometimes observed on this head that, though any article of property might, in fact, be represented by a less actual quantity of pure metal, it would nevertheless be represented by something of the same intrinsic value. Every fabric, it is remarked, is worth intrinsically the price of the raw material and the expense of fabrication; a truth not less applicable to a piece of coin than to a yard of cloth.

This position, well founded in itself, is here misapplied. It supposes that the coins now in circulation are to be considered as bullion, or, in other words, as raw material. But the fact is, that the adoption of them as money has caused them to become the fabric; it has invested them with the character and office of coins, and has given them a sanction and efficacy equivalent to that of the stamp of the sovereign. The prices of all our commodities, at home and abroad, and of all foreign commodities in our markets, have found their level in conformity to this principle. The foreign coins may be divested of the privilege they have hitherto been permitted to enjoy, and may of course be left to find their value in the market as a raw material. But the quantity of gold and silver in the national coins, corresponding with a given sum, cannot be made less than heretofore without disturbing the balance of intrinsic value, and making every acre of land, as well as every bushel of wheat, of less actual worth than in time past. If the United States were isolated, and cut off from all intercourse with the rest of mankind, this reasoning would not be equally conclusive. But it appears decisive, when considered with a view to the relations which commerce has created between us and other countries.

It is, however, not improbable that the effect meditated would be defeated by a rise of prices proportioned to the diminution of the intrinsic value of the coins. This might be looked for in every enlightened commercial country; but, perhaps, in none with greater certainty than in this; because in none are men less liable to be the dupes of sounds; in none has authority so little resource for substituting names for things.

A general revolution in prices, though only nominally and in appearance, could not fail to distract the ideas of the community, and would be apt to breed discontents as well among all those who live on the income of their money as among the poorer classes of the people, to whom the necessities of life would seem to have become dearer. In the confusion of such a state

of things, ideas of value would not improbably adhere to the old coins, which, from that circumstance, instead of feeling the effect of the loss of their privilege as money, would, perhaps, bear a price in the market, relatively to the new ones, in exact proportion to weight. The frequency of the demand for the metals to pay foreign balances would contribute to this effect.

Among the evils attendant on such an operation are these: creditors, both of the public and of individuals, would lose a part of their property; public and private credit would receive a wound; the effective revenues of the Government would be diminished. There is scarcely any point, in the economy of national affairs, of greater moment than the uniform preservation of the intrinsic value of the money unit. On this the security and steady value of property essentially depend.

The second method, therefore, of defraying the expense of the coinage out of the metals is greatly to be preferred to the other. This is to let the same sum of money continue to represent in the new coins exactly the same quantity of gold and silver as it does in those now current; to allow at the mint such a price only for those metals as will admit of profit just sufficient to satisfy the expense of coinage; to abolish the legal currency of the foreign coins, both in public and private payments; and, of course, to leave the superior utility of the national coins for domestic purposes to operate the difference of market value, which is necessary to induce the bringing of bullion to the mint. In this case, all property and labor will still be represented by the same quantity of gold and silver as formerly; and the only change which will be wrought will consist in annexing the office of money exclusively to the national coins; consequently, withdrawing it from those of foreign countries, and suffering them to become, as they ought to be, mere articles of merchandise.

The arguments in favor of a regulation of this kind are, first: that the want of it is a cause of extra expense; there being, then, no motive of individual interest to distinguish between the national coins and bullion, they are, it is alleged, indiscriminately melted down for domestic manufactures, and exported for the purposes of foreign trade; and it is added, that when the coins become light by wearing, the same quantity of fine gold or silver bears a higher price in bullion than in the coins; in which state of things the melting down of the coins to be sold as bullion is attended with profit; and from both causes, the expense of the mint, or, in other words, the expense of maintaining the specie capital of the nation, is materially augmented.

Secondly. That the existence of such a regulation promotes a favorable course of exchange, and benefits trade, not only by that circumstance but by obliging foreigners, in certain cases, to pay dearer for domestic commodities, and to sell their own cheaper.

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As far as relates to the tendency of a free coinage to produce an increase of expense in the different ways that have been stated, the argument must be allowed to have foundation, both in reason and experience. It describes what has been exemplified in Great Britain.

The effect of giving an artificial value to bullion is not, at first sight, obvious; but it actually happened at the period immediately preceding the late reformation in the gold coin of the country just named. A pound troy in gold bullion, of standard fineness, was then from 19*s*. 6*d*. to 25*s*. sterling dearer than an equal weight of guineas, as delivered at the mint. The phenomenon is thus accounted for: the old guineas were more than two per cent. lighter than their standard weight. This weight, therefore, in bullion was truly worth two per cent. more than those guineas. It constantly had, in respect to them, a correspondent rise in the market.

And as guineas were then current by tale, the new ones as they issued from the mint were confounded in circulation with the old ones, and by the association were depreciated below the intrinsic value in comparison with bullion. It became of course a profitable traffic to sell bullion for coin, to select the light pieces, and re-issue them in currency, and to melt down the heavy ones, and sell them again as bullion. This practice, besides other inconveniences, cost the Government large sums in the renewal of the coins.

But the remainder of the argument stands upon ground far more questionable. It depends upon very numerous and very complex combinations, in which there is infinite latitude for fallacy and error.

The most plausible part of it is that which relates to the course of exchange. Experience in France has shown that the market price of bullion has been influenced by the mint difference between that and coin; sometimes to the full extent of the difference; and it would seem to be a clear inference that, whenever that difference materially exceeded the charges of re-mitting bullion from the country where it existed to another in which coinage was free, exchange would be in favor of the former.

If, for instance, the balance of trade between France and England were at any time equal, their merchants would naturally have reciprocal payments to make to an equal amount, which, as usual, would be liquidated by means of bills of exchange. If in this situation the difference between coin and bullion should be, in the market, as at the mint of France, eight per cent.; if also the charges of transporting money from France to England should not be above two per cent.; and if exchange should be at par, it is evident that a profit of six per cent. might be made by sending bullion from France to England, and drawing bills for the amount. One hundred louis d'ors in coin would purchase the weight of one hundred and eight in bullion: one hundred of which, remitted to

England, would suffice to pay a debt of an equal amount, and two being paid for the charges of insurance and transportation, there would remain six for the benefit of the person who should manage the negotiation. But as so large a profit could not fail to produce competition, the bills, in consequence of this, would decrease in price, till the profit was reduced to the *minimum* of an adequate recompense for the trouble and risk. And, as the amount of one hundred louis d'ors in England might be afforded for ninety-six in France, with a profit of more than one and a half per cent., bills upon England might fall in France to four per cent. below par; one per cent. being a sufficient profit to the exchanger or broker for the management of the business.

But it is admitted that this advantage is lost when the balance of trade is against the nation which imposes the duty in question; because by increasing the demand for bullion, it brings this to a par with the coins; and it is to be suspected that where commercial principles have their free scope, and are well understood, the market difference between the metals in coin and bullion will seldom approximate to that of the mint, if the latter be considerable. It must be not a little difficult to keep the money of the world, which can be employed to an equal purpose in the commerce of the world, in a state of degradation in comparison with the money of a particular country.

This alone would seem sufficient to prevent it: whenever the price of coin to bullion in the market materially exceeded the par of the metals it would become an object to send the bullion abroad, if not to pay a foreign balance, to be invested in some other way in foreign countries where it bore a superior value; an operation by which immense fortunes might be amassed, if it were not that the exportation of the bullion would of itself restore the intrinsic par. But as it would naturally have this effect, the advantage supposed would contain in itself the principle of its own destruction. As long, however, as the exportation of bullion could be made with profit, which is as long as exchange could remain below par, there would be a drain of the gold and silver of the country.

If any thing can maintain for a length of time a material difference between the value of the metals in coin and in bullion, it must be a constant and considerable balance of trade in favor of the country in which it is maintained. In one situated like the United States, it would in all probability be a hopeless attempt. The frequent demand for gold and silver to pay balances to foreigners would tend powerfully to preserve the equilibrium of intrinsic value.

The prospect is that it would occasion foreign coins to circulate by common consent nearly at par with the national.

To say that, as far as the effect of lowering exchange is produced, though it is only occasional and momentary, there is a benefit the more thrown into the scale of public prosperity

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is not satisfactory. It has been seen that it may be productive of one evil, the investment of a part of the national capital in foreign countries, which can hardly be beneficial but in a situation like that of the United Netherlands, where an immense capital, and a decrease of internal demand render it necessary to find employment for money in the wants of other nations; and, perhaps, on a closer examination, other evils may be described.

One allied to that which has been mentioned is this, taking France, for the sake of more concise illustration, as the scene. Whenever it happens that French louis d'ors are sent abroad, for whatever cause, if there be a considerable difference between coin and bullion, in the market of France, it will constitute an advantageous traffic to send back these louis d'ors, and bring away bullion in lieu of them; upon all which exchanges France must sustain an actual loss of a part of its gold and silver.

Again, such a difference between coin and bullion may tend to counteract a favorable balance of trade. Whenever a foreign merchant is the carrier of his own commodities to France for sale, he has a strong inducement to bring back specie instead of French commodities; because a return in the latter may afford no profit, may even be attended with a loss; in the former it will afford a certain profit. The same principle must be supposed to operate in the general course of remittances from France to other countries. The principal question with a merchant naturally is, in what manner can I realize a given sum, with most advantage, where I wish to place it? And in cases in which other commodities are not likely to produce equal profit with bullion, it may be expected that this will be preferred; to which the greater certainty attending the operation must be an additional incitement. There can hardly be imagined a circumstance less friendly to trade than the existence of an extra inducement arising from the possibility of a profitable speculation upon the articles themselves, to export from a country its gold and silver rather than the product of its land and labor.

The other advantages supposed, of obliging foreigners to pay dearer for domestic commodities, and to sell their own cheaper, are applied to a situation which includes a favorable balance of trade. It is understood in this sense—the prices of commodities (such, at least, as are peculiar to the country) remain attached to the denominations of the coins. When a favorable balance of trade realizes in the market the mint difference between coin and bullion foreigners, who must pay in the latter, are obliged to give more of it for such commodities than they otherwise would do. Again, the bullion, which is now obtained at a cheaper rate in the home market, will procure the same quantity of goods in the foreign market as before; which is said to render foreign commodities cheaper. In this reasoning much fallacy is to be suspected. If it be true that foreigners

pay more for domestic commodities, it must be equally true that they get more for their own when they bring them themselves to market. If peculiar or other domestic commodities adhere to the denominations of the coins, no reason occurs why foreign commodities of a like character should not do the same thing; and, in this case, the foreigner, though he receive only the same value in coin for his merchandise as formerly, can convert it into a greater quantity of bullion. Whence the nation is liable to lose more of its gold and silver than if their intrinsic value in relation to the coins were preserved. And whether the gain or the loss will, on the whole, preponderate, would appear to depend on the comparative proportion of active commerce of the one country with the other.

It is evident, also, that the nation must pay as much gold and silver as before for the commodities which it procures abroad; and whether it obtains this gold and silver cheaper or not turns upon the solution of the question just intimated, respecting the relative proportion of active commerce between the two countries.

Besides these considerations, it is admitted in the reasoning that the advantages supposed, which depend on a favorable balance of trade, have a tendency to affect that balance disadvantageously. Foreigners, it is allowed, will in this case seek some other vent for their commodities, and some other market where they can supply their wants at an easier rate. A tendency of this kind, if real, will be a sufficient objection to the regulation. Nothing which contributes to change a beneficial current of trade can well compensate, by particular advantages, for so injurious an effect. It is far more easy to transfer trade from a less to a more favorable channel, than, when once transferred, to bring it back to its old one. Every source of artificial interruption to an advantageous current is, therefore, cautiously to be avoided.

It merits attention that the able minister who so lately and so long presided over the finances of France, does not attribute to the duty of coinage in that country any particular advantages in relation to exchange and trade. Though he rather appears an advocate for it, it is on the sole ground of the revenue it affords, which he represents as in the nature of a very moderate duty on the general mass of exportation.

And it is not improbable that to the singular felicity of situation of that kingdom is to be attributed its not having been sensible of the evils which seem incident to the regulation. There is, perhaps, no part of Europe which has so little need of other countries as France. Comprehending a variety of soils and climates, an immense population, its agriculture in a state of mature improvement, it possesses within its own bosom most, if not all, the productions of the earth which any of its most favored neighbors can boast. The variety, abundance, and excellence of its wines constitute a peculiar advantage in its favor. Arts and manufactures are there also in a very advanced state; some

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of them, of considerable importance, in higher perfection than elsewhere. Its contiguity to Spain; the intimate nature of its connexion with that country—a country with few fabrics of its own, consequently numerous wants, and the principal receptacle of the treasures of the New World: these circumstances concur in securing to France so uniform and so considerable a balance of trade, as in a great measure to counteract the natural tendency of any errors which may exist in the system of her mint, and to render inferences from the operation of that system there, in reference to this country, more liable to mislead than to instruct. Nor ought it to pass unnoticed, that, with all these advantages, the Government of France has found it necessary, on some occasions, to employ very violent methods to compel the bringing of bullion to the mint; a circumstance which affords a strong presumption of the inexpediency of the regulation, and of the impracticability of executing it in the United States.

This point has been the longer dwelt upon, not only because there is a diversity of opinion among speculative men concerning it, and a diversity in the practice of the most considerable commercial nations, but because the acts of our own Government, under the confederation, have not only admitted the expediency of defraying the expense of coinage out of the metals themselves, but upon this idea have both made a deduction from the weight of the coins, and established a difference between their regulated value and the mint price of bullion, greater than would result from that deduction. This double operation in favor of a principle so questionable in itself has made a more particular investigation of it a duty.

The intention, however, of the preceding remarks is rather to show that the expectation of commercial advantages ought not to decide in favor of a duty on coinage, and that, if it should be adopted, it ought not to be in the form of a deduction from the intrinsic value of the coins than absolutely to exclude the idea of any difference whatever between the value of the metals in coin and in bullion. It is not clearly discerned that a small difference between the mint price of bullion and the regulated value of the coins would be pernicious, or that it might not even be advisable, in the first instance, by way of experiment, merely as a preventive to the melting down and exportation of the coins. This will now be somewhat more particularly considered.

The arguments for a coinage entirely free are, that it preserves the intrinsic value of the metals, that it makes the expense of fabrication a general instead of partial tax; and that it tends to promote the abundance of gold and silver, which, it is alleged, will flow to that place where they find the best price, and from that place where they are in any degree undervalued.

The first consideration has not much weight, as an objection to a plan which, without diminishing the quantity of metals in the coins, merely allows a less price for them in bullion

at the national factory or mint. No rule of intrinsic value is violated by considering the raw material as worth less than the fabric in proportion to the expense of fabrication. And by divesting foreign coins of the privilege of circulating as money, they become the raw material.

The second consideration has perhaps greater weight. But it may not amount to an objection, if it be the best method of preventing disorders in the coins, which it is in a particular manner, the interest of those on whom the tax would fall to prevent. The practice of taking gold by weight, which has of late years obtained in Great Britain, has been found in some degree a remedy; but this is inconvenient, and may, on that account, fall into disuse. Another circumstance has had a remedial operation. This is the delays of the mint. It appears to be the practice there not to make payment for the bullion which is brought to be exchanged for coin, till it either has in fact, or is pretended to have undergone the process of recoining.

The necessity of fulfilling prior engagements is a cause or pretext for postponing the delivery of the coin in lieu of the bullion. And this delay creates a difference in the market price of the two things. Accordingly, for some years past, an ounce of standard gold, which is worth in coin £3 17s. 10½*d.* sterling, has been in the market of London, in bullion, only £3 17s. 6*d.*, which is within a small fraction of one half per cent. less. Whether this be management in the mint, to accommodate the bank in the purchase of bullion, or to effect indirectly something equivalent to a formal difference of price, or whether it be the natural course of the business, is open to conjecture.

It at the same time indicates that if the mint were to make prompt payment at about half per cent. less than it does at present, the state of bullion in respect to coin would be precisely the same as it now is; and it would be then certain that the Government would save expense in the coinage of gold; since it is not probable that the time actually lost in the course of the year in converting bullion into coin can be an equivalent to half per cent. on the advance, and there will generally be at the command of the Treasury a considerable sum of money waiting for some periodical disbursement, which without hazard might be applied to that advance.

In what sense a free coinage can be said to promote the abundance of gold and silver may be inferred from the instances which have been given of the tendency of a contrary system to promote their exportation. It is, however, not probable that a very small difference of value between coin and bullion can have any effect which ought to enter into calculation. There can be no inducement of positive profit to export the bullion as long as the difference of price is exceeded by the expense of transportation. And the prospect of smaller loss upon the metals than upon commodities, when the difference is very minute, will be frequently over-

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balanced by the possibility of doing better with the latter from a rise of markets. It is, at any rate, certain that it can be of no consequence in this view, whether the superiority of coin to bullion in the market be produced, as in England, by the delay of the mint, or by a formal discrimination in the regulated values.

Under an impression that a small difference between the value of the coin and the mint price of bullion is the least exceptionable expedient for restraining the melting down or exportation of the former, and not perceiving that, if it be a very moderate one, it can be hurtful in other respects, the Secretary is inclined to an experiment of one half per cent. on each of the metals. The fact which has been mentioned, with regard to the price of gold bullion in the English market, seems to demonstrate that such a difference may safely be made. In this case, there must be immediate payment for the gold and silver offered to the mint. How far one half per cent. will go towards defraying the expense of the coinage cannot be determined beforehand with accuracy. It is presumed that, on an economical plan, it will suffice in relation to gold; but it is not expected that the same rate on silver will be sufficient to defray the expense attending that metal. Some additional provision may, therefore, be found necessary, if this limit be adopted.

It does not seem to be advisable to make any greater difference in regard to silver than to gold; because it is desirable that the proportion between the two metals in the market should correspond with that in the coins, which would not be the case if the mint price of one was comparatively lower than that of the other; and because, also, silver being proposed to be rated in respect to gold somewhat below its general commercial value, if there should be a disparity to its disadvantage in the mint prices of the two metals, it would obstruct too much the bringing of it to be coined, and would add an inducement to export it. Nor does it appear to the Secretary safe to make a greater difference between the value of coin and bullion than has been mentioned. It will be better to have to increase it hereafter, if this shall be found expedient, than to have to recede from too considerable a difference in consequence of evils which shall have been experienced.

It is sometimes mentioned as an expedient which, consistently with a free coinage, may serve to prevent the evils desired to be avoided, to incorporate in the coins a greater proportion of alloy than is usual; regulating their value, nevertheless, according to the quantity of pure metal they contain. This, it is supposed, by adding to the difficulty of refining them would cause bullion to be preferred, both for manufacture and exportation.

But strong objections lie against this scheme—an augmentation of expense; an actual depreciation of the coin; a danger of still greater depreciation in the public opinion; the facilitating of counterfeits; while it is questionable

whether it would have the effect expected from it.

The alloy being esteemed of no value, an increase of it is evidently an increase of expense. This, in relation to the gold coins particularly is a matter of moment. It has been noted that the alloy in them consists partly of silver. If to avoid expense the addition should be of copper only, this would spoil the appearance of the coin, and give it a base countenance. Its beauty would indeed be injured, though in a less degree, even if the usual proportions of silver and copper should be maintained in the increased quantity of alloy.

And however inconsiderable an additional expenditure of copper in the coinage of a year may be deemed, in a series of years it would become of consequence. In regulations which contemplate the lapse and operation of ages a very small item of expense acquires importance.

The actual depreciation of the coin by an increase of alloy results from the very circumstance which is the motive to it—the greater difficulty of refining. In England it is customary for those concerned in manufactures of gold to make a deduction in the price of four pence sterling per ounce of fine gold for every carat which the mass containing it is below the legal standard. Taking this as a rule, an inferiority of a single carat, or one twenty-fourth part in the gold coins of the United States, compared with the English standard, would cause the same quantity of pure gold in them to be worth nearly four-tenths per cent. less than in the coins of Great Britain. This circumstance would be likely in process of time to be felt in the market of the United States.

A still greater depreciation, in the public opinion, would be to be apprehended from the apparent debasement of the coin. The effects of imagination and prejudice cannot safely be disregarded in any thing that relates to money. If the beauty of the coin be impaired, it may be found difficult to satisfy the generality of the community, that what appears worst is not really less valuable; and it is not altogether certain that an impression of its being so may not occasion an unnatural augmentation of prices.

Greater danger of imposition by counterfeits is also to be apprehended from the injury which will be done to the appearance of the coin. It is a just observation that “the perfection of the coins is a great safeguard against counterfeits.” And it is evident that the color, as well as the excellence of the workmanship, is an ingredient in that perfection. The intermixture of too much alloy, particularly of copper, in the gold coins at least, must materially lessen the facility of distinguishing by the eye the purer from the baser kind—the genuine from the counterfeit.

The inefficacy of the arrangement to the purpose intended to be answered by it is rendered probable by different considerations. If the

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standard of plate in the United States should be regulated according to that of the national coins, it is to be expected that the goldsmith would prefer these to the foreign coins, because he would find them prepared to his hand in the state which he desires; whereas he would have to expend an additional quantity of alloy to bring the foreign coins to that state. If the standard of plate, by law and usage, should be superior to that of the national coins, there would be a possibility of the foreign coins bearing a higher price in the market; and this would not only obstruct their being brought to the mint, but might occasion the exportation of the national coin in preference. It is not understood that the practice of making an abatement of price for the inferiority of standard is applicable to the English mint, and if it be not, this would also contribute to frustrating the expected effect from the increase of alloy. For, in this case, a given quantity of pure metal, in our standard, would be worth as much there as in bullion of the English, or any other standard.

Considering, therefore, the uncertainty of the success of the expedient, and the inconveniences which seem incident to it, it would appear preferable to submit to those of a free coinage. It is observable that additional expense, which is one of the principal of these, is also applicable to the proposed remedy.

It is now proper to resume and finish the answer to the first question, in order to which the three succeeding ones have necessarily been anticipated. The conclusion to be drawn from the observations which have been made on the subject is this: that the unit in the coins of the United States ought to correspond with 24 grains and three-fourths of a grain of pure gold, and with 371 grains and one-fourth of a grain of pure silver, each answering to a dollar in the money of account. The former is exactly agreeable to the present value of gold, and the latter is within a small fraction of the mean of the two last emissions of dollars; the only ones which are now found in common circulation, and of which the newest is in the greatest abundance. The alloy in each case to be one-twelfth of the total weight, which will make the unit 27 grains of standard gold, and 405 grains of standard silver.

Each of these, it has been remarked, will answer to a dollar in the money of account. It is conceived that nothing better can be done in relation to this than to pursue the track marked out by the resolution of the 8th of August, 1786. This has been approved abroad as well as at home, and it is certain that nothing can be more simple and convenient than the decimal subdivisions. There is every reason to expect that the method will speedily grow into general use, when it shall be seconded by corresponding coins. On this plan the unit in the money of account will continue to be, as established by that resolution, a dollar, and its multiples, dimes, cents, and mills, or tenths, hundredths, and thousandths.

With regard to the number of different pieces which shall compose the coins of the U. States, two things are to be consulted—convenience of circulation, and cheapness of the coinage. The first ought not to be sacrificed to the last; but as far as they can be reconciled to each other, it is desirable to do it. Numerous and small (if not too minute) subdivisions assist calculation; but the multiplication of the smaller kinds increases expense; the same process being necessary to a small as to a large piece.

As it is easy to add it will be most advisable to begin with a small number till experience shall decide whether any other kinds are necessary. The following, it is conceived, will be sufficient in the commencement:

One gold piece, equal in weight and value to ten units or dollars:

One gold piece, equal to a tenth part of the former, and which shall be a unit or dollar.

One silver piece, which shall also be a unit or dollar.

One silver piece, which shall be, in weight and value, one tenth part of a silver unit or dollar.

One copper piece, which shall be of the value of a hundredth part of a dollar.

One other copper piece, which shall be half the value of the former.

It is not proposed that the lightest piece of the two gold coins should be numerous, as in large payments the larger the pieces the shorter the process of counting, the less risk of mistake, and, consequently, the greater the safety and the convenience; and in small payments it is not perceived that any inconvenience can accrue from an entire dependence on the silver and copper coins. The chief inducement to the establishment of the small gold piece is to have a sensible object in that metal, as well as in silver, to express the unit. Fifty thousand at a time in circulation may suffice for this purpose.

The tenth part of a dollar is but a small piece, and with the aid of the copper coins will probably suffice for all the more minute uses of circulation. It is less than the least of the silver coins now in general currency in England.

The largest copper piece will nearly answer to the halfpenny sterling, and the smallest, of course, to the farthing. Pieces of very small value are a great accommodation, and the means of a beneficial economy to the poor, by enabling them to purchase, in small portions, and at a more reasonable rate, the necessaries of which they stand in need. If there are only cents, the lowest price for any portion of a vendible commodity, however inconsiderable in quantity, will be a cent.; if there are half cents, it will be a half cent, and in a great number of cases, exactly the same things will be sold for a half cent, which, if there were none, would cost a cent. But a half cent is low enough for the *minimum* of price. Excessive minuteness would defeat its object. To enable the poorer

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classes to procure necessities cheap is to enable them, with more comfort to themselves, to labor for less; the advantages of which need no comment.

The denominations of the silver coins contained in the resolution of the 8th of August, 1786, are conceived to be significant and proper. The dollar is recommended by its correspondence with the present coin of that name for which it is designed to be a substitute, which will facilitate its ready adoption as such in the minds of the citizens. The dime or tenth, the cent or hundredth, the mill or thousandth, are proper, because they express the proportions which they are intended to designate. It is only to be regretted that the meaning of these terms will not be familiar to those who are not acquainted with the language from which they are borrowed. It were to be wished that the length, and, in some degree, the clumsiness of some of the corresponding terms in English did not discourage from preferring them. It is useful to have names which signify the things to which they belong; and in respect to objects of general use, in a manner intelligible to all. Perhaps it might be an improvement to let the dollar have the appellation either of dollar or unit, (which last will be the most significant,) and to substitute "tenth" for dime. In time the unit may succeed to the dollar. The word cent, being in use in various transactions and instruments, will, without much difficulty, be understood as the hundredth, and the half cent of course as the two hundredth part.

The eagle is not a very expressive or apt appellation for the largest gold piece, but nothing better occurs. The smallest of the two gold coins may be called the dollar or unit, in common with the silver piece with which it coincides.

The volume or size of each piece is a matter of more consequence than its denomination. It is evident that the more superficies, or surface, the more the piece will be liable to be injured by friction, or, in other words, the faster it will wear. For this reason it is desirable to render the thickness as great, in proportion to the breadth, as may consist with neatness and good appearance. Hence, the form of the double guinea, or double louis d'or, is preferable to that of the half johannes for the large gold piece. The small one cannot well be of any other size than the Portuguese piece of eight of the same metal.

As it is of consequence to fortify the idea of the identity of the dollar, it may be best to let the form and size of the new one, as far as the quantity of matter (the alloy being less) permits, agree with the form and size of the present. The diameter may be the same.

The tenths may be in a mean between the Spanish one-eighth and one-sixteenth of a dollar.

The copper coins may be formed merely with a view to good appearance, as any difference in the wearing that can result from difference of form can be of little consequence in reference to that metal.

It is conceived that the weight of the cent may be 11 dwts., which will about correspond with the value of the copper and the expense of coinage. This will be to conform to the rule of intrinsic value, as far as regard to the convenient size of the coins will permit; and the deduction of the expense of coinage in this case will be the more proper, as the copper coins which have been current hitherto have passed till lately for much more than their intrinsic value. Taking the weight, as has been suggested, the size of the cent may be nearly that of the piece herewith transmitted, which weighs 10 dwts. 11 grs. 10 m. Two-thirds of the diameter of the cent will suffice for the diameter of the half cent.

It may, perhaps, be thought expedient, according to the general practice, to make the copper coinage an object of profit, but where this is done to any considerable extent, it is hardly possible to have effectual security against counterfeits. This consideration, concurring with the soundness of the principle of preserving the intrinsic value of the money of a country seems to outweigh the consideration of profit.

The foregoing suggestions respecting the sizes of the several coins are made on the supposition that the Legislature may think fit to regulate this matter. Perhaps, however, it may be judged not unadvisable to leave it to Executive discretion.

With regard to the proposed size of a cent it is to be confessed that it is rather greater than might be wished, if it could, with propriety and safety, be made less; and should the value of copper continue to decline, as it has done for some time past, it is very questionable whether it will long remain alone a fit metal for money. This has led to a consideration of the expediency of uniting a small proportion of silver with the copper, in order to be able to lessen the bulk of the inferior coins. For this there are precedents in several parts of Europe. In France, the composition which is called billon has consisted of one part silver and four parts copper; according to which proportion, a cent might contain seventeen grains, defraying out of the material the expense of coinage. The convenience of size is a recommendation of such a species of coin, but the Secretary is deterred from proposing it by the apprehension of counterfeits. The effect of so small a quantity of silver in comparatively so large a quantity of copper could easily be imitated by a mixture of other metals of little value, and the temptation to doing it would not be inconsiderable.

The devices of the coins are far from being matters of indifference, as they may be made the vehicles of useful impressions. They ought therefore to be emblematical, but without losing sight of simplicity. The fewer sharp points and angles there are, the less will be the loss by wearing. The Secretary thinks it best, on this head, to confine himself to these concise and general remarks.

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The last point to be discussed respects the currency of foreign coins.

The abolition of this in proper season is a necessary part of the system contemplated for the national coinage. But this it will be expedient to defer till some considerable progress has been made in preparing substitutes for them. A gradation may therefore be found most convenient.

The foreign coins may be suffered to circulate precisely upon their present footing for one year after the mint shall have commenced its operations. The privilege may then be continued for another year to the gold coins of Portugal, England, and France, and to the silver coins of Spain. And these may still be permitted to be current for one year more at the rates allowed to be given for them at the mint; after the expiration of which the circulation of all foreign coins to cease.

The moneys which will be paid into the Treasury during the first year being recoined before they are issued anew will afford a partial substitute before any interruption is given to the pre-existing supplies of circulation. The revenues of the succeeding year, and the coins which will be brought to the mint in consequence of the discontinuance of their currency, will materially extend the substitute in the course of that year, and its extension will be so far increased during the third year, by the facility of procuring the remaining species to be recoined, which will arise from the diminution of their current values, as probably to enable the dispensing wholly with the circulation of foreign coins after that period. The progress which the currency of bank bills will be likely to have made during the same time will also afford a substitute of another kind.

This arrangement, besides avoiding a sudden stagnation of circulation will cause a considerable proportion of whatever loss may be incident to the establishment, in the first instance, to fall, as it ought to do, upon the Government, and will probably tend to distribute the remainder of it more equally among the community.

It may, nevertheless, be advisable, in addition to the precautions here suggested, to repose a discretionary authority in the President of the United States, to continue the currency of the Spanish dollar at a value corresponding with the quantity of fine silver contained in it, beyond the period above mentioned for the cessation of the circulation of the foreign coins. It is possible that an exception in favor of this particular species of coin may be found expedient, and it may tend to obviate inconveniences, if there be a power to make the exception, in a capacity to be exerted when the period shall arrive.

The Secretary for the Department of State, in his report to the House of Representatives on the subject of establishing a uniformity in weights, measures, and coins of the United States has proposed that the weight of the dol-

lar should correspond with the unit of weight. This was done on the supposition that it would require but a very small addition to the quantity of metal which the dollar, independently of the object he had in view, ought to contain, in which he was guided by the resolution of the 8th of August, 1786, fixing the dollar at 375 grains and 64 hundredths of a grain.

Taking this as the proper standard of the dollar, a small alteration, for the sake of incorporating so systematic an idea, would appear desirable. But if the principles which have been reasoned from in this report are just, the execution of that idea becomes more difficult. It would certainly not be advisable to make on that account so considerable a change in the money unit, as would be produced by the addition of five grains of silver to the proper weight of the dollar, without a proportional augmentation of its relative value, and to make such an augmentation would be to abandon the advantage of preserving the identity of the dollar, or, to speak more accurately, of having the proposed one received and considered as a mere substitute for the present.

The end may, however, be obtained without either of those inconveniences by increasing the proportion of alloy in the silver coins. But this would destroy the uniformity in that respect between the gold and silver coins. It remains, therefore, to elect which of the two systematic ideas shall be pursued or relinquished; and it may be remarked that it will be more easy to convert the present silver coins into the proposed ones, if these last have the same or nearly the same proportion of alloy, than if they had less.

The organization of the mint yet remains to be considered.

This relates to the persons to be employed, and to the services which they are respectively to perform. It is conceived that there ought to be:

A director of the mint, to have the general superintendence of the business.

An assay master, or assayer, to receive the metals brought to the mint, ascertain their fineness, and deliver them to be coined.

A master coiner, to conduct the making of the coins.

A cashier, to receive and pay them out.

An auditor, to keep and adjust the accounts of the mint.

Clerks, as many as the director of the mint shall deem necessary, to assist the different officers.

Workmen, as many as may be found requisite.

A porter.

In several of the European mints there are various other officers, but the foregoing are those only who appear to be indispensable. Persons in the capacity of clerks will suffice instead of the others, with the advantage of greater economy.

The number of workmen is left indefinite, because, at certain times, it is requisite to have

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more than at others. They will, however, never be numerous. The expense of the establishment in an ordinary year will probably be from fifteen to twenty thousand dollars.

The remedy for errors in the weight and alloy of the coins must necessarily form a part in the system of a mint; and the manner of applying it will require to be regulated. The following account is given of the practice in England, in this particular:

A certain number of pieces are taken promiscuously out of every fifteen pounds of gold coined at the mint, which are deposited for safe-keeping in a strong box, called the *pix*. This box, from time to time, is opened in the presence of the Lord Chancellor, the officers of the Treasury, and others, and portions are selected from the pieces of each coinage, which are melted together, and the mass assayed by a jury of the company of goldsmiths. If the imperfection and deficiency, both in fineness and weight, fall short of a sixth of a carat, or 40 grains of pure gold upon a pound of standard, the master of the mint is held excusable, because it is supposed that no workman can reasonably be answerable for greater exactness. The expediency of some similar regulation seems to be manifest.

All which is humbly submitted.

ALEXANDER HAMILTON,
Secretary of the Treasury.

GENERAL KNOX'S MILITIA PLAN.

WAR OFFICE, January 18, 1790.

SIR: Having submitted to your consideration a plan for the arrangement of the militia of the United States, which I had presented to the late Congress, and you having approved the general principles thereof, with certain exceptions, I now respectfully lay the same before you, modified according to the alterations you were pleased to suggest.

It has been my anxious desire to devise a national system of defence adequate to the probable exigencies of the United States, whether arising from internal or external causes; and at the same time to erect a standard of republican magnanimity, independent of, and superior to, the powerful influences of wealth.

The convulsive events, generated by the inordinate pursuit of riches or ambition, require that the Government should possess a strong corrective arm.

The idea is therefore submitted, whether an efficient military branch of Government can be invented, with safety to the great principles of liberty, unless the same shall be formed of the people themselves, and supported by their habits and manners.

I have the honor to be, sir,

With the most perfect respect,

Your most obedient servant,

H. KNOX,

Secretary for the Department of War.

THE INTRODUCTION.

That a well constituted Republic is more favorable to the liberties of society, and that its principles give a higher elevation to the human mind than any other form of Government, has generally been acknowledged by the unprejudiced and enlightened part of mankind.

But it is at the same time acknowledged, that, unless a Republic prepares itself by proper arrangements to meet those exigencies to which all States are in a degree liable, that its peace and existence are more precarious than the forms of Government in which the will of one directs the conduct of the whole, for the defence of the nation.

A Government, whose measures must be the result of multiplied deliberations, is seldom in a situation to produce instantly those exertions which the occasion may demand; therefore it ought to possess such energetic establishments as should enable it, by the vigor of its own citizens, to control events as they arise, instead of being convulsed or subverted by them.

It is the misfortune of modern ages, that Governments have been formed by chance and events, instead of system; that, without fixed principles, they are braced or relaxed, from time to time, according to the predominating power of the rulers or the ruled: the rulers possessing separate interests from the people, excepting in some of the hightoned Monarchies, in which all opposition to the will of the Princes seems annihilated.

Hence we look round Europe in vain for an extensive Government, rising on the power inherent in the people, and performing its operations entirely for their benefit. But we find artificial force governing every where, and the people generally made subservient to the elevation and caprice of the few: almost every nation appearing to be busily employed in conducting some external war; grappling with internal commotion; or endeavoring to extricate itself from impending debts, which threaten to overwhelm it with ruin. Princes and Ministers seem neither to have leisure nor inclination to bring forward institutions for diffusing general strength, knowledge, and happiness; but they seem to understand well the Machiavelian maxim of politics—divide and govern.

May the United States avoid the errors and crimes of other Governments, and possess the wisdom to embrace the present invaluable opportunity of establishing such institutions as shall invigorate, exalt, and perpetuate, the great principles of freedom—an opportunity pregnant with the fate of millions, but rapidly borne on the wings of time, and which may never again return!

The public mind, unbiassed by superstition or prejudice, seems happily prepared to receive the impressions of wisdom. The latent springs of human action, ascertained by the standard of experience, may be regulated and made subservient to the noble purpose of forming a dignified national character.

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The causes by which nations have ascended and declined, through the various ages of the world, may be calmly and accurately determined; and the United States may be placed in the singularly fortunate condition of commencing their career of empire with the accumulated knowledge of all the known societies and Governments of the globe.

The strength of the Government, like the strength of any other vast and complicated machine, will depend on a due adjustment of its several parts: its agriculture, its commerce, its laws, its finance, its system of defence, and its manners and habits, all require consideration, and the highest exercise of political wisdom.

It is the intention of the present attempt to suggest the most efficient system of defence which may be compatible with the interest of a free people—a system which shall not only produce the expected effect, but which, in its operations, shall also produce those habits and manners which will impart strength and durability to the whole Government.

The modern practice of Europe, with respect to the employment of standing armies, has created such a mass of opinion in their favor, that even philosophers, and the advocates for liberty, have frequently confessed their use and necessity in certain cases.

But whoever seriously and candidly estimates the power of discipline, and the tendency of military habits, will be constrained to confess, that whatever may be the efficacy of a standing army in war, it cannot in peace be considered as friendly to the rights of human nature. The recent instance in France cannot with propriety be brought to overturn the general principle, built upon the uniform experience of mankind. It may be found, on examining the causes that appear to have influenced the military of France, that, while the springs of power were wound up in the nation to the highest pitch, that the discipline of the army was proportionably relaxed. But any argument on this head may be considered as unnecessary as to the enlightened citizens of the United States.

A small corps of well disciplined and well informed artillerists and engineers, and a legion for the protection of the frontiers, and the magazines and arsenals, are all the military establishment which may be required for the present use of the United States. The privates of the corps to be enlisted for a certain period, and after the expiration of which, to return to the mass of the citizens.

An energetic national militia is to be regarded as the capital security of a free Republic; and not a standing army, forming a distinct class in the community.

It is the introduction and diffusion of vice and corruption of manners into the mass of the people, that renders a standing army necessary. It is when public spirit is despised, and avarice, indolence, and effeminacy of manners predominate, and prevent the establishment of insti-

tutions which would elevate the minds of the youth in the paths of virtue and honor, that a standing army is formed and riveted forever.

While the human character remains unchangeable, and societies and governments of considerable extent are formed, a principle ever ready to execute the laws and defend the State must constantly exist. Without this vital principle, the Government would be invaded or overturned, and trampled upon by the bold and ambitious. No community can be long held together, unless its arrangements are adequate to its probable exigencies.

If it should be decided to reject a standing army for the military branch of the Government of the United States, as possessing too fierce an aspect, and being hostile to the principles of liberty, it will follow that a well-constituted militia ought to be established.

A consideration of the subject will show the impracticability of disciplining at once the mass of the people. All discussions on the subject of a powerful militia will result in one or other of the following principles:

First. Either efficient institutions must be established for the military education of youth, and that the knowledge acquired therein shall be diffused throughout the community, by the mean of rotation; or,

Secondly. That the militia must be formed of substitutes, after the manner of the militia of Great Britain.

If the United States possess the vigor of mind to establish the first institution, it may reasonably be expected to produce the most unequivocal advantages. A glorious national spirit will be introduced, with its extensive train of political consequences. The youth will imbibe a love of their country; reverence and obedience to its laws; courage and elevation of mind; openness and liberality of character; accompanied by a just spirit of honor: in addition to which their bodies will acquire a robustness, greatly conducive to their personal happiness, as well as the defence of their country; while habit, with its silent but efficacious operations, will durably cement the system.

Habit, that powerful and universal law, incessantly acting on the human race, well deserves the attention of legislators—formed at first in individuals, by separate and almost imperceptible impulses, until at length it acquires a force which controls with irresistible sway. The effects of salutary or pernicious habits, operating on a whole nation, are immense, and decides its rank and character in the world.

Hence the science of legislation teaches to scrutinize every national institution, as it may introduce proper or improper habits; to adopt with religious zeal the former, and reject with horror the latter.

A republic, constructed on the principles herein stated, would be uninjured by events, sufficient to overturn a Government supported solely by the uncertain power of a standing army.

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The well-informed members of the community, actuated by the highest motives of self-love, would form the real defence of the country. Rebellions would be prevented, or suppressed with ease. Invasions of such a Government would be undertaken only by madmen; and the virtues and knowledge of the people would effectually oppose the introduction of tyranny.

But the second principle, a militia of substitutes, is pregnant, in a degree, with the mischiefs of a standing army; as it is highly probable the substitutes, from time to time, will be nearly the same men, and the most idle and worthless part of the community. Wealthy families, proud of distinctions which riches may confer, will prevent their sons from serving in the militia of substitutes; the plan will generate into habitual contempt; a standing army will be introduced, and the liberties of the people subjected to all the contingencies of events.

The expense attending an energetic establishment of militia may be strongly urged as an objection to the institution. But it is to be remembered that this objection is levelled at both systems, whether by rotation or by substitutes; for, if the numbers are equal, the expense will also be equal. The estimate of the expense will show its unimportance, when compared with the magnitude and beneficial effects of the institution.

But the people of the United States will cheerfully consent to the expenses of a measure calculated to serve as a perpetual barrier to their liberties; especially as they well know that the disbursements will be made among the members of the same community, and therefore cannot be injurious.

Every intelligent mind would rejoice in the establishment of an institution, under whose auspices the youth and vigor of the constitution would be renewed with each successive generation, and which would appear to secure the great principles of freedom and happiness against the injuries of time and events.

The following plan is formed on these general principles:

First. That it is the indispensable duty of every nation to establish all necessary institutions for its own perfection and defence.

Secondly. That it is a capital security to a free State for the great body of the people to possess a competent knowledge of the military art.

Thirdly. That this knowledge cannot be attained in the present state of society, but by establishing adequate institutions for the military education of youth; and that the knowledge acquired therein should be diffused throughout the community, by the principles of rotation.

Fourthly. That every man of the proper age and ability of body, is firmly bound by the social compact to perform, personally, his proportion of military duty for the defence of the State.

Fifthly. That all men of the legal military

age should be armed, enrolled, and held responsible for different degrees of military service. And,

Sixthly. That, agreeably to the Constitution, the United States are to provide for organizing, arming, and disciplining the militia; and for governing such part of them as may be employed in the service of the United States; reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

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The period of life in which military service shall be required of the citizens of the United States, to commence at eighteen, and terminate at the age of sixty years.

The men comprehended by this description, exclusive of such exceptions as the Legislatures of the respective States may think proper to make, and all actual mariners, shall be enrolled for different degrees of military duty, and divided into three distinct classes.

The first class shall comprehend the youth of eighteen, nineteen, and twenty years of age; to be denominated the advanced corps.

The second class shall include the men from twenty-one to forty-five years of age; to be denominated the main corps.

The third class shall comprehend, inclusively, the men from forty-six to sixty years of age, to be denominated the reserved corps.

All the militia of the United States shall assume the form of the legion, which shall be the permanent establishment thereof.

A legion shall consist of one hundred and fifty-three commissioned officers, and two thousand eight hundred and eighty non-commissioned officers and privates, formed in the following manner:

First.—THE LEGIONARY STAFF.

One Legionary, or Major General.

Two Aid-de-Camps, of the rank of Major; one of whom to be Legionary Quartermaster.

One Inspector and Deputy Adjutant General, of the rank of Lieutenant Colonel.

One Chaplain.

Second.—THE BRIGADE STAFF.

One Brigadier General.

One Brigade Inspector, to serve as an Aid-de-Camp.

Third.—THE REGIMENTAL STAFF.

One Lieutenant Colonel Commandant.

Two Majors.

One Adjutant.

One Paymaster, or Agent.

One Quartermaster.

Fourth.—TWO BRIGADES OF INFANTRY.

Each brigade of two regiments; each regiment of eight companies, forming two battalions; each company of a captain, lieutenant, ensign, six sergeants, one drum, one fife, and sixty-four rank and file.

*Militia Plan.***Fifth.—TWO COMPANIES OF RIFLEMEN.**

Each company to have a captain, lieutenant, ensign, six sergeants, one bugle-horn, one drum, and sixty-four rank and file.

Sixth.—A BATTALION OF ARTILLERY.

Consisting of four companies; each to have a captain, captain lieutenant, one lieutenant, six sergeants, twelve artificers, and fifty-two rank and file.

Seventh.—A SQUADRON OF CAVALRY.

Consisting of two troops; each troop to have a captain, two lieutenants, a cornet, six sergeants, one farrier, one saddler, one trumpeter, and sixty-four dragoons.

In case the whole number of the advanced corps in any State should be insufficient to form a legion of this extent, yet the component parts must be preserved, and the reduction proportioned, as nearly as may be, to each part.

The companies of all the corps shall be divided into sections of twelve each. It is proposed, by this division, to establish one uniform vital principle, which, in peace and war, shall pervade the militia of the United States.

All requisitions for men to form an army, either for State or Federal purposes, shall be furnished by the advanced and main corps, by means of the sections.

The Executive Government, or Commander-in-chief of the militia of each State, will assess the numbers required, on the respective legions of these corps.

The legionary general will direct the proportions to be furnished by each part of his command. Should the demand be so great as to require one man from each section, then the operation hereby directed shall be performed by single sections. But if a less number should be required, they will be furnished by an association of sections or companies, according to the demand. In any case, it is probable that mutual convenience may dictate an agreement with an individual to perform the service required. If, however, no agreement can be made, one must be detached by an indiscriminate draught; and the others shall pay him a sum of money, equal to the averaged sum which shall be paid in the same legion for the voluntary performance of the service required.

In case any sections, or companies of a legion, after having furnished its own quota, should have more men, willing to engage for the service required, other companies of the same legion shall have permission to engage them. The same rule to extend to the different legions in the State.

The legionary general must be responsible to the commander-in-chief of the militia of the State, that the men furnished are according to the description, and that they are equipped in the manner, and marched to the rendezvous, conformably to the orders for that purpose.

The men who may be draughted, shall not serve more than three years at one time.

The reserved corps being destined for the

domestic defence of the State, shall not be obliged to furnish men, excepting in cases of actual invasion or rebellion; and then the men required shall be furnished by means of the sections.

The actual commissioned officers of the respective corps shall not be included in the sections, nor in any of the operations thereof.

The respective States shall be divided into portions or districts; each of which to contain, as nearly as may be, some complete part of a legion.

Every citizen of the United States, who shall serve his country in the field, for the space of one year, either as an officer or soldier, shall, if under the age of twenty-one years, be exempted from the service required in the advanced corps. If he shall be above the age of twenty-one years, then every year he shall so serve in the field shall be estimated as equal to six years' service in the main or reserved corps, and shall accordingly exempt him from every service therein for the said term of six years, except in cases of actual invasion of, or rebellion within the State in which he resides. And it shall also be a permanent establishment, that six years' actual service in the field shall entirely free every citizen from any further demands of service, either in the militia, or in the field, unless in cases of invasion or rebellion.

All actual mariners or seamen, in the respective States, shall be registered in districts, and divided into two classes. The first class to consist of all the seamen from the age of sixteen to thirty years, inclusively. The second class to consist of all those of the age of thirty-one to forty-five, inclusively.

The first class shall be responsible to serve three years on board of some public armed vessel or ship of war, as a commissioned officer, warrant officer, or private mariner, for which service they shall receive the customary wages and emoluments.

But should the State not demand the said three years' service during the above period, from the age of sixteen to thirty years, then the party to be exempted entirely therefrom.

The person so serving shall receive a certificate of his service on parchment, according to the form which shall be directed, which shall exempt him from any other than voluntary service, unless in such exigencies as may require the services of all the members of the community.

The second class shall be responsible for a proportion of service, in those cases to which the first class shall be unequal. The numbers required shall be furnished by sections in the same manner as is prescribed for the sections of the militia.

OF THE ADVANCED CORPS.

The advanced corps are designed not only as a school in which the youth of the United States are to be instructed in the art of war, but they are, in all cases of exigence, to serve as an actual defence to the community.

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The whole of the armed corps shall be clothed according to the manner hereafter directed, armed and subsisted at the expense of the United States; and all the youth of the said corps, in each State, shall be encamped together, if practicable, or by legions; which encampments shall be denominated the annual camps of discipline.

The youth of eighteen and nineteen years shall be disciplined for thirty days successively in each year; and those of twenty years shall be disciplined only for ten days in each year, which shall be the last ten days of the annual encampments.

The non-commissioned officers and privates are not to receive any pay during the said time. But the commissioned officers will receive the pay of their relative ranks, agreeably to the federal establishment for the time being.

In order that the plan shall effectually answer the end proposed, the first day of January shall be the fixed period for all who attain the age of eighteen years, in any part or during the course of each year, to be enrolled in the advanced corps, and to take the necessary oaths, to perform personally such legal military service as may be directed for the full and complete term of three years, to be estimated from the time of entrance into the said corps; and also to take an oath of allegiance to the State, and to the United States.

The commanding officer or general of the advanced legions of the district shall regulate the manner of the service of the youth respectively, whether it shall be in the infantry, artillery, or cavalry; but after having entered into either of them, no change should be allowed.

Each individual, at his first joining the annual camps of discipline, will receive complete arms and accoutrements, all of which, previously to his being discharged from the said camps, he must return to the regimental quartermaster, on the penalty of — dollars, or — months' imprisonment.

The said arms and accoutrements shall be marked in some conspicuous place with the letters M. U. S.; and all sales or purchases of any of the said arms or accoutrements shall be severely punished according to law.

And each individual will also, on his first entrance into the advanced corps, receive the following articles of uniform clothing, one hat, one uniform short coat, one waistcoat, and one pair of overalls; which he shall retain in his own possession, and for which he shall be held accountable, and be compelled to replace all deficiencies during his service in the annual camps of discipline.

Those who shall serve in the cavalry shall be at the expense of their own horses, and uniform helmets, and horse furniture; but they shall receive forage for their horses, swords, pistols, and clothing, equal in value to the infantry.

At the age of twenty-one years, every individual having served in the manner and for the

time prescribed, shall receive an honorary certificate thereof, on parchment, and signed by the legionary general and inspector.

The names of all persons to whom such certificates shall be given shall be fairly registered in books to be provided for that purpose.

And the said certificate, or an attested copy of the register aforesaid, shall be required as an indispensable qualification for exercising any of the rights of a free citizen, until after the age of — years.

The advanced legions, in all cases of invasion or rebellion shall, on requisition of lawful authority, be obliged to march to any place within the United States, to remain embodied for such time as shall be directed, not to exceed one year, to be computed from the time of marching from the regimental parades; during the period of their being on such service, to be placed on the continental establishment of pay, subsistence, clothing, forage, tents, camp-equipage, and all such other allowances as are made to the federal troops at the same time, and under the same circumstances.

If the military service so required should be for such a short period as to render an actual issue of clothing unnecessary, then an allowance should be made, in proportion to the annual cost of clothing for the federal soldier, according to estimates to be furnished for that purpose from the war-office of the United States.

In case the legions of the advanced corps should march to any place, in consequence of a requisition of the General Government, all legal and proper expenses of such march shall be paid by the United States. But should they be embodied, and march in consequence of an order derived from the authority of the State to which they belong, and for State purposes, then the expenses will be borne by the State.

The advanced corps shall be constituted on such principles that, when completed, it will receive one-third part, and discharge one-third part of its numbers annually. By this arrangement, two-thirds of the corps will, at all times, be considerably disciplined; but as it will only receive those of eighteen years of age, it will not be completed until the third year after its institution. Those who have already attained the ages of nineteen and twenty years will, in the first instance, be enrolled in the main corps.

But one-half of the legionary officers to be appointed the first, and the other the second year of the establishment.

The officers of each grade in the States respectively shall be divided into three classes, which shall by lot be numbered one, two, and three; and one of the said classes, according to their numbers, shall be deranged every third year. In the first period of nine years, one-third part will have to serve three, one-third part six, and one-third part nine years. But, after the said first period, the several classes will serve nine years, which shall be the limitation of service by virtue of the same appoint-

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ment; and in such cases, where there may not be three officers of the same grade, the limitation of nine years' service shall be observed. All vacancies occasioned by the aforesaid derangements, or any casualties, shall be immediately filled by new appointments.

The captains and subalterns of the advanced corps shall not be less than twenty-one, nor more than thirty-five, and the field officers shall not exceed forty-five years of age.

Each company, battalion, and regiment shall have a fixed parade, or place at which to assemble. The companies shall assemble at their own parade, and march to the parade of the battalion, and the battalions to the regimental parade; and when thus embodied, the regiment will march to the rendezvous of the legion. Every commanding officer of a company, battalion, and regiment will be accountable to his superior officer, that his command is in the most perfect order.

The officers to receive subsistence money, in lieu of provisions, in proportion to their respective grades, and those whose duties require them to be on horseback will receive forage in the same proportion.

Every legion must have a chaplain, of respectable talents and character, who, besides his religious functions, should impress on the minds of the youth, at stated periods, in concise discourses, the eminent advantages of free Governments on the happiness of society, and that such Governments can only be supported by the knowledge, spirit, and virtuous conduct of the youth; to be illustrated by the most conspicuous examples of history.

No amusements should be admitted in camp, but those which correspond with war—the swimming of men and horses, running, wrestling, and such other exercises as shall render the body flexible and vigorous.

The camps should, if possible, be formed near a river, and remote from large cities. The first is necessary for the practice of the manœuvres, the second to avoid the vices of populous places.

The time of the annual encampments shall be divided into six parts or periods of five days each. The first of which shall be occupied in acquiring the air, attitudes, and first principles of a soldier; the second in learning the manual exercise, and to march individually and in small squads; the third and fourth, in exercising and manœuvring in detail, and by battalions and regiments. In the fifth, the youth of twenty, having been disciplined during the two preceding annual encampments, are to be included. This period is to be employed in the exercise and tactics of the legion; or, if more than one, in executing the grand manœuvres of the whole body; marching, attacking, and defending, in various forms, different grounds and positions; in fine, in representing all the real images of war, excepting the effusion of blood.

The guards, and every other circumstance of the camp, to be perfectly regulated.

Each State will determine on the season in

which its respective annual encampments shall be formed, so as best to suit the health of the men, and the general interests of the society.

The United States to make an adequate provision to supply the arms, clothing, rations, artillery, ammunition, forage, straw, tents, camp-equipage, including every requisite for the annual camps of discipline; and also for the pay and subsistence of the legionary officers, and for the following general staff:—one inspector-general, one adjutant-general, one quartermaster-general, with a deputy for each State.

These officers will be essential to the uniformity, economy, and efficacy of the system, to be appointed in the manner prescribed by the Constitution of the United States.

The quartermaster-general shall be responsible to the United States for the public property of every species, delivered to him for the annual camps of discipline; and his deputy in each State shall be responsible to him.

At the commencement of the annual camps of discipline, the deputy quartermaster will make regular issues to the legionary or regimental quartermasters, as the case may be, of all the articles of every species, provided by the United States.

The returns for the said articles, to be examined and certified by the highest legionary or regimental officer, as the case may be, who shall be responsible for the accuracy thereof.

At the expiration of the annual camps of discipline, all public property (clothing excepted) shall be returned to the deputy quartermaster of the State, who shall hold the legionary quartermaster accountable for all deficiencies. All the apparatus and property so returned shall be carefully examined, repaired, and deposited in a magazine, to be provided in each State for that purpose, under the charge of the said deputy quartermaster, until the ensuing annual encampment, or any occasion which may render a new issue necessary.

Corporal punishments shall never be inflicted in the annual camps of discipline; but a system of fines and imprisonment shall be formed for the regular government of said camps.

OF THE MAIN CORPS.

As the main and reserved corps are to be replenished by the principle of rotation from the advanced corps, and ultimately to consist of men who have received their military education therein, it is proper that one uniform arrangement should pervade the several classes.

It is for this reason the legion is established as the common form of all the corps of the militia.

The main legions, consisting of the great majority of the men of the military age, will form the principal defence of the country.

They are to be responsible for their proportion of men, to form an army whenever necessity shall dictate the measure; and on every sudden occasion to which the advanced corps shall be incompetent, an adequate number of non-com-

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missioned officers and privates shall be added thereto from the main corps, by means of the sections.

The main corps will be perfectly armed in the first instance, and will practise the exercise and manœuvres four days in each year, and will assemble in their respective districts, by companies, battalions, regiments, or legions, as shall be directed by the legionary general; but it must be a fixed rule, that in the populous parts of the States the regiments must assemble once annually, and the legions once in three years.

Although the main corps cannot acquire a great degree of military knowledge in the few days prescribed for its annual exercise, yet by the constant accession of the youth from the advanced corps it will soon command respect for its discipline as well as its numbers.

When the youth are transferred from the advanced corps, they shall invariably join the flank companies, the cavalry, or artillery of the main corps, according to the nature of their former services.

OF THE RESERVED CORPS.

The reserved corps will assemble only twice annually for the inspection of arms, by companies, battalions, or regiments, as shall be directed by each State. It will assemble by legions, whenever the defence of the State may render the measure necessary.

Such are the propositions of the plan: to which it may be necessary to add some explanations.

Although the substantial political maxim, which requires personal service of all the members of the community for the defence of the State, is obligatory under all forms of society, and is the main pillar of a free Government, yet the degrees thereof may vary at the different periods of life, consistently with the general welfare. The public convenience may also dictate a relaxation of the general obligation as it respects the principal magistrates and the ministers of justice and religion, and perhaps some religious sects. But it ought to be remembered that measures of national importance never should be frustrated for the accommodation of individuals.

The military age has generally commenced at sixteen, and terminated at the age of sixty years; but the youth of sixteen do not commonly attain such a degree of robust strength as to enable them to sustain without injury the hardships incident to the field; therefore the commencement of military service is herein fixed at eighteen, and the termination, as usual, at sixty years of age.

As the plan proposes the militia shall be divided into three capital classes, and that each class shall be formed into legions, the reasons for which shall be given in succession.

The advanced corps and annual camps of discipline are instituted in order to introduce an operative military spirit in the community. To establish a course of honorable military ser-

vice which will, at the same time, mould the minds of the young men to a due obedience of the laws, instruct them in the art of war, and by the manly exercises of the field form a race of hardy citizens, equal to the dignified task of defending their country.

An examination into the employments and obligations of the individuals composing the society will evince the impossibility of diffusing an adequate knowledge of the art of war by any other means than a course of discipline during the period of nonage. The time necessary to acquire this important knowledge cannot be afforded at any other period of life with so little injury to the public or private interests.

Without descending to minute distinctions, the body of the people of the United States may be divided into two parts; the yeomanry of the country, and the men of various employments, resident in towns and cities. In both parts it is usual for the male children, from the age of fourteen to twenty-one years, to learn some trade or employment under the direction of a parent or master. In general, the labor or service of the youth during this period, besides amply repaying the trouble of tuition, leaves a large profit to the tutor. This circumstance is stated to show that no great hardships will arise in the first operations of the proposed plan; a little practice will render the measure perfectly equal, and remove every difficulty.

Youth is the time for the State to avail itself of those services which it has a right to demand and by which it is to be invigorated and preserved; in this season the passions and affections are strongly influenced by the splendor of military parade. The impressions the mind receives will be retained through life. The young man will repair with pride and pleasure to the field of exercise; while the head of a family, anxious for its general welfare, and perhaps its immediate subsistence, will reluctantly quit his domestic duties for any length of time.

The habits of industry will be rather strengthened than relaxed by the establishment of the annual camps of discipline, as all the time will be occupied by the various military duties. Idleness and dissipation will be regarded as disgraceful, and punished accordingly. As soon as the youth attain the age of manhood, a natural solicitude to establish themselves in society will occur in its full force. The public claims for military service will be too inconsiderable to injure their industry. It will be sufficiently stimulated to proper exertions by the prospects of opulence attending on the cultivation of a fertile soil, or the pursuits of a productive commerce.

It is presumed that thirty days annually during the eighteenth and nineteenth, and ten days during the twentieth year, is the least time that ought to be appropriated by the youth to the acquisition of the military art. The same number of days might be added during the twentieth as during the two preceding years, were not the expense an objection.

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Every means will be provided by the public to facilitate the military education of the youth, which it is proposed shall be an indispensable qualification of a free citizen, therefore they will not be entitled to any pay. But the officers being of the main corps are in a different predicament; they are supposed to have passed through the course of discipline required by the laws, and to be competent to instruct others in the military art. As the public will have but small claims for personal services on them, and as they must incur considerable expenses to prepare themselves to execute properly their respective offices, they ought to be paid while on actual duty.

As soon as the service of the youth expires in the advanced corps they are to be enrolled in the main corps. On this occasion the republic receives disciplined and free citizens, who understand their public rights, and are prepared to defend them.

The main corps is instituted to preserve and circulate throughout the community the military discipline acquired in the advanced corps; to arm the people, and fix firmly, by practice and habit, those forms and maxims which are essential to the life and energy of a free Government.

The reserved corps is instituted to prevent men being sent to the field whose strength is unequal to sustain the severities of an active campaign. But by organizing and rendering them eligible for domestic service, a greater proportion of the younger and robust part of the community may be enabled, in cases of necessity, to encounter the more urgent duties of war.

It would be difficult, previously to the actual formation of the annual camps of discipline to ascertain the number in each State of which it would be composed. The frontier counties of several States are thinly inhabited, and require all their internal force for their immediate defence. There are other infant settlements from which it might be injurious to draw away their youth annually for the purpose of discipline.

No evil will result if the establishment of the advanced corps should be omitted in such districts for a few years. Besides, the forbearance in this respect would lessen the expense, and render the institution more compatible with the public finances.

The several State Legislatures, therefore, as best understanding their local interests, might be invested with a discretionary power to omit the enrolments for the advanced corps in such of their frontier and thinly inhabited counties as they may judge proper.

If the number of three millions may be assumed as the total number of the inhabitants of the United States, half a million may be deducted therefrom for blacks; and pursuant to the foregoing ideas, another half million may be deducted on account of the thinly settled parts of the country.

The proportion of men of the military age, from eighteen to sixty years inclusively, of two

millions of people of all ages and sexes, may be estimated at 400,000. There may be deducted from this number as actual mariners, about 50,000, and a further number of 25,000, to include exempts of religious sects, and of every other sort which the respective States may think proper to make.

Three hundred and twenty-five thousand, therefore, may be assumed as the number of operative, fencible men, to compose the militia. The proportion of the several classes of which would be nearly as follows:

Firstly, The advanced corps, one-tenth composed of the youth of the ages of eighteen, nineteen, and twenty years,	32,500
Secondly, The main corps, six-tenths and one-twentieth,	211,250
Thirdly, The reserved corps, two-tenths and one-twentieth,	81,250
Total,	325,000

The following estimate is formed for the purpose of exhibiting the annual expense of the institution of the advanced corps, stating the same at 30,000 men.

Estimate of the expense of the annual camps of discipline, as proposed in the foregoing plan, arising on each of the first three years, and after that period of the annual expense of the institution.

The First Year.

10,000 suits of uniform clothing, stated at eight dollars; each suit of which shall serve for three years' discipline	\$80,000
10,000 rations per day for thirty days, each ration stated at ten cents	30,000
The expense of four complete corps of legionary officers of all descriptions, for thirty days, including pay, subsistence, and forage,	27,870
Forage for the cavalry,	4,800
Straw, camp-kettles, bowls, axes, canteens, and fuel,	20,000
Annual proportion of the expense of tents for officers and soldiers, which may serve for eight annual encampments,	3,000
Four legionary standards,	2,000
Regimental colors,	1,000
Consumption of powder and ball, shot and shells, damage to arms and accoutrements, and artillery, and transportation of the same, stated at,	25,000
Hospital department,	5,000
Contingencies of the quartermaster's and other departments,	15,000
General staff, adjutant general, quartermaster general, inspector general, and their deputies,	12,000

225,670

Entire expense of the first year, 225,670

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Additional expenses on the second year.

10,000 rations per day, for thirty days, are 300,000 rations, at ten cents,	\$30,000
The expense of four complete corps of legionary officers of all descriptions, for thirty days, including pay, subsistence, and forage,	27,870
Four legionary standards,	2,000
Regimental colors,	1,000
Forage for the cavalry,	4,800
Tents, straw, camp-kettles, bowls, axes, canteens, and fuel,	20,000
Hospital department,	5,000
Contingencies in the quartermaster's and other departments;	15,000
Ammunition, damage to arms and accoutrements,	15,000
	<hr/> 120,670

Combined expenses of the first and second year, 346,340

Additional expenses on the third year.

The expense of 10,000 rations for ten days, is 100,000 rations, at ten cents,	10,000
Forage,	1,600
For the camp equipage,	10,000
Tents,	1,500
Hospital stores,	1,000
Ammunition, damage to arms and accoutrements,	10,000
Contingencies in the quartermaster's and other departments,	10,000
	<hr/> 44,100

The total expense of the first three years, \$390,440

It is to be observed that the officers for four legions will be adequate to command the youth of eighteen, who commence their discipline the first year, and that the same number of officers will be required for the second year. The youth of the third year may be incorporated by sections in the existing corps, so that no additional officers will be required on their account.

Hence it appears that the expense of 10,000 men, for one year, amounts to - \$225,670
20,000 for the second year, to - 346,340
30,000 for the third year, to - 390,440

If the youth of the three ages of eighteen, nineteen, and twenty, be disciplined at once, the last mentioned sum will be about the fixed annual expense of the camps of discipline, from which, however, is to be deducted \$6,000, being the expense of the standards and colors, the former of which will be of a durable nature, and the latter will not require to be replaced oftener than once in twenty years, - - - - - 6,000

The annual expense of the advanced corps, - - - - - \$384,440

Thus, for a sum less than four hundred thousand dollars annually, which, apportioned on three millions of people, would be little more than one-eighth of a dollar each, an energetic republican militia may be durably established, the invaluable principles of liberty secured and perpetuated, and a dignified national fabric erected on the solid foundation of public virtue.

The main and reserved corps must be perfectly organized in the first instance; but the advanced corps will not be completed until the third year of its institution.

The combination of troops of various descriptions into one body, so as to invest it with the highest and greatest number of powers in every possible situation, has long been a subject of discussion, and difference of opinion; but no other form appears so well to have sustained the criterion of time and severe examination as the Roman legion. This formidable organization, accommodated to the purposes of modern war, still retains its original energy and superiority. Of the ancients, Polybius and Vegetius have described and given the highest encomiums of the legion. The former, particularly in his comparative view of the advantages and disadvantages of the Macedonian and Roman arms, and their respective orders of battles, has left to mankind an instructive and important legacy. Of the moderns, the illustrious mareschal Saxe has modelled the legion for the use of fire-arms, and strenuously urges its adoption in preference to any other form. And the respectable and intelligent veteran, late inspector general of the armies of the United States, recommends the adoption of the legion.*

"Upon a review," says he, "of all the military of Europe, there does not appear to be a single form which could be safely adopted by the United States. They are unexceptionably different from each other; and like all other human institutions, seem to have started as much out of accident as design. The local situation of the country, the spirit of the Government, the character of the nation, and in many instances the character of the prince, have all had their influence in settling the foundation and discipline of their respective troops, and render it impossible that we should take either as a model. The legion, alone, has not been adopted by any; and yet I am confident in asserting, that whether it be examined as applicable to all countries, or as it may immediately apply to the existing or probable necessity of this, it will be found strikingly superior to any other.

"1st. Being a complete and little army of itself, it is ready to begin its operations on the shortest notice, or slightest alarm. 2d. Having all the component parts of the largest army of any possible description, it is prepared to meet

* Vide letter addressed to the inhabitants of the United States on the subject of an established militia.

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every species of war that may present itself; and, 3d, as in every case of detachment the first constitutional principle will be preserved, and the embarrassments of draughting and detail, which in armies differently framed too often distract the commanding officer, will be avoided.

"It may easily suggest itself from this sketch, that in forming a legion the most difficult task is to determine the necessary proportion of each species of soldiers which is to compose it. This must obviously depend upon what will be the theatre, and what the style of the war. On the plains of Poland, whole brigades of cavalry would be necessary against every enemy; but in the forest, and among the hills of America, a single regiment would be more than sufficient against any; and as there are but two kinds of war to which we are much exposed, viz: an attack from the sea-side by a European power, aided by our sworn enemies, settled on our extreme left, and an invasion of our back settlements by an Indian enemy, it follows, of course, that musketeers and light infantry should make the greatest part of your army."

The institution of the section is intended to interest the patriotism and pride of every individual in the militia; to support the legal measures of a free government; to render every man active in the public cause, by introducing the spirit of emulation, and a degree of personal responsibility.

The common mode of recruiting is attended with too great destruction of morals to be tolerated, and is too uncertain to the principal resource of a wise nation in time of danger. The public faith is frequently wounded by unworthy individuals, who hold out delusive promises, which can never be realised. By such means, an unprincipled banditti are often collected for the purpose of defending every thing that should be dear to freemen. The consequences are natural; such men either desert in time of danger, or are ever ready, on the slightest disgust, to turn their arms against their country.

By the establishment of the sections, an ample and permanent source is opened, whence the State, in every exigence, may be supplied with men whose all depends upon the prosperity of their country.

In cases of necessity, an army may be formed of citizens, whose previous knowledge of discipline will enable it to proceed to an immediate accomplishment of the designs of the State, instead of exhausting the public resources, by wasting whole years in preparing to face the enemy.

The previous arrangements, necessary to form and maintain the annual encampments, as well as the discipline acquired therein, will be an excellent preparation for war. The artillery and its numerous appendages, arms and accoutrements of every kind, and all species of ammunition, ought to be manufactured within the United States. It is of high importance

that the present period should be embraced to establish adequate institutions to produce the necessary apparatus of war.

It is unworthy the dignity of a rising and free empire to depend on foreign and fortuitous supplies of the essential means of defence.

The clothing for the troops could, with ease, be manufactured in the United States; and the establishment, in that respect, would tend to the encouragement of important manufactories.

The disbursements made in each State for the rations, forage; and other necessary articles for the annual camps of discipline, would most beneficially circulate the money arising from the public revenue.

The local circumstances of the United States, their numerous seaports, and the protection of their commerce, require a naval arrangement. Hence the necessity of the proposed plan, embracing the idea of the States obtaining men on republican principles, for the marine as well as the land service. But one may be accomplished with much greater facility than the other, as the preparation of a soldier for the field requires a degree of discipline which cannot be learned without much time and labor, whereas the common course of sea service on board of merchant vessels differs but little from the service required on board of armed ships; therefore the education for war, in this respect, will be obtained without any expense to the State. All that seems to be requisite on the head of marine service is, that an efficient regulation should be established in the respective States, to register all actual seamen, and to render those of a certain age amenable to the public for personal service, if demanded within a given period.

The constitutions of the respective States, and of the United States, having directed a mode in which the officers of the militia shall be appointed, no alteration can be made therein. Although it may be supposed that some modes of appointment are better calculated than others to inspire the highest propriety of conduct, yet there are none so defective to serve as a sufficient reason for rejecting an efficient system for the militia. It is certain that the choice of officers is the point on which the reputation and importance of a corps must depend. Therefore, every person who may be concerned in the appointment, should consider himself as responsible to his country for a proper choice.

The wisdom of the States will be manifested by inducing those citizens of whom the late American army was composed, to accept of appointments in the militia. The high degree of military knowledge which they possess was acquired at too great a price, and is too precious to be buried in oblivion; it ought to be cherished, and rendered permanently beneficial to the community.

The vigor and importance of the proposed plan will entirely depend on the laws relative thereto. Unless the laws shall be equal to the object, and rigidly enforced, no energetic national militia can be established.

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If wealth be admitted as a principle of exemption the plan cannot be executed. It is the wisdom of political establishments to make the wealth of individuals subservient to the general good, and not to suffer it to corrupt or attain undue indulgence.

It is conceded, that people, solicitous to be exonerated from their proportion of public duty, may exclaim against the proposed arrangement as an intolerable hardship; but it ought to be strongly impressed, that while society has its charms, it also has its indispensable obligations; that to attempt such a degree of refinement, as to exonerate the members of the community from all personal service, is to render them incapable of the exercise and unworthy of the characters of freemen.

Every State possesses, not only the right of personal service from its members, but the right to regulate the service on principles of equality for the general defence. All being bound, none can complain of injustice on being obliged to perform his equal proportion. Therefore, it ought to be a permanent rule, that those who in youth decline, or refuse to subject themselves to the course of military education, established by the laws, should be considered as unworthy of public trust, or public honors, and be excluded therefrom accordingly.

If the majesty of the laws should be preserved inviolate in this respect, the operations of the proposed plan would foster a glorious public spirit, infuse the principles of energy and stability into the body politic, and give a high degree of political splendor to the national character.

POSTMASTER GENERAL'S REPORT.

The Secretary of the Treasury, agreeably to notice given in his report on the 14th current, laid before the House the following:

GENERAL POST OFFICE, }
NEW YORK, Jan. 20, 1795. }

SIR: In obedience to the orders of the Supreme Executive, I have the honor of laying before you such remarks and observations as have occurred to me in attending to the Department of the Post-Office. Many of these observations will be found to be of a general nature, and founded in opinion: for there are not documents in the office on which to found estimates that would afford satisfaction.

The existing ordinance for regulating the Post-Office, though very defective in many things, has not probably ever been put fully in execution; yet the smallness of the revenue arising under the same may have been the effect of various causes, some of which could not, and others might have been remedied, but not so fully as they may under the present government.

As to the revenue of the Post-Office, it may be observed, first, that there may be so few letters written, that, under the best regulations,

it would not amount to any thing considerable; and the dispersed manner of settling the country may operate powerfully against the productiveness of the Post-Office.

2d. The franking of letters may have been extended too far.

3d. Ship letters may not have been properly attended to.

4th. The rate of postage may have been too high in some instances, and too low in others.

5th. Stage drivers and private post-riders may have been the carriers of many letters which ought to have gone in the mail.

6th. The Postmasters may have consulted their own interest in preference to that of the public.

Remedies may be applied to all these cases except the first.

With respect to that article, I have no documents on which to found an opinion that may be relied on.

The amount of revenue will undoubtedly be considerable if the Department is well regulated. If we should form an opinion from a comparative view of the wealth, numbers, and revenue, of the post-offices of other countries, it would be, that the Post-Office of the United States ought to bring in annually nearly half a million of dollars, under similar regulations; whereas the gross receipts, in any one year, have not exceeded thirty-five thousand dollars, and for the two last years have been at about twenty-five thousand dollars a year.

The revenue of the Post-Office, at present, arises principally from letters passing from one seaport to another; and this source will be constantly increasing.

If we average the postage paid on letters at five cents, five hundred thousand letters would produce the sum that now arises from the Post-Office annually.

A revenue of five hundred thousand dollars would require ten millions, at five cents; five millions, at ten cents, and three millions and one-third, at fifteen cents; which last rate is probably nearer the true average than either of the other sums.

If there be one hundred thousand persons that write in the course of a year, each of them thirty letters, it will nearly make the number, or twenty-five thousand that write severally one hundred and twenty letters.

Foreign letters should also be taken into the computation, which are very numerous, and in other countries are subjected to a heavy rate of postage.

If, however, we should place the nett revenue at one hundred thousand dollars, even this sum must be an object of great importance to the Treasury of the United States. But it will require some time to get a system into operation so as to produce it.

Unless a more energetic system is established than the present one, there will be no surplus revenue that will be worth calculating upon.

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The great extent of territory over which three millions of people are settled, occasions a great expense in transporting the mail; and it will be found impracticable to accommodate all that wish to be accommodated, unless a great proportion of the revenue be given up for this object.

The applications for new post-offices, and new post-roads, are numerous; cross-roads must be established, and of very considerable extent, in order to open a communication with the Treasury and the revenue officers.

On franked letters, I have to observe, that the accounts have not been so kept in the post-offices as that we can ascertain what the amount would be, if they were charged with the usual rates of postage.

Newspapers, which have hitherto passed free of postage, circulate extensively through the post-offices; one or two cents upon each would probably amount to as much as the expenses of transporting the mail.

The third article, if properly regulated, would be a source of great revenue; if the postage could be collected, the present rates could not produce a revenue much short of fifty thousand dollars a year. But upon the construction that has heretofore been put upon the ordinance of Congress, ship letters have operated as a clear loss to the revenue.

The clause of the ordinance is as follows: "for any distance not exceeding sixty miles, one pennyweight eight grains; upwards of sixty-miles, and not exceeding one hundred miles, two pennyweights, and so on; and for all single letters to and from Europe, by the packet, or despatch vessel, four pennyweights; and to the foregoing rates shall be added a sum not exceeding four-ninetieths of a dollar upon any letter, packet, or despatch, which shall come into the post-office from beyond sea by any other conveyance than by packet, or despatch vessel."

The meaning of this clause, as it relates to ship letters, appears to be plain. Packet or despatch vessels can intend none other than American. All letters coming into the Post-Office from beyond sea, by other conveyance than American packets, should be charged with the four pennyweights, equal to twenty-ninetieths, and the additional sum of four ninetieths, making twenty-four ninetieths; and if such letters are forwarded by land through the post offices, the usual rates for travelling letters should be charged over and above the twenty-four ninetieths. The rates correspond nearly with the British rates for the like kind of letters. But whether so high a rate of postage ought to be put on letters that come by French or British packets, is a matter that is questioned by many.

The practice has been to charge two-ninetieths on ship letters delivered out at the same place where they were first received, and four-ninetieths in addition to the fixed rate of travelling letters, on these forwarded to other places,

if they came from beyond sea by any other conveyance than French or British packets. The two-ninetieths has been considered as a perquisite to the Postmaster, the General Post-Office has not been credited with it. And as the Postmasters are authorized to pay one-ninetieth a letter to the captains or masters of vessels bringing the same, they take credit to themselves for the one-ninetieth in their account current with the General Post-Office. In one of the post-offices this one-ninetieth has amounted to one hundred and sixty dollars a year; and consequently the twenty-four ninetieths, if it had been charged, would have amounted to three thousand eight hundred and forty dollars a year.

The late Postmaster at this place had, as perquisites, over and above his commission of twenty per cent., more than all the money that arose from ship letters, and one hundred and twenty pounds a year for his trouble with respect to French and British packets.

The foregoing rates of postage were reduced twenty-five per cent. by an act of Congress of the —, 1787.

On the fourth article I will give my reasons for apprehending that the rates of postage are in some instances too high.

Wherever Congress may hold their sessions, it will be considered as the centre of the United States, and will necessarily occasion a great deal of letter-writing to that place. The extremes are, in my opinion, entitled to an easy and cheap access to that place through the Post-Office. Their comparative advantages derived from the General Government, are smaller than those of the more central, and ought not to be diminished by the heavy rates of postages that now exist. The postage of a single letter from Georgia, or rather Savannah, to New York, is thirty-three ninetieths of a dollar, which amounts almost to a prohibition of communication through the Post-Office. If it should be reduced to about sixteen cents, the revenue would not probably be injured by it.

So far as I have been able to collect the opinions of others relative to the fifth article, the injury the general revenue has sustained in this way is greater than I had expected; perhaps no complete remedy can be devised for this evil, yet it may undoubtedly be remedied in a great measure.

In the present manner of contracting to carry the mail, especially by stage carriages, the contractors labor under disadvantages on account of the shortness of the time. One of them has property to the amount of nearly twenty thousand dollars employed in the transportation of the mail. Whenever they undertake to carry it one or two hundred miles, it costs them several thousand dollars for horses and carriages. This property sinks considerably in his hands if he fails to contract the next year. Many of them urge this contingency as a reason for a higher charge. The advertising for proposals for carrying the mail places the Post-

Report on Post-Office Department.

master-General in a disagreeable predicament; for many poor people make proposals at so low a rate, that it is obvious the business cannot be done as it ought to be, and consequently there cannot be a strict adherence to the lowest proposals. Discretion must be used, and the contract must be given to him who will most probably perform the duty with punctuality. A few failures in a year injure the General Post-Office more than the public can be benefited by the recovery of the penalties in the contractors' bonds.

Whether it will not be proper to give the contractors, that carry the mail by stage carriages, the exclusive privilege of driving stages on the post-roads, is submitted for consideration.

There are at this time about twenty different contracts for carrying the mail, which has a greater tendency to put the business into confusion than I apprehended. Every contractor consults his own interest as to the days and hours of arrival and departure of the mail, without having a due regard to the necessary connexion of the Post-Office. A regular system of days and hours of departure has never been established further southward than Alexandria.

The contracts for carrying the mail to the southward of New York the ensuing year, amount to - - - \$14,973 75

And to the eastward of the same place, to - - - 6,003 15

\$20,977 00

With the exclusive privilege of driving stages, and the contracts being for a greater length of time, this sum would probably be sufficient to induce men of property to come forward, when character and reputation would be the best kind of security for the Post-Office. It is so necessary to establish regularity, in order to promote a well-founded confidence in the Post-Office, which, I think, can hardly be effected upon the present mode of contracting, that if a different one should eventually cost something more, yet the Department would be benefited by it.

It is not difficult to ascertain what ought to be given for carrying the mail a mile. If the Legislature should fix the sum, it would then be the duty of the Postmaster-General to find out such as he could place the most confidence in to execute the business well. This method has always been practised in England, so far as I understand the regulations of the post-office there.

On the sixth article it may be observed, that very small advantages taken by those concerned in the receipt of postage will, in a year, amount to a great sum. In some instances these may be justifiable; for example, the postage of a single letter from New York to Philadelphia is one pennyweight eight grains, or sixpence two-thirds Pennsylvania currency. This cannot be made out in any pieces of coin

current in the United States. The letter is charged with seven pence, which is right: for if there must be a fraction, it ought always to be taken in favor of the Post-Office.

This, however, may be remedied in two ways; the one is to make the rates of postage to be received in each State conformable to the currency thereof; the other is for the United States to coin pieces that might correspond with the rate of postage.

The dead letters may afford an opportunity for defrauding the revenue; but if the deputies' accounts are properly examined in the General Post-Office, many evils that might otherwise exist will naturally vanish.

With respect to the present ordinance regulating the Post-Office, I beg leave to suggest the propriety of sundry alterations and additions.

If the views of the Legislature should be to raise a revenue from the Post-Office, the defects of the present system are many, and may easily be pointed out. But if there should be no such views, yet, for the purpose of establishing more security in the Department, sundry alterations will be found essentially necessary.

The two following articles operate most powerfully against the productiveness of the Post-Office at present.

Any person may receive, carry, and deliver, inland letters, and is subject to no penalty, if it be done without hire or reward.

The following alterations appear to me to be necessary for greater security in the Post-Office, whether revenue be or be not an object.

A more accurate description of offences and frauds that may be committed by any person employed in any way or manner whatever in the Department; and the establishment of penalties proportioned to the injuries that may happen from the committing such offences, or being guilty of such frauds.

Those that will naturally present themselves first will be such as may be committed by the Postmaster-General, and those employed in his office; and such as may be committed by the contractors for carrying the mail, and by their agents and servants.

Many offences may probably be pointed out that have never been committed in the United States; but the opportunity to commit them is great, and when committed, the injury may be irreparable, as property to a very great amount is frequently entrusted in the mail.

It therefore appears to me, that it will be only exercising a due degree of caution to guard against them by defining the crimes and affixing to the commission of them, such penalties as will be most likely to deter from and prevent the actual commission of them.

The duties of the Postmaster General are at present to keep an office in the place where Congress may hold their sessions; to obey such orders and instructions as he may from time to time receive from the President of the United States; to appoint deputy postmasters, and in-

Report on Post-Office Department.

struct them in their duty in conformity to the acts of Congress; to receive and examine their accounts and vouchers, and draw out of their hands quarterly the balances due to the United States; to render to the Treasury, annually, an account of the receipts and expenditures, for examination and allowance, and to pay over the surplus moneys; to provide by contract and otherwise for carrying the mail, and to pay the necessary expenses thereof; to establish and open new post-offices and new post-roads, whenever and wherever they may be found necessary, within certain limits marked out by the acts of Congress; and, in general, to superintend the Department, and to be accountable for it, in the various duties assigned to it, except the carrying of the mail.

On any breach of oath, on due conviction, he forfeits one thousand dollars.

With respect to the accountability of the Postmaster-General, I beg leave to observe that no man can, however sagacious and cautious he may be in his appointments, without subjecting himself to certain loss, be responsible for the conduct of his deputies. The calculation of loss being certain in case of responsibility, if he has not a salary sufficient to compensate such loss, he must, to save himself, transact the business, and keep the accounts in a manner that the Treasury shall not be able to charge him with any more money than he chooses to be charged with; or he may endeavor to transact the business fairly, and hold the office until he finds he cannot preserve his reputation and credit; and then, if he is an honest man, he will resign.

The number of times the mail shall be carried weekly, the advertising for proposals for carrying the mail, and the establishing of new post-offices and new post-roads, appear to me to be matters that should be left in the direction of the Supreme Executive. Very great embarrassments ensue when business is pointed out in detail; and there is no power at hand to alter the same, however necessary it may be to alter it.

The Postmaster-General should be subjected to suitable penalties, in case he neglects or refuses to render true and just accounts of the receipts and expenditures, and to pay over the moneys to the Treasury that may be over and above the annual expenditures, at such periods as may be required.

It may be a question, whether the Postmaster-General should keep an office separate from one in which common and ordinary business is done. There may be some reasons why he should not have a separate office. Irregularities and interruptions of communications will happen, and those who have the receiving and delivering of the mail, are most likely to be acquainted seasonably with them.

When the Postmaster-General keeps a separate office, many things that he ought to be acquainted with may entirely escape his notice.

I found the General Post-Office not blended

with one in which common and ordinary business was transacted, and it remains in the same situation.

The prohibition at present against receiving and carrying letters extends to such only as do it for hire or reward, but it ought to extend to all who receive and carry letters, whether with or without reward; and penalties should be annexed to enforce an observance of it. Some few exceptions may be found necessary, where masters of vessels carry letters respecting the merchandises under their immediate care; and letters sent by a special messenger, by a friend, or by a common known carrier of goods.

Regulations may probably be found necessary respecting by or way-letters; embezzling or destroying letters on which the postage has been paid; detaining or opening letters; secreting, embezzling, and stealing any valuable papers out of any letters; against the carriers of the mail in case they neglect or desert it; to oblige the ferryman to set the mail across in all possible cases, in a given time; to recover debts due to and from the deputy postmasters, in a summary way.

These are some of the principal alterations that have occurred to me as being necessary to be introduced into the regulations of the Post-Office; and no doubt many others may suggest themselves to the wisdom of the Legislature.

With respect to appropriating to a particular object any supposed surplus of revenue that may arise in the Department, I beg leave to observe, that it will undoubtedly tend to awaken the attention of the citizens to the Department, if a certain sum should be required to be paid quarterly or semi-annually into the Treasury, and be appropriated to the payment of the interest of the domestic debt, as far as it might go.

This might interest a powerful body of citizens in attending to the operations of the Department, and would probably have a greater tendency to keep the Postmasters strictly to their duty, if any should be otherwise disposed, than any authority with which the Postmaster-General might be clothed.

I have enclosed the form of an act, or rather such principles as appear to me proper to be introduced into the arrangement of the Post-Office, which will tend more fully than the foregoing observations to explain my views of the alterations that are necessary.

I am, sir, with esteem,

Your most obedient humble servant,

SAMUEL OSGOOD.

HON. ALEXANDER HAMILTON, Esq.

Secretary of the Treasury.

MEMORIAL OF ROBERT MORRIS.

To the President, the Senate, and House of Representatives of the United States of America, the memorial of ROBERT MORRIS, late Superintendent of the Finances of the said United States, humbly sheweth:

That on the 20th day of June, 1785, and

Memorial of Robert Morris.

subsequent to your memorialist's resignation of his office of Superintendent, the Congress passed a resolution in the following words: "Resolved, That three commissioners be appointed to inquire into the receipts and expenditures of public moneys, during the administration of the late Superintendent of Finance, and to examine and adjust the accounts of the United States with that department, during his administration, and to report a state thereof to Congress;" which resolution, to persons unacquainted with the nature of the office, and the mode of conducting the business of the department, gave occasion to the supposition that your memorialist had accounts both difficult and important to settle with the United States, in respect to his official transactions; that though your memorialist foresaw the disagreeable consequences which might result to himself from the diffusion of such an opinion, he, notwithstanding, not only forbore any representation on the subject, but scrupulously avoided every species of interference, direct or indirect, lest it should be imagined, either that he was actuated by the desire of obtaining from Congress those marks of approbation which had, in repeated instances, been bestowed on the servants of the public, or that he feared to meet the proposed investigation. Respect for the Sovereign of the United States, concurring with motives of delicacy, to forbid even the appearance of asking, what, if merited, it was to be presumed would be conferred, (as being the proper reward of services, not of solicitation,) and a firm confidence in the rectitude of his conduct, leaving your memorialist no inducement to evade any inquiry into it, which it might be thought fit to institute.

That your memorialist taking it for granted that the reasons which had produced a determination to establish a mode of inquiry into the transactions of the most important office under the Government, would have ensured a prosecution of the object, till it had been carried into effect, long remained in silent expectation of the appointment of commissioners, according to the resolution which had been entered into for that purpose. But it has so happened, from what cause your memorialist will not undertake to explain, that no further steps have ever been taken in relation to it; and your memorialist has remained exposed to the surmises which the appearance of an intention to inquire into his conduct had a tendency to excite, without having been afforded an opportunity of obviating them. That the unsettled condition of certain accounts of a commercial nature between the United States and the late house of Willing, Morris, and Co. and your memorialist, prior to his appointment as Superintendent of the Finances, having been confounded with his transactions in that capacity, your memorialist has, in various ways, been subjected to injurious imputations on his official conduct, the only fruits of services, which, at the time they were rendered, he trusts he may,

without incurring the charge of presumption, affirm, were generally esteemed both important and meritorious, and were at least rendered with ardor and zeal, with unremitting attention, and unwearied application.

That your memorialist, desirous of rescuing his reputation from the aspersions thrown upon it, came, in the month of October, 1788, to the city of New York, as well for the purpose of urging the appointment of commissioners to inspect his official transactions, as for that of procuring an adjustment of the accounts which existed previous to his administration. But the first object was frustrated by the want of a sufficient number of members to make a Congress; and the last was unavoidably delayed by the preliminary investigations requisite on the part of the commissioner named by the late Board of Treasury, toward a competent knowledge of the business; that in the month of February, 1789, your memorialist returned to New York for the same purposes; but the obstacles which he had before experienced, still operated to put it out of his power to present the memorial which had been prepared by him in October, praying for an appointment of commissioners; that he was therefore obliged to confine himself to measures for the settlement of his accounts, respecting the transactions antecedent to his appointment as Superintendent, which he entered upon accordingly, with the commissioner appointed by the Board of Treasury; and in which, as much progress as time and circumstances would permit was made, until the 4th of March last, when that commissioner, conceiving his authority, by the organization of the new Government, to have ceased, declined further proceedings, and of course, your memorialist was obliged to wait the establishment of a new Treasury Department, for the further prosecution of that settlement, which has been accordingly resumed, and he hopes will speedily be accomplished. But inasmuch as no mode of inquiry into his official conduct has hitherto been put into operation, and as doubts of its propriety have been raised by an act of the Government, your memorialist conceives himself to have a claim upon the public justice, for some method of vindicating himself, which will be unequivocal and definitive. Wherefore, and encouraged by a consciousness of the integrity of his administration, your memorialist is desirous that a strict examination should be had into his conduct while in office, in order, that if he has been guilty of mal-administration, it may be detected and punished; if otherwise, that his innocence may be manifested and acknowledged. Unwilling, from this motive, that longer delay should attend the object of the resolution which has been recited, your memorialist humbly prays that an appointment of commissioners may take place to carry the said resolution into effect. And your memorialist, as in duty bound, will pray, &c.

ROBERT MORRIS.

NEW YORK, February 8, 1790.

Letter from the National Assembly of France.

LETTER FROM THE NATIONAL ASSEMBLY OF FRANCE.

A message was received from the President of the United States, accompanied with the following copies of a letter, addressed to him by the President of the National Assembly of France, and of a decree of that Assembly transmitted with it.

MR. PRESIDENT:

The National Assembly has worn, during three days, mourning for Benjamin Franklin, your fellow-citizen, your friend, and one of the most useful of your co-operators in the establishment of American Liberty. They charge me to communicate their resolution to the Congress of the United States. In consequence, I have the honor to address to you, Mr. President, the extract from the proceedings of their session of the 11th, which contains the deliberation.

The National Assembly have not been stopped in their decree by the consideration that Franklin was a stranger. Great men are the fathers of universal humanity; their loss ought to be felt, as a common misfortune, by all the tribes of the great human family; and it belongs, without doubt, to a nation still affected by all the sentiments which accompany the achievement of their liberty, and which owes its enfranchisement essentially to the progress of the public reason, to be the first to give the example of the filial gratitude of the people towards their true benefactors; besides that these ideas, and this example, are so proper to disseminate a happy emulation of patriotism, and thus to extend more and more the empire of reason and virtue, which could not fail promptly to determine a body, devoted to the most important legislative combinations; charged with assuring to the French the rights of men and citizens, it has believed, without doubt, that fruitful and great truths were likewise numbered among the rights of man.

The name of Benjamin Franklin will be immortal in the records of freedom and philosophy; but it is more particularly dear to a country, where, conducted by the most sublime mission, this venerable man knew very soon to acquire an infinite number of friends and admirers, as well by the simplicity and sweetness of his manners, as by the purity of his principles, the extent of his knowledge, and the charms of his mind.

It will be remembered, that every success which he obtained in his important negotiation, was applauded and celebrated (so to express it) all over France, as so many crowns conferred on genius and virtue.

Even then the sentiment of our rights existed in the bottom of our souls. It was easily perceived, that it feelingly mingled in the interest which we took in behalf of America, and in the public vows which we preferred for your liberty.

At last the hour of the French has arrived:

we love to think that the citizens of the United States have not regarded with indifference our steps towards liberty. Twenty-six millions of men, breaking their chains, and seriously occupied in giving themselves a durable constitution, are not unworthy the esteem of a generous people who have preceded them in that noble career.

We hope they will learn with interest the funeral homage which we have rendered to the Nestor of America. May this solemn act of fraternal friendship serve more and more to bind the tie which ought to unite two free nations. May the common enjoyment of liberty shed itself over the whole globe, and become an indissoluble chain of connexion among all the people of the earth! For ought they not to perceive that they will march more stedfastly and more certainly to their true happiness, in understanding and loving each other, than in being jealous and fighting?

May the Congress of the United States, and the National Assembly of France, be the first to furnish this fine spectacle to the world! And may the individuals of the two nations connect themselves by a mutual affection, worthy of the friendship which unites the two men, at this day most illustrious by their exertions for liberty—Washington and Lafayette!

Permit me, Mr. President, to offer, on this occasion, my particular homage of esteem and admiration.

I have the honor to be, with respectful consideration, Mr. President, your most humble and most obedient servant,

SIYES, *President.*

PARIS, June 20, 1790.

Decree of the National Assembly of the 11th of June, 1790.

The National Assembly decree, that their members shall wear, during three days, mourning for Benjamin Franklin, to commence on Monday next; that the discourse pronounced on this occasion be printed, and that the President write to the American Congress, in the name of the National Assembly.

Compared with the original, by us, President and Secretaries of the National Assembly, at Paris, June 10, 1790.

SIYES, *President.*

GOUDAU,
FELIX DE PARDIEU,
DUMOUCHEZ,
Secretaries.

MESSAGE OF THE PRESIDENT ON FRENCH AFFAIRS.

UNITED STATES, January 19, 1791.

Gentlemen of the Senate:

I lay before you a representation of the Chargé des Affaires of France, made by order

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of his court, on the acts of Congress of the 20th of July, 1789 and 1790, imposing an extra tonnage on foreign vessels, not excepting those of that country; together with the report of the Secretary of State thereon: and I recommend the same to your consideration, that I may be enabled to give to it such answer as may best comport with the justice and the interest of the United States.

GEO. WASHINGTON.

The papers referred to in the above message were read as follows:

DOCUMENTS.

The Secretary of State having received from the Chargé des Affaires of France, a note on the tonnage payable by French vessels in the ports of the United States, has had the same under his consideration, and thereupon makes the following report to the President of the United States.

The Chargé des Affaires of France, by a note of the 13th of December, represents, by order of his court, that they consider so much of the acts of Congress of July 20, 1789 and 1790, as imposes an extraordinary tonnage on foreign vessels, without excepting those of France, to be in contravention of the fifth article of the treaty of amity and commerce between the two nations; that this would have authorized, on their part, a proportional modification in the favors granted to the American navigation; but that his sovereign had thought it more conformable to his principles of friendship and attachment to the United States, to order him to make representations thereon, and to ask in favor of French vessels a modification of the acts which impose an extraordinary tonnage on foreign vessels.

The Secretary of State, in giving in this paper to the President of the United States, thinks it his duty to accompany it with the following observations:

The third and fourth articles of the treaty of amity and commerce between France and the United States, subject the vessels of each nation to pay, in the ports of the other, only such duties as are paid by the most favored nation; and give them, reciprocally, all the privileges and exemptions in navigation and commerce, which are given by either to the most favored nations. Had the contracting parties stopped here, they would have been free to raise or lower their tonnage, as they should find it expedient, only taking care to keep the other on the footing of the most favored nation. The question then is, whether the fifth article cited in the note is any thing more than an application of the principle comprised in the third and fourth to a particular object, or whether it is an additional stipulation of something not so comprised?

I. That it is merely an application of a principle comprised in the preceding articles, is declared by the express words of the article, to

wit: "*Dans l'exemption ci-dessus est nommément compris, &c.*" "in the above exemption is particularly comprised the imposition of 100 sols per ton established in France on foreign vessels." Here, then, is at once an express declaration, that the exemption from the duty of 100 sols is comprised in the third and fourth articles; that is to say, it was one of the exemptions enjoyed by the most favored nations, and, as such, extended to us by those articles. If the exemption spoken of in this first member of the fifth article was comprised in the third and fourth articles, as is expressly declared, then the reservation by France out of that exemption (which makes the second member of the same article,) was also comprised, that is to say, if the whole was comprised, the part was comprised. And if this reservation of France in the second member was comprised in the third and fourth articles, then the counter reservation by the United States (which constitutes the third and last member of the same article) was also comprised; because, it is but a corresponding portion of a similar whole, on our part, which had been comprised by the same terms with theirs.

In short, the whole article relates to a particular duty of 100 sols, laid by some antecedent law of France on the vessels of foreign nations, relinquished as to the most favored, and consequently to us. It is not a new and additional stipulation, then, but a declared application of the stipulations comprised in the preceding articles to a particular case, by way of greater caution.

The doctrine laid down generally in the third and fourth articles, and exemplified specially in the fifth, amounts to this: "The vessels of the most favored nations coming from foreign ports are exempted from the duty of 100 sols; therefore, you are exempted from it by the third and fourth articles. The vessels of the most favored nations coming coastwise pay that duty; therefore, you are to pay it by the third and fourth articles. We shall not think it unfriendly in you to lay a like duty on coasters, because it will be no more than we have done ourselves. You are free also to lay that or any other duty on vessels coming from foreign ports, provided they apply to all other nations, even the most favored. We are free to do the same, under the same restriction. Our exempting you from a duty which the most favored nations do not pay, does not exempt you from one which they do pay."

In this view it is evident that the fifth article neither enlarges nor abridges the stipulations of the third and fourth. The effect of the treaty would have been precisely the same had it been omitted altogether; consequently, it may be truly said, that the reservation by the United States in this article is completely useless. And it may be added, with equal truth, that the equivalent reservation by France is completely useless, as well as her previous abandonment of the same duty; and, in short,

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the whole article. Each party then remains free to raise or lower its tonnage, provided the change operates on all nations, even the most favored.

Without undertaking to affirm, we may obviously conjecture that this article has been inserted on the part of the United States from an overcaution to guard, *nommément*, by name, against a particular grievance, which they thought they could never be too well secured against; and that has happened which generally happens, doubts have been produced by the too great number of words used to prevent doubt.

II. The court of France, however, understands this article as intended to introduce something to which the preceding articles had not reached; and not merely as an application of them to a particular case. Their opinion seems to be founded on the general rule in the construction of instruments, to leave no words merely useless, for which any rational meaning can be found. They say that the reservation by the United States, of a right to lay a duty equivalent to that of the 100 sols reserved by France, would have been completely useless, if they were left free by the preceding articles to lay a tonnage to any extent whatever; consequently, that the reservation of a part proves a relinquishment of the residue.

If some meaning, and such a one is to be given to the last member of the article, some meaning, and a similar one, must be given to the corresponding member. If the reservation by the United States of a right to lay an equivalent duty, implies a relinquishment of their right to lay any other, the reservation by France, of a right to continue the specified duty to which it is an equivalent, must imply a relinquishment of the right on her part to lay or continue any other. Equivalent reservations by both must imply equivalent restrictions on both. The exact reciprocity stipulated in the preceding articles, and which pervades every part of the treaty, ensures a counter right to each party for every right ceded to the other.

Let it be further considered, that the duty called tonnage in the United States is in lieu of the duties for anchorage, for the support of buoys, beacons, and lighthouses, to guide the mariner into harbor and along the coast, which are provided and supported at the expense of the United States; and for fees to measurers, weighers, gaugers, &c., who are paid by the United States, for which articles, among many others, (light-house money excepted,) duties are paid by us in the ports of France under their specific names. That Government has hitherto thought these duties consistent with the treaty; and consequently the same duties, under a general, instead of specific names, with us, must be equally consistent with it. It is not the name, but the thing which is essential. If we have renounced the right to lay any port duties, they must be understood to have equally renounced that of either laying new, or con-

tinuing the old. If we ought to refund the port duties received from their vessels since the date of the act of Congress, they should refund the port duties they have received from our vessels since the date of the treaty, for nothing short of this is the reciprocity of the treaty.

If this construction be adopted, then each party has for ever renounced the right of laying any duties on the vessels of the other coming from any foreign port, or more than 100 sols on those coming coastwise. Could this relinquishment be confined to the two contracting parties alone, the United States would be the gainers; for it is well known that a much greater* number of American than of French vessels are employed in the commerce between the two countries; but the exemption once conceded by the one nation to the other, becomes immediately the property of all others who are on the footing of the most favored nations. It is true that those others would be obliged to yield the same compensation, that is to say, to receive our vessels duty free. Whether we should gain or lose in the exchange of the measures with them, is not easy enough to say.

Another consequence of this construction will be, that the vessels of the most favored nations, paying no duties, will be on a better footing than those of natives which pay a moderate duty; consequently either the duty on these also must be given up, or they will be supplanted by foreign vessels in our own ports.

The resource, then, of duty on vessels, for the purposes either of revenue or regulation, will be for ever lost to both. It is hardly conceivable that either party looking forward to all these consequences, would see their interest in them.

III. But if France persists in claiming this exemption, what is to be done? The claim, indeed, is couched in mild and friendly terms; but the idea leaks out that a refusal would authorize them to modify proportionally the favor granted by the same article to our navigation. Perhaps they may do what we should feel much more severely; they may turn their eyes to the favors granted us by their arrêts of December 29, 1787, and December 7, 1788, which hang on their will alone, unconnected with the treaty. Those arrêts, among other advantages, admit our whale oils to the exclusion of that of all other foreigners. And this monopoly procures a vent for seven-twelfths of the produce of that fishery, which experience has taught us could find no other market. Near two-thirds of the produce of our cod fisheries, too, have lately found a free vent in the colonies of

* By an official paper from the bureau of the balance of commerce of France, we find that of the ships which entered the ports of France from the United States in the year 1789, only thirteen, amounting to 2,105 tons, were French; and 163, making 24,173 tons, were Americans.

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France.* This, indeed, has been an irregularity growing out of the anarchy reigning in those colonies. Yet the demands of the colonists, even of the Government party among them, (if an auxiliary disposition can be excited by some marks of friendship and distinction on our part,) may perhaps produce a constitutional concession to them to procure their provisions at the cheapest market; that is to say, at ours.

Considering the value of the interests we have at stake, and considering the smallness of difference between foreign and native tonnage on French vessels alone, it might, perhaps, be thought advisable to make the sacrifice asked; and especially if it can be so done as to give no title to other the most favored nations to claim it. If the act should put French vessels on the footing of those of natives, and declare it to be in consideration of the favors granted us by the arrêts of December 23, 1787, and December 7, 1788, (and perhaps this would satisfy them,) no nation could then demand the same favor without offering an equivalent compensation. It might strengthen, too, the tenure by which those arrêts are held, which must be precarious so long as they are gratuitous.

It is desirable, in many instances, to exchange mutual advantages by legislative acts rather than by treaty; because the former, though understood to be in consideration of each other, and therefore greatly respected, yet when they become too inconvenient, can be dropped at the will of either party: whereas, stipulations by treaty are forever irrevocable but by joint consent, let a change of circumstances render them ever so burdensome.

On the whole, if it be the opinion that the first construction is to be insisted on as ours, in opposition to the second, urged by the court of France, and that no relaxation is to be admitted, an answer shall be given to that court, defending that construction, and explaining, in as friendly terms as possible, the difficulties opposed to the exemption they claim.

2. If it be the opinion that it is advantageous for us to close with France in her interpretation of a reciprocal and perpetual exemption from tonnage, a repeal of so much of the tonnage law will be the answer.

3. If it be thought better to waive rigorous and nice discussions of right, and to make the modification an act of friendship and of compensation for favors received, the passage of such a bill will then be the answer.

TH. JEFFERSON.

JANUARY 18, 1791.

[TRANSLATION.]

L. G. Otto to the Secretary of State.

PHILADELPHIA, Dec. 13, 1790.

SIR: During the long stay you made in France, you had opportunities of being satisfied of the favorable dispositions of His Majesty to render permanent the ties that united the two nations, and to give stability to the treaties of alliance and of commerce which form the basis of this Union. These treaties were so well maintained by the Congress formed under the ancient confederation, that they thought it their duty to interpose their authority whenever any laws made by individual States appeared to infringe their stipulations, and particularly in 1785, when the States of New Hampshire and of Massachusetts had imposed an extraordinary tonnage on foreign vessels, without exempting those of the French nation. The reflections that I have the honor to address to you in the subjoined note, being founded on the same principles, I flatter myself that they will merit, on the part of the Government of the United States the most serious attention.

I am, with respect, &c.

L. G. OTTO.

[TRANSLATION.]

L. G. Otto to the Secretary of State.

NOTE.—The underwritten Chargé des Affaires of France has received the express order of his court to represent to the United States that the act passed by Congress the 20th July, 1789, and renewed the 20th July of the present year, which imposes an extraordinary tonnage on foreign vessels, without excepting the French vessels, is directly contrary to the spirit and to the object of the treaty of commerce which unites the two nations, and of which His Majesty has not only scrupulously observed the tenor, but of which he has extended the advantages by many regulations very favorable to the commerce and navigation of the United States.

By the 5th article of this treaty, the citizens of these States are declared exempt from the tonnage duty imposed in France on foreign vessels, and they are not subject to that duty but in the coasting business. Congress has reserved the privilege of establishing a duty equivalent to this last, a stipulation founded on the state in which matters were in America at the time of the signature of the treaty. There did not exist, at that epoch, any duty on tonnage in the United States.

* Abstract of the produce of the fisheries exported from the United States from August 20, 1789, to August 14, 1790, in which is omitted one quarter's exportations from Boston, Plymouth, Dighton, Penobscot, Frenchman's Bay, Machias, and New York, of which the returns are not received.

France and the French West Indies, . . .	586,167	131,906	718,073
The rest of the world, . . .	307,097	101,306	408,403
Whole produce, . . .	893,264	233,212	1,126,476

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It is evident that it was the non-existence of this duty, and the motive of a perfect reciprocity stipulated in the preamble of the treaty, that had determined the King to grant the exemption contained in the article fifth; and a proof that Congress had no intention to contravene this reciprocity is, that it only reserves a privilege of establishing on the coasting business a duty equivalent to that which is levied in France. This reservation would have been completely useless, if, by the words of the treaty, Congress thought themselves at liberty to lay any tonnage they should think proper on French vessels.

The undersigned has the honor to observe, that this contravention of the fifth article of the treaty of commerce might have authorized His Majesty to modify proportionably the favors granted by the same article to the American navigation; but the King, always faithful to the principles of friendship and attachment to the United States, and desirous of strengthening more and more the ties which subsist so happily between the French nation and these States, thinks it more conformable to these views to order the undersigned to make representations on this subject, and to ask in favor of French vessels a modification of the act which imposes an extraordinary tonnage on foreign vessels. His Majesty does not doubt but that the United States will acknowledge the justice of this claim, and will be disposed to restore things to the footing on which they were at the signature of the treaty of the 6th February, 1778.

L. G. OTTO.

PHILADELPHIA, *December 13, 1790.*

[TRANSLATION.]

L. G. Otto to the Secretary of State.

NEW YORK, January 8, 1791.

SIR: I have the honor herewith to send you a letter from the King to Congress, and one

which M. de Montmorin has written to yourself. You will find therein the sincere sentiments with which you have inspired our Government, and the regret of the minister in not having a more near relation of correspondence with you. In these, every person who has had the advantage of knowing you in France participates.

At the same time, it gives me pain, sir, to be obliged to announce to you that the complaints of our merchants on the subject of the tonnage duty increase, and that they have excited not only the attention of the King, but that of several departments of the kingdom. I have received new orders to request of the United States a decision on this matter, and to solicit, in favor of the aggrieved merchants, the restitution of the duties which have already been paid. I earnestly beg of you, sir, not to lose sight of an object, which, as I have already had the honor to tell you verbally, is of the greatest importance for cementing the future commercial connexions between the two nations.

In more particularly examining this question, you will perhaps find that motives of convenience are as powerful as (those of justice, to engage the United States to give to His Majesty the satisfaction which he requires. At least twice as many American vessels enter the ports of France as do those of France the ports of America. The exemption of the tonnage duty, then, is evidently less advantageous for the French than for the navigators of the United States. Be this as it may, I can assure you, sir, that the delay of a decision in this respect, by augmenting the just complaints of the French merchants, will only augment the difficulties. I therefore beg of you to enable me, before the sailing of the packet, which will take place towards the last of this month, to give my court a satisfactory answer.

I have the honor to be, &c.

L. G. OTTO.

His Excellency T. JEFFERSON,
Secretary of State.

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United States of America, do solemnly swear or affirm, that I will truly and faithfully discharge the duties of my said office, to the best of my knowledge and abilities.

FRED. A. MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS,
Vice President of the United States and President of the Senate.

APPROVED, June 1, 1789.

GEORGE WASHINGTON,
President of the United States.

An Act for laying a duty on goods, wares, and merchandises, imported into the United States.

Whereas it is necessary for the support of Government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures, that duties be laid on goods, wares, and merchandises, imported.

Be it enacted, &c. That from and after the first day of August next ensuing, the several duties hereinafter mentioned shall be laid on the following goods, wares, and merchandises, imported into the United States from any foreign port or place, that is to say—

On all distilled spirits of Jamaica proof, imported from any kingdom or country whatsoever, per gallon, ten cents;

On all other distilled spirits, per gallon, eight cents;

On molasses, per gallon, two and a half cents;

On Madeira wine, per gallon, eighteen cents;

On all other wines, per gallon, ten cents;

On every gallon of beer, ale, or porter, in casks, five cents;

On all cider, beer, ale, or porter, in bottles, per dozen, twenty cents.

On malt, per bushel, ten cents;

On brown sugars, per pound, one cent;

On loaf sugars, per pound, three cents;

On all other sugars, per pound, one and a half cents;

On coffee, per pound, two and a half cents;

On cocoa, per pound, one cent;

On all candles of tallow, per pound, two cents;

On all candles of wax or spermaceti, per pound, six cents;

On cheese, per pound, four cents;

On soap, per pound, two cents;

On boots, per pair, fifty cents;

On all shoes, slippers, or galoshes, made of leather, per pair, seven cents;

On all shoes or slippers made of silk or stuff, per pair, ten cents;

On cables, for every one hundred and twelve pounds, seventy-five cents;

On tarred cordage, for every one hundred and twelve pounds, seventy-five cents;

On untarred cordage and yarn, for every one hundred and twelve pounds, ninety cents;

On twine or pack-thread, for every one hundred and twelve pounds, two hundred cents;

On all steel unwrought, for every one hundred and twelve pounds, fifty-six cents;

On all nails and spikes, per pound, one cent;

On salt, per bushel, six cents;

On manufactured tobacco, per pound, six cents;

On snuff, per pound, ten cents;

On indigo, per pound, sixteen cents;

On wool and cotton cards, per dozen, fifty cents;

On coal, per bushel, two cents;

On pickled fish, per barrel, seventy-five cents;

On dried fish, per quintal, fifty cents;

On all teas imported from China or India, in ships built in the United States, and belonging to a citizen or citizens thereof, or in ships or vessels built in foreign countries, and on the sixteenth day of May last wholly the property of a citizen or citizens of the United States, and so continuing until the time of importation, as follows:

On bohea tea, per pound, six cents;

On all souchong, or other black teas, per pound, ten cents;

On all hyson teas, per pound, twenty cents;

On all other green teas, per pound, twelve cents;

On all teas imported from Europe in ships or vessels built in the United States, and belonging wholly to a citizen or citizens thereof, or in ships or vessels built in foreign countries, and on the sixteenth day of May last, wholly the property of a citizen or citizens of the United States, and so continuing until the time of importation, as follows:

On bohea tea, per pound, eight cents;

On all souchong, and other black teas, per pound, thirteen cents;

On all hyson teas, per pound, twenty-six cents;

On all other green teas, per pound, sixteen cents;

On all teas imported in any other manner than as above mentioned, as follows:

On bohea tea, per pound, fifteen cents;

On all souchong, or other black teas, per pound, twenty-two cents;

On all hyson teas, per pound, forty-five cents;

On all other green teas, per pound, twenty-seven cents;

On all goods, wares, and merchandises, other than teas, imported from China or India, in ships not built in the United States, and not wholly the property of a citizen or citizens thereof, nor in vessels built in foreign countries, and on the sixteenth day of May last wholly the property of a citizen or citizens of the United States, and so continuing until the time of importation, twelve and a half per centum ad valorem.

On all looking glasses, window and other glass, (except black quart bottles)

On all China, stone, and earthen ware,

On gunpowder,

On all paints ground in oil,

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On shoe and knee buckles,
On gold and silver lace, and
On gold and silver leaf, ten per centum ad
valorem;

On all blank books,
On all writing, printing, or wrapping paper,
paper hangings and pasteboard,
On all cabinet wares,
On all buttons,
On all saddles,
On all gloves of leather,
On all hats of beaver, fur, wood, or mixture
of either,

On all millinery ready made,
On all castings of iron, and upon slit and
rolled iron,

On all leather tanned or tawed, and all manu-
factures of leather, except such as shall be other-
wise rated,

On canes, walking sticks, and whips,

On clothing ready-made,

On all brushes,

On gold, silver, and plated ware, and on
jewellery and paste work,

On anchors, and on all wrought tin and pew-
ter ware, seven and a half per centum ad va-
lorem;

On playing cards, per pack, ten cents;

On every coach, chariot, or other four wheeled
carriage, and on every chaise, solo, or other two
wheeled carriage, or parts thereof, fifteen per
centum ad valorem.

On all other goods, wares, and merchandise,
five per centum on the value thereof at the time
and place of importation, except as follows:
Saltpetre, tin in pigs, tin plates, lead, old pew-
ter, brass, iron and brass wire, copper in plates,
wool, cotton, dying woods and dying drugs,
raw hides, beaver, and all other furs and deer
skins.

Sec. 2. *And be it further enacted*, That from
and after the first day of December, which
shall be in the year one thousand seven hun-
dred and ninety, there shall be laid a duty on
every one hundred and twelve pounds weight
of hemp, imported as aforesaid, of sixty cents;
and on cotton per pound, three cents.

Sec. 3. *And be it further enacted*, That all
the duties paid, or secured to be paid, upon any
of the goods, wares, and merchandises, as
aforesaid, except on distilled spirits, other than
brandy and geneva, shall be returned or dis-
charged upon such of the said goods, wares, or
merchandises, as shall, within twelve months
after payment made, or security given, be ex-
ported to any country without the limits of the
United States, as settled by the late treaty of
peace; except one per centum on the amount
of the said duties, in consideration of the ex-
pense which shall have accrued by the entry
and safe keeping thereof.

Sec. 4. *And be it further enacted*, That there
shall be allowed and paid on every quintal of
dried, and on every barrel of pickled, fish,
of the fisheries of the United States, and on
every barrel of salted provision of the United

States, exported to any country without the
limits thereof, in lieu of a drawback of the
duties imposed on the importation of the salt
employed and expended therein, viz:

On every quintal of dried fish, five cents;

On every barrel of pickled fish, five cents;

On every barrel of salted provision, five
cents.

Sec. 5. *And be it further enacted*, That a
discount of ten per cent. on all the duties im-
posed by this act, shall be allowed on such
goods, wares, and merchandises, as shall be
imported in vessels built in the United States,
and which shall be wholly the property of a
citizen or citizens thereof, or in vessels built in
foreign countries, and on the sixteenth day of
May last, wholly the property of a citizen or
citizens of the United States, and so continuing
until the time of importation.

Sec. 6. *And be it further enacted*, That this
act shall continue and be in force until the first
day of June, which shall be in the year of our
Lord one thousand seven hundred and ninety-
six, and from thence until the end of the next
succeeding session of Congress, which shall be
held thereafter, and no longer.

Approved, July 4, 1789.

An Act imposing duties on tonnage.

Be it enacted, &c., That the following du-
ties shall be, and are hereby, imposed on all
ships or vessels entered into the United States,
that is to say:

On all ships or vessels built within the said
States, and belonging wholly to a citizen or ci-
tizens thereof; or not built within the said
States, but on the twenty-ninth day of May,
one thousand seven hundred and eighty-nine,
belonging, and during the time such ships or
vessels shall continue to belong wholly to a
citizen or citizens thereof, at the rate of six
cents per ton. On all ships or vessels here-
after built in the United States, belonging
wholly, or in part, to subjects of foreign pow-
ers, at the rate of thirty cents per ton. On all
other ships or vessels, at the rate of fifty cents
per ton.

Sec. 2. *Provided always, and be it enacted*,
That no ship or vessel built within the afore-
said States, and belonging to a citizen or ci-
tizens thereof, shall, whilst employed in the
coasting trade, or in the fisheries, pay tonnage
more than once in any year.

Sec. 3. *And be it further enacted*, That
every ship or vessel employed in the transpor-
tation of any of the produce or manufactures
of the United States, coastwise, within the said
States, except such ship or vessel be built with-
in the said States, and belong to a citizen or
citizens thereof, shall, on each entry, pay fifty
cents per ton.

Sec. 4. *And be it further enacted*, That this
act shall commence and be in force from and
after the fifteenth day of August next.

Approved, July 20, 1789.

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An Act for establishing an Executive Department, to be denominated the Department of Foreign Affairs.

Be it enacted, &c. That there shall be an Executive Department, to be denominated the Department of 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.

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 for 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.

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 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.

Approved, July 27, 1789.

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.

Be it enacted, &c., 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:

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

In the State of Massachusetts shall be twenty districts and ports of entry, to wit: Newburyport, Gloucester, Salem, and Beverly, as one 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 Passamaquoddy. 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 Melford, 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

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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, Boothday, and Waldoborough, as ports of delivery; and a collector for the district shall be appointed, to reside at Wiscasset. To the district of Penobscot shall be annexed Thomastown, 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 Passamaquoddy shall be appointed a collector, to reside at the said ports of Machias and Passamaquoddy 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, except 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 will all the islands within the county of Bristol. The district of Dighton shall include all the waters and shores on Taunton river, and in the town of Rehoboth; and the collectors of the several districts within that part of the State of Massachusetts, eastward of New Hampshire, shall agree, as soon as may be, upon a divisional line between their respective districts, and transmit the same to the Comptroller of the Treasury; and such districts, so agreed upon, shall include all the shores, waters, and islands, within the same.

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, Glastonbury, 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.

In the State of New York shall be two districts, to wit: Sagg Harbor on Nassau or Long Island, and the city of New York, each of which shall be a port of entry. The district of Sagg Harbor shall include all bays, harbors, rivers, and shores, within the two points of land which are called Oyster Pond Point, and Montauk Point; and a collector for the district shall be appointed, to reside at Sagg Harbor, which shall be the only place of delivery in the said district. The district of the city of New York shall include such parts of the coasts, rivers, bays, and harbors, of the said State, not included in the district of Sagg Harbor; and, moreover, the several towns or landing places of New Windsor, Newburgh, Poughkeepsie, Esopus, city of Hudson, Kinderhook, and Al-

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bany, 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.

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 Harbor with the waters emptying into the same, and the sea-coast, sound, inlets, and harbors thereof, from Barnegat inlet to Brigantine inlets, in which district, the landing places of Lambertton and Little Egg Harbor shall be ports of delivery only; and a collector shall be appointed for the district, to reside at Burlington, and a surveyor at Little Egg Harbor. The district of Bridgetown shall comprehend the counties of Gloucester, Salem, Cumberland, and Cape May, (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 Harbor, shall be ports of delivery only; and a collector for the district shall be appointed, to reside at Bridgetown.

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.

The State of Delaware shall be one district, and the borough of Wilmington shall be the port of entry, to which shall be annexed New Castle 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.

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, Susquehan-

nah, 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 Sasfras 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 Sinpuxent 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 Look Out to Pomonkey creek, inclusive, to which

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Saint 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 Saint 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.

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, harbors, and inlets, between the south side of the mouth of York river, along the west shore of Chesapeake bay to Hampton, and thence up James river to the west side of Chickahominy river; and a collector shall be appointed, to reside at Hampton, which shall be the sole port of entry. To the district of Norfolk and Portsmouth shall be annexed Suffolk and Smithfield, as ports of delivery only; and the authority of the officers of the said district shall extend over all the waters, shores, bays, harbors, and inlets, comprehended within a line drawn from Cape Henry to the mouth of James river, and thence up James river to Jordan's Point, and up Elizabeth river to the highest tide water thereof, and Norfolk and Portsmouth shall be the sole port of entry; and a collector, naval officer, and surveyor, for the district, shall be appointed, to reside at Norfolk; also a surveyor to reside at each of the ports of Suffolk and Smithfield. To the district of Bermuda Hundred, or City Point, shall be annexed Richmond, Petersburg, and Manchester, as ports of delivery only; and a collector and surveyor shall be appointed, to reside at Bermuda Hundred, or City Point, which shall be the sole port of entry; also a surveyor for Petersburg, to reside thereat, and a surveyor for Richmond and Manchester, to reside at Richmond; and the authority of the officers of the said district shall extend over all the waters, shores, bays, harbors, and inlets, comprehended between Jordan's point and the highest tide water on James and Appamattox rivers. To the district of Yorktown shall be annexed West Point and Cumberland, as ports of delivery only; and a collector for the district shall be appointed, to reside at Yorktown, which shall be the sole port of entry; also a surveyor for the two ports of delivery, to reside at West Point: and the authority of the officers of the said district shall extend over

all waters, shores, bays, harbors, and inlets, comprehended between the point forming the south shore of the mouth of Rappahannock river, and the point forming the south shore of the mouth of York river, and thence up said river to West Point, and thence up Pomonkey 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, harbors, 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, harbors, and inlets, along the south shore of Potomac river to Boyd's Hole aforesaid; and Yeocomico, including Kinsale, shall be the sole port of entry, and a collector shall be appointed, to reside on Yeocomico river. The district of Dumfries, including Newport, shall extend from Boyd's Hole to Cockpit Point, on the south side of Potomac river; and a collector shall be appointed, to reside at Dumfries, which shall be the sole port of entry; and the authority of the officers of this district shall extend over all the waters, shores, bays, harbors, and inlets, comprehended between Boyd's Hole and Cockpit Point aforesaid. For the district of Alexandria shall be appointed a collector and surveyor, to reside at Alexandria, which shall be the sole port of entry; and the authority of the officers of the said district shall extend over all the waters, shores, bays, harbors, and inlets, on the south side of the river Potomac, from the last mentioned Cockpit Point to the highest tide water of the said river. For the district of 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, harbors, 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, harbors, and inlets, comprehended within Northampton county. For the district of South Quay a collector shall be appointed, to reside thereat, whose authority shall extend over all the waters, shores, bays, harbors, and inlets, in that part of Virginia comprehended within the limits of the said State. For the district of Louisville a collector shall be appointed, to reside thereat, whose authority shall extend over all waters, shores, and inlets, included between the rapids and the

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mouth of Ohio river, on the southeast side thereof.

In the State of South Carolina shall be three districts, to wit: Georgetown, Charleston, and Beaufort, each of which shall be a port of entry. The district of Georgetown shall include the shores, inlets, and rivers, from the boundary of North Carolina to the point of Cape Roman.

The district of Charleston shall include all the shores, inlets, 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 harbors, formed by the different bars and sea islands, lying within each district respectively; at the port of Charleston shall be a collector, naval officer, and surveyor, and a collector at each of the other ports.

In the State of Georgia shall be four districts, to wit: Savannah, Sunbury, Brunswick, and Saint Mary's, each of which shall be a port of entry. The district of Savannah shall include Savannah river, Great and Little Ogeechee rivers, with the other harbors, 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 harbors, creeks, and rivers, formed by the inlets of Saint Catharine'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 Altamaha, Frederica, and Turtle rivers, with the other harbors, creeks, and rivers, formed by the inlets of Doboy, south of Sapelo, Altamaha, and Saint Simons, north of the south point of Jekyll 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 Saint Mary's shall include Great Setilla, Little Setilla, Crooked river, and Saint Mary's river, with the harbors, creeks, and rivers, formed by the inlets of Saint Andrews and Amelia sounds; and a collector for the said district shall be appointed, to reside at Saint 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.

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, Chestertown, Town Creek, Nottingham, Nanjemoy, Digges's landing, Snow Hill, and Carrollsburg, in the State of Maryland; Alexandria, Kinsale, Newport, Tappahannock, Port Royal, Fredericksburg, Urbanna, Yorktown, West Point, Hampton, Bermuda Hundred, City Point, Rocket's landing, Norfolk, 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 Saint 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, 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 a voyage.

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.

Sec. 4. *And be it further enacted*, That the master or commander of every ship or vessel,

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if bound to the district of Nottingham, shall, before he pass by the port of Town Creek, and immediately after his arrival, deposite 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 Saint Mary's and Yeocomico, and immediately after his arrival, deposite with the surveyor at Saint 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, deposite 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, deposite 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 collectors, 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.

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 moneys 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, storehouses 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 counter-sign 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 a 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.

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 misconduct, of his said deputy, in the execution of the office.

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.

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:

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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 entitled 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.

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 moneys which they may respectively receive by virtue of this act (such moneys 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.

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 harbors 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 officer, or other person lawfully authorized in manner as hereinbefore 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 manifest 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.

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

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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 neighborhood, best acquainted with matters of that kind.

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 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 lading; 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.

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 unloading and landing 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 unloading and landing of all such goods as shall be so entered, and the duties thereof paid or secured.

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

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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 can 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 this 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.

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.

Sec. 17. *And be it further enacted*, That the

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

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.

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 Madeira 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

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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.

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.

Sec. 21. *And be it further enacted*, That where any bond for the payment of duties shall not be satisfied on the day it became due, the collector shall 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.

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, or 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.

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 repacked, 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.

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.

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.

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.

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

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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 non-suited, 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 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.

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 Savanna, 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.

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 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 stationary, 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 per centum on the amount of all moneys by

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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 moneys 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 coins 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 relanded 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, or merchandise, are, in quantity, quality, and value, as therein expressed, according to the inward 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 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 reladed under the inspection of the collector, naval officer, or surveyor of the port.

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 least, upon any one entry.

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, or merchandise, shall be subject to seizure and forfeiture, together with the vessels from which such goods shall be landed, and the vessels or boats used in landing the same, and all persons concerned therein shall, on indictment and conviction thereof, suffer imprisonment for a term not exceeding six months; and for discovery of frauds, and seizure of goods, wares, and merchandise, relanded contrary to law, the

* By "An act to incorporate the subscribers to the Bank of the United States," approved on the 25th of February, 1791, the bills or notes of that institution, payable on demand, in gold and silver coin, were made receivable in all payments to the United States.

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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.

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.

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 vessels, 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 favor of the claimant, the court shall cause the said bond to be cancelled; but if judgment shall pass against the claimant as to the whole or any part of such ship or vessel, goods, wares, or merchandise, and the claimant shall not, within twenty days thereafter, pay into the court the amount of the appraised value of such ship or vessel, goods, wares, or merchandise, so condemned, with the costs, the bond shall be put in suit. And when any prosecution shall be commenced on account of the seizure of any ship or vessel, goods, wares, or merchandise, and judgment shall be given for the claimant or claimants; if it shall appear to the court before whom such prosecution shall be tried, that there was a reasonable cause of seizure, the same court shall cause a proper certificate or entry to be made thereof, and in such case the claimant shall not be entitled to costs, nor shall the person who made the seizure, or the prosecutor, be liable to action, 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.

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

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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.

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.

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:

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.

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 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 and forfeiture of all such vessels, goods, wares, or merchandise, brought in, landed or unladen in any other man-

ner. 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.

An Act for settling the accounts between the United States and individual States.

Be it enacted, &c. 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.

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.

Approved, August 5, 1789.

An Act to establish an Executive Department, to be denominated the Department of War.

Be it enacted, &c. That there shall be an executive department, to be denominated the Department of War; 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

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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.

Approved, August 7, 1789.

An Act to provide for the government of the Territory northwest of the river Ohio.

Whereas, in order that the ordinance of the United States in Congress assembled, for the government of the Territory northwest of the river Ohio may continue to have full effect, it is requisite that certain provisions should be made so as to adapt the same to the present Constitution of the United States:

Be it enacted, &c., That in all cases in which, by the said ordinance, any information is to be given, or communication made by the Governor of the said Territory to the United States in Congress assembled, or to any of their officers, it shall be the duty of the said Governor to give such information and to make such communication to the President of the United States; and the President shall nominate, and by and with the advice and consent of the Senate shall appoint all officers which by the said ordinance were to have been appointed by the United States in Congress assembled, and all officers so appointed shall be commissioned by him; and in all cases where the United States in Congress assembled might, by the said ordinance, revoke any commission, or remove from any office, the President is hereby declared to have the same powers of revocation and removal.

Sec. 2. *And be it further enacted*, That in case of the death, removal, resignation, or necessary absence of the Governor of the said Territory, the Secretary thereof shall be, and he is hereby authorized and required to execute all the powers, and perform all the duties of the Governor, during the vacancy occasioned by the removal, resignation, or necessary absence of the said Governor.

Approved, August 7, 1789.

An Act for the establishment and support of light-houses, beacons, buoys, and public piers.

Be it enacted, &c., That all expenses which shall accrue from and after the fifteenth day of

August, one thousand seven hundred and eighty-nine, in the necessary support, maintenance, and repairs of all light-houses, beacons, buoys, and, public piers, erected, placed, or sunk, before the passing of this act, at the entrance of, or within any bay, inlet, harbor, or port of the United States, for rendering the navigation thereof easy and safe, shall be defrayed out of the Treasury of the United States: *Provided, nevertheless*, That none of the said expenses shall continue to be so defrayed by the United States, after the expiration of one year from the day aforesaid, unless such light-houses, beacons, buoys, and public piers, shall in the meantime be ceded to and vested in the United States, by the State or States respectively in which the same may be, together with the land and tenements thereunto belonging, and together with the jurisdiction of the same.

Sec. 2. *And be it further enacted*, That a light-house shall be erected near the entrance of the Chesapeake bay, at such place, when ceded to the United States in manner aforesaid, as the President of the United States shall direct.

Sec. 3. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to provide by contracts, which shall be approved by the President of the United States, for building a light-house near the entrance of Chesapeake bay, and for rebuilding when necessary, and keeping in good repair the light-houses, beacons, buoys, and public piers, in the several States, and for furnishing the same with all necessary supplies; and also to agree for the salaries, wages, or hire of the person or persons appointed by the President, for the superintendence and care of the same.

Sec. 4. *And be it further enacted*, That all pilots in the bays, inlets, rivers, harbors, and ports of the United States, shall continue to be regulated in conformity with the existing laws of the States respectively wherein such pilots may be, or with such laws as the States may respectively hereafter enact for the purpose, until further legislative provision shall be made by Congress.

Approved, August 7, 1789.

An Act providing for the expenses which may attend negotiations or treaties with the Indian tribes, and the appointment of commissioners for managing the same.

Be it enacted, &c., That a sum not exceeding twenty thousand dollars, arising from the duties on imports and tonnage, shall be and the same is hereby appropriated to defraying the expense of negotiating and treating with the Indian tribes.

Sec. 2. *And be it further enacted*, That each of the commissioners who may be appointed for managing such negotiations and treaties, shall be entitled to an allowance, exclusive of his expenses at the place of treaty, of eight dollars per day, during his actual service, to be paid out of the money so appropriated.

Approved, August 20, 1789.

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An act for registering and clearing vessels, regulating the coasting trade, and for other purposes.

Be it enacted, &c., That any ship or vessel built within the United States, and belonging wholly to a citizen or citizens thereof, or not built within the said States, but, on the sixteenth day of May, one thousand seven hundred and eighty-nine, belonging, and thereafter continuing to belong, wholly to a citizen or citizens thereof, and of which the master is a citizen of the United States, and no other, may be registered in manner hereinafter provided, and being so registered, shall be deemed and taken to be, and denominated, a ship or vessel of the United States, and entitled to the benefits granted by any law of the United States to ships or vessels of the descriptions aforesaid.

Sec. 2. *And be it further enacted,* That the person or persons claiming property in any such ship or vessel, in order to entitle her to the benefits aforesaid, shall cause the same to be registered, and shall obtain a certificate of such registry from the collector of the district to which such ship or vessel belongs, in manner hereinafter directed, which certificate, attested by the Secretary of the Treasury, under his hand and seal, and countersigned by the collector, shall be in the form following, viz:

"In pursuance of an act of the Congress of the United States of America, entitled "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes," [here insert the name, occupation, and residence, of the subscribing owner] having taken and subscribed the oath or affirmation required by the said act, and having sworn or affirmed that he, together with [names, occupation, and residence, of non-subscribing owners] is [or are] sole owner [or owners] of the ship [or vessel] called the [ship's name] of [place to which the ship or vessel belongs] whereof [master's name] is at present master, and is a citizen of the United States, and that the said ship [or vessel] was [when and where built] and [name of surveying officer] having certified to us that the said ship or vessel has [number of decks] and ——— masts, that her length is ———, her breadth ———, her depth ———, and that she measures ——— tons; that she is [here describe the vessel and how built] has ——— gallery and ——— head. And that the said subscribing owners having consented and agreed to the above description and measurement, and having caused sufficient security to be given, as is required by the said act, the said [kind of vessel and name] has been duly registered at the port of ———. Given under our hand and seals of office, at [port] this ——— day of ———, in the year [words at full length.] And the collector shall transmit to the Secretary of the Treasury a duplicate of every such certificate so granted. And it shall be the duty of the Secretary of the Treasury to transmit to the collectors of the several ports of the United States a sufficient number of certificates, attested under his hand and seal, leaving the

blanks to be filled up by the collectors respectively.

Sec. 3. *And be it further enacted,* That to ascertain the tonnage of all ships or vessels, the surveyor or other person appointed by the collector to measure the same, shall take the length of every vessel, if double decked, from the fore part of the main stem to the after part of the stern post above the upper deck, the breadth at the broadest part above the main wales, and half such breadth shall be accounted the depth of every double decked vessel; he shall then deduct from the length three-fifths of the breadth, multiply the remainder by the breadth, and the product by the depth, dividing the product of the whole by ninety-five, the quotient shall be deemed the true contents or tonnage of such ship or vessel. To ascertain the tonnage of every single decked vessel, he shall take the length and breadth, as is directed to be taken for double decked vessels, and deduct three-fifths, in like manner, and the depth from the under side of the deck plank to the ceiling in the hold, and shall multiply and divide as aforesaid, and the quotient shall be deemed the true contents or tonnage of such single decked vessel.

Sec. 4. *And be it further enacted,* That the port to which any such ship or vessel shall be deemed to belong, agreeably to the intent and meaning of this act, shall be the port at or near which the husband, or acting and managing owner or owners of such ship or vessel usually resides or reside; and the name of such ship or vessel, and of the place to which she belongs, shall be painted on her stern on a black ground, with white letters of not less than three inches in length.

Sec. 5. *And be it further enacted,* That no ship or vessel owned in whole or in part by any citizen of the United States, usually residing in any foreign country, shall, during the time he shall continue so to reside, be deemed a vessel of the United States, entitled to be registered by virtue of this act, unless he be an agent for, and partner in, some house or co-partnership, consisting of citizens of the United States actually carrying on trade in the said States.

Sec. 6. *And be it further enacted,* That no registry shall be made, or certificate granted, until the following oath or affirmation be taken and subscribed before the officer hereinbefore authorized to make such registry and grant such certificate, (which oath or affirmation such officer is hereby empowered to administer,) by the owner of such ship or vessel, if owned by one person only, or in case there shall be two or more owners, then by any one of such owners, namely:

"———, [place of residence and occupation] do swear or affirm, that the ship or vessel ——— of ——— [take the description from the certificate of the surveyor or other person authorized by this act] was built at ———, in the year ———, or was the entire property of

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— on the sixteenth day of May, one thousand seven hundred and eighty-nine, and hath continued to be the property of a citizen or citizens of the United States; that —, the present master, is a citizen of the United States, and that I, —, and [the other owners' names, occupation, and where they respectively reside, viz: town, place, county, and State, or if resident in a foreign country, being an agent for, and partner in any house or co-partnership] am, or are, sole owner or owners of the said ship or vessel, and that no other person whatever hath any property therein; and that I, the said —, [and the said owners, if any] am, or are, truly a citizen of the United States, and that no foreigner, directly or indirectly, hath any part or interest in the said ship or vessel."

Sec. 7. *Provided always, and be it further enacted,* That whenever the owner or owners of such ship or vessel usually resides or reside out of the district within which such ship or vessel may be at the time of granting the certificate of registry, that such owner, or where there are two or more owners, any one of them may take and subscribe the said oath or affirmation, before the collector of the district within which he usually resides, omitting in the said oath or affirmation the description of such ship or vessel as expressed in the certificate of the surveyor, and inserting in lieu thereof the name of the port and district within which such ship or vessel may then be; and the collector, before whom such oath or affirmation may be taken and subscribed, shall transmit the same to the collector of the district where such ship or vessel may be, upon the receipt whereof the said collector shall proceed to register such ship or vessel in like manner as though the usual and regular oath or affirmation had been taken and subscribed before him.

Sec. 8. *And be it further enacted,* That the surveyor or other person to be appointed in pursuance of this act, shall, previous to the registering or granting of any certificate of registry, as aforesaid, examine and measure such ship or vessel, as to all and every particular contained in the form of the certificate aforesaid, in the presence of the master, or of any other person to be appointed for that purpose on the part of the owner or owners, and shall deliver a just and true account in writing of the built, description, and measurement, of every such ship or vessel, as are specified in the form of the certificate above recited, to the person authorized as aforesaid to make such registry and grant such certificate thereof; and the said master or other person attending on the part of the owner or owners, is hereby required to sign his name also to the certificate of the surveying or examining officer or other person duly appointed, in testimony of the truth thereof, provided such master or other person shall agree to the several particulars therein set forth and described.

Sec. 9. *And be it further enacted,* That when the certificate of registry aforesaid shall be

granted, sufficient security, by bond, shall be given to the collector in behalf of the United States, by the master and owner or owners, or by some other person or persons, on his, her, or their behalf, such security to be approved of by the collector, in the penalties following: that is to say, if such ship or vessel shall be above the burthen of fifteen, and not exceeding fifty tons, in the penalty of four hundred dollars; if exceeding the burthen of fifty tons, and not exceeding one hundred tons, in the penalty of eight hundred dollars; if exceeding the burthen of one hundred tons, and not exceeding two hundred tons, in the penalty of twelve hundred dollars; if exceeding the burthen of two hundred tons, and not exceeding three hundred tons, in the penalty of sixteen hundred dollars; and if exceeding the burthen of three hundred tons, in the penalty of two thousand dollars. And the condition of every such bond shall be, that such certificate shall not be sold, lent, or otherwise disposed of, to any person or persons whomsoever, and that the same shall be solely used for the ship or vessel to which it is granted; and that in case such ship or vessel shall be lost or taken by an enemy, burnt, or broken up, or otherwise prevented from returning to the port to which she belongs, the certificate, if preserved, shall be delivered up within three months after the arrival of the master in any port or place in the United States, to the collector of the district where he shall arrive; and that if any foreigner, or any person or persons for his use and benefit, shall purchase or otherwise become entitled to the whole or any part or share of, or interest in, such ship or vessel, and the same shall be within any district of the United States, in such case the certificate of registry shall, within seven days after such purchase or transfer of property in such ship or vessel, be delivered up to the collector of the said district; and in case such ship or vessel shall be in any foreign port or place, or at sea, when such transfer of interest or property shall take place, the said master shall, within eight days after his arrival in any port or place within the United States, deliver up the said certificate to the collector of the district where he shall arrive; and all the certificates so delivered up, shall be forthwith transmitted by the collector to the Secretary of the Treasury, to be cancelled.

Sec. 10. *And be it further enacted,* That whenever any ship or vessel, registered in conformity with this act, shall, in whole or in part, be sold or transferred to a citizen or citizens of the United States, the former certificate of registry shall be delivered up to the collector, and by him, without delay, transmitted to the Secretary of the Treasury, to be cancelled; and such ship or vessel shall be registered anew by her former name, and a certificate thereof shall be granted by the collector in like manner as is herein before directed.

Sec. 11. *And be it further enacted,* That whenever any such ship or vessel shall, in whole or in part, be sold or transferred to any person

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or persons, the certificate of the registry of every such ship or vessel shall be recited at length in the instrument of transfer or sale thereof, and in default thereof such instrument of sale or transfer shall be void, and that such ship or vessel shall not be deemed or denominated a ship or vessel entitled to any of the benefits or advantages of a ship or vessel of the United States.

Sec. 12. *And be it further enacted*, That whenever the master or other person having the charge or command of any ship or vessel, registered in the manner hereinbefore directed, shall be changed, the master or owner of such ship or vessel shall deliver to the collector of the district where such change shall take place the certificate of registry of such ship or vessel, who shall thereon endorse and subscribe a memorandum of such change, and forthwith give notice of the same to the collector of the district where such ship or vessel was last registered pursuant to this act, who shall likewise make a memorandum of the same in the book of registers, and transmit a copy thereof to the Secretary of the Treasury.

Sec. 13. *And be it further enacted*, That if the certificate of registry of any ship or vessel shall be lost or destroyed, the master or other person having charge of the said ship or vessel, may make oath or affirmation before the collector of the district where such ship or vessel may arrive, who is hereby authorized to administer the same in the words and form following:

I, ———, being master, or having charge of the ship or vessel called the ———, do swear or affirm, that the said ship or vessel hath been, as I verily believe, registered according to law by the name of ———, and that a certificate thereof was granted at the port ———, but that the same is lost or destroyed, (as the case may be,) and that the same, if found again, and comes again within my power, shall be delivered up to the collector of the port where it was granted; and that the master of said ship or vessel is a citizen of the United States, and that the said ship or vessel is, as I believe, the entire property of a citizen or citizens of the United States, and that no foreigner has, to my knowledge and belief, any property or interest therein; and the said oath or affirmation shall be filed in the office of the said collector before whom it was made, who is hereby required to register the said vessel anew, by her former name, and take the security in manner hereinbefore directed, and deliver the certificate of such registry to the owner or owners, if residing within his district, or, if not resident there, to the master or other person having charge of said ship or vessel, that such certificate of registry is granted in pursuance of this act, instead of a former certificate of registry, which appears by such proof as this act requires to be lost; and such certificate of registry shall have the same effect with the original, and the said collector shall, within three months, transmit a

duplicate of the said certificate to the Secretary of the Treasury, to be registered in his office, who shall notify the collector who granted the certificate which was lost or destroyed, of the same, who is hereby required to cause a memorandum thereof to be made in his book of registers.

Sec. 14. *And be it further enacted*, That if any ship or vessel, after having been registered in pursuance of this act, shall, in any manner whatever, be altered in form or burthen, by being lengthened or built upon, or from one denomination to another, by the mode or method of rigging or fitting, in such case such vessel shall be registered anew, by her former name, in manner hereinfore directed, as soon as she returns to the port to which she belongs, or to any other port in which she may be lawfully registered by virtue of this act; otherwise such ship or vessel shall not be deemed and considered as a ship or vessel of the United States.

Sec. 15. *And be it further enacted*, That the collector of every district where registers shall be made and certificates granted in pursuance of this act, shall progressively number the same as they shall be severally granted, beginning at the time when this act shall be in force, and continuing to the end of the present year, and thenceforth beginning at the commencement of every year, and shall enter an exact copy of every such certificate, with the number thereof, in a book to be kept for that purpose; and shall, within three months, transmit to the Secretary of the Treasury a true copy, together with the number of every certificate which shall be by him so granted.

Sec. 16. *And be it further enacted*, That every ship or vessel built in the United States after the fifteenth day of August, one thousand seven hundred and eighty-nine, and belonging wholly or in part to the subjects of foreign Powers, shall be recorded in the office of the collector of the district in which such ship or vessel was built, in manner following, that is to say: The builder of every such ship or vessel shall make oath or affirmation before the collector of such district, who is hereby authorized to administer such oath in manner following: I, ———, of [here insert the place of residence, county, and State] shipwright, do swear or affirm, that [here designate the kind of vessel] named ———, having [number of decks] and being in length ———, in breadth ———, in depth ———, and measuring ——— tons, having ——— galley and ——— head, was built by me, or under my direction, at [place, county, and State] in the United States, in the year ———, which oath or affirmation shall be recorded in manner hereinbefore directed, in a book to be kept for that purpose.

Sec. 17. *And be it further enacted*, That a certificate of the said record, attested under the hand and seal of the collector of the district as aforesaid, shall be granted to the master of every such ship or vessel in manner fol-

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lowing: "In pursuance of an act entitled "An act —, I, —, collector of the district of — in the United States, do certify, that the builder [name] of [place of residence, county, and State] having sworn or affirmed that the ship or vessel [here designate the kind of vessel] named —, whereof — is at present master, was built at [place, county, and State, where built] by him or under his direction, in the year —, and [here insert the name of the surveyor, or other person appointed by the collector, where there is no surveyor] having certified that the said ship or vessel has [numbers of decks,] is in length —, in breadth —, in depth —, and measures — tons; and the said builder and master having agreed to the said description and measurement, the said ship or vessel has been recorded in the district of —, in the United States. Witness my hand and seal this — day of —, in the year —," which certificate shall be recorded in the office of the collector, and a duplicate thereof transmitted to the Secretary of the Treasury of the United States to be recorded in his office.

Sec. 18. *And be it further enacted*, That the surveyor or other person to be appointed by the collector as aforesaid, is hereby required to deliver a true account in writing, signed with his name, of the built, description and measurement, of every such ship or vessel, as specified in the form of the said certificate of record, of such ships or vessels, which account shall also be signed by the master to the collector of the district where such certificate of the record shall be granted.

Sec. 19. *And be it further enacted*, That if the master or the name of any ship or vessel so recorded shall be changed, the owner, part owner, or consignee, of such ship or vessel, shall cause a memorandum thereof to be endorsed on the certificate of the record by the collector of the district where such ship or vessel may be, or at which she shall arrive, if such change took place in a foreign country, and a copy thereof shall be entered in the book of records, a transcript whereof shall be transmitted by the collector to the collector of the district where such certificate was granted, who shall enter the same in his book of records, and forward a duplicate of such entry to the Secretary of the Treasury of the United States; and in such case, until the said owner, part owner, or consignee, shall cause the said memorandum to be made by the collector in manner aforesaid, such ship or vessel shall not be deemed or considered as a vessel recorded in pursuance of this act.

Sec. 20. *And be it further enacted*, That the master or other person having command of any ship or vessel recorded in pursuance of this act, shall, on entry of such ship or vessel, produce the certificate of such record to the collector of the district, in failure of which the said ship or vessel shall not be entitled to the privileges of a vessel recorded as aforesaid.

Sec. 21. *And be it further enacted*, That all the penalties and forfeitures inflicted and incurred by this act, shall and may be sued for, prosecuted, and recovered, in such courts, and be disposed of in such manner as any penalties or forfeitures inflicted, or which may be incurred, for any offence committed against the United States, in and by an act entitled "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," may legally be sued for, prosecuted, recovered, and disposed of.

Sec. 22. *And be it further enacted*, That from and after the tenth day of September next, every ship or vessel of the burthen of twenty tons or upwards, built within the United States, and wholly owned by a citizen or citizens thereof; or not built within the United States, and on the sixteenth day of May, one thousand seven hundred and eight-nine, wholly owned, and thereafter continuing to be owned, by a citizen or citizens of the United States, but not registered, if destined from district to district, or to the bank or whale fisheries, shall, in order to be entitled to all the privileges of a ship or vessel belonging to the United States, employed in the coasting trade or in the fisheries, be enrolled by the collector of the district where the owner or one of the owners of such vessel may reside, and every vessel so enrolled shall have her name and the name of the place to which she belongs painted on her stern, in manner directed by this act for registered vessels, and such collector, on due proof, by oath or affirmation, to him made, by the owner or one of the owners of such ship or vessel, of her name, burthen, and denomination, and that she is of the description aforesaid, and of the names of the owner or owners, and of the master thereof, and that they are citizens of the United States, and of the place or places of residence of such owner or owners, shall enrol, in a book to be kept for that purpose, the name of every such vessel, her burthen, where built, and denomination, the name or names, and place or places of residence of the owner or owners thereof, and that he or they, together with the master, are citizens of the United States; a description of the built of such vessel as aforesaid, and the date of the enrolment, and shall also grant to the owner or owners a certificate containing a copy of such enrolment, and transmit to the Secretary of the Treasury a copy of every such certificate of enrolment, to be by him recorded. And whenever the property of such ship or vessel shall be changed, in whole or in part, the person or persons who shall then be owner or owners, or one of them, shall make known such change to the collector of the district where he or they may reside, and such collector is hereby authorized and directed to grant a new certificate of the enrolment of such ship or vessel, by her former name, to such owner or owners, upon his or their delivering up the former certificate, which shall be sent to the

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office of the collector from whence it was issued, to be cancelled: *Provided*, That the master or owner of every vessel of less than twenty tons burthen, and not less than five tons, which shall be employed between any of the districts in the United States, shall cause the name of such vessel and of the place to which she belongs to be painted on her stern, in manner directed by this act for registered vessels, and shall annually procure a license from the collector of the district to which such vessel belongs, who is hereby authorized to give the same, purporting that such vessel is exempt from clearing and entering for the term of one year from the date thereof; and the master or owner of every such vessel shall give bond, with sufficient security, for the payment of two hundred dollars to the United States, with condition that such vessels shall not be employed in any illicit trade or commerce; and before any new license shall be given for a succeeding year to the master of such vessel, he shall, on oath or affirmation, declare that no illicit trade has been carried on in such vessel, to his knowledge or belief, during the time for which she was licensed.

Sec. 23. *And be it further enacted*, That the master, commander, or owner, of every ship or vessel of the burthen of twenty tons or upwards, to be employed in trade between different districts in the United States, and of every vessel to be employed in the bank or whale fisheries, having a certificate of registry or enrolment as herein directed, shall, upon application to the collector of the district where such vessel may lie, be entitled to receive a license to trade between the different districts in the United States, or to carry on the bank or whale fishery for one year, and it shall be the duty of the collector to grant the same; but no license shall be granted for any vessel until the owner or owners applying therefor shall have paid the tonnage duty thereon, and shall enter into bond, with sufficient security, for the payment of one thousand dollars to the United States, with condition that such vessel shall not, within the time for which such license was granted, be employed in any illicit trade or commerce. And if any vessel of the burthen of twenty tons or upwards not having a certificate of registry or enrolment and a license, shall be found trading between different districts, or be employed in the bank or whale fisheries, every such ship or vessel shall be subject to the same tonnage and fees as foreign ships or vessels.

Sec. 24. *And be it further enacted*, That the master or commander of every ship or vessel bound to any foreign port, shall deliver to the collector of the district where such ship or vessel may be, a manifest of the cargo on board such ship or vessel, and on making oath or affirmation to the truth thereof, it shall be the duty of the said collector to grant a clearance for such ship or vessel and her loadings; and if any ship or vessel, bound to any foreign port,

shall depart from the place of her loading without such clearance, the master, commander, consignee, or owner thereof, shall forfeit and pay the sum of two hundred dollars for every such offence.

Sec. 25. *And be it further enacted*, That the master of every ship or vessel of the burthen of twenty tons or upwards, licensed to trade between the different districts of the United States, having on board goods, wares, or merchandise, of foreign growth or manufacture, of the value of two hundred dollars, or rum or other ardent spirits, exceeding four hundred gallons, and being bound from one district to another, shall deliver to the collector, and where the collector and surveyor reside at different places within the same district, to the collector or surveyor, as the one or the other may reside at or nearest to the port where such ship or vessel may be, duplicate manifests of the whole cargo on board such ship or vessel, whether such cargo shall consist wholly of goods, wares, or merchandise, of foreign growth or manufacture, or partly of such goods, wares, or merchandise, and partly of goods, wares, or merchandise, the growth or manufacture of the United States, specifying therein the name and place of residence of every shipper and consignee, together with the quantity of goods, wares, or merchandise, shipped by and to each; and upon the oath or affirmation of the said master, before the said collector or surveyor, to the truth of such manifest, and that he doth not know, and hath no reason to believe, that the revenue of the United States has been defrauded of any part of the duties imposed by law upon the importations of any of the goods, wares, or merchandise, contained in the said manifest, it shall be the duty of such collector or surveyor to return to the said master one of the said manifests, first certifying thereon that the same had been sworn or affirmed to, and delivered to him according to law; and also to grant to the said master a permit, authorizing such ship or vessel to proceed to the place of her destination.

So always, and provided, That where goods, wares, or merchandises, of foreign growth or manufacture, are to be transported to and from the respective ports of Philadelphia and Baltimore unto each other, through and across the State of Delaware, a manifest, certified as aforesaid, by the officers of that one of the said ports from whence the same goods, wares, or merchandises, are to be so transported, shall be sufficient to warrant the transportation thereof to the other of the said ports, without an intermediate entry in the district of Delaware.

Provided always, That no master of any ship or vessel, licensed to trade as aforesaid, having on board goods, wares, or merchandise, of the growth or manufacture of the United States only, rum and other ardent spirits, exceeding four hundred gallons, excepted, and being bound from one district to another in the same State, or from a district in one State to a

district in the next adjoining State, shall be obliged to deliver duplicate manifests, or to apply for a permit as aforesaid; but any such master may in such case lawfully proceed to any other district in the same State, or in the next adjoining State, freely and without interruption.

Sec. 26. *And be it further enacted*, That the master of every ship or vessel of the burthen of twenty tons or upwards, licensed to trade as aforesaid, having on board goods, wares, or merchandise, of the growth or manufacture of the United States only, and being bound from a district in one State to a district in any other than an adjoining State, shall deliver to the collector, or where the collector and surveyor reside at different places within the same district, to the collector or surveyor, as the one or the other may reside at or nearest to the port where such ship or vessel may be, duplicate manifests of the whole cargo on board such ship or vessel, specifying therein the name and place of residence of every shipper and consignee, together with the quantity of goods, wares, or merchandise, shipped by and to each. And upon the oath or affirmation of the said master, before the said collector or surveyor, of the truth of such manifest, it shall be the duty of such collector or surveyor to return to the said master one of the said manifests, first certifying thereon that the same had been sworn or affirmed to and delivered to him according to law; and also to grant to the said master a permit, authorizing such ship or vessel to proceed to the place of her destination.

Sec. 27. *And be it further enacted*, That the master of every ship or vessel of the burthen of twenty tons or upwards, licensed to trade as aforesaid, not having on board rum or other ardent spirits, exceeding four hundred gallons, and arriving from one district to another in the same State, or from a district in one State to a district in the next adjoining State, with goods, wares, or merchandise, of the growth or manufacture of the United States only, shall, within twenty-four hours, Sundays excepted, next after his arrival at any place or port where a collector or surveyor resides, and before any part of the cargo on board such ship or vessel be landed or unloaded, deliver to such collector or surveyor a manifest thereof, and shall make oath or affirmation, before such collector or surveyor, that such manifest contains a true account of all the goods, wares, and merchandise, on board such ship or vessel, and thereupon shall receive from such collector or surveyor a permit to land or unload the same.

Sec. 28. *And be it further enacted*, That in all other cases the master of every vessel of the burthen of twenty tons or upwards, licensed to trade as aforesaid, shall, within twenty-four hours (Sundays excepted) next after his arrival at any port or place within the United States, where a collector or surveyor resides, and before any part of the cargo on board any such ship or vessel be landed or unloaded, deliver to such collec-

tor or surveyor the manifest thereof, authenticated before, and received from, the collector or surveyor of the port or place where the said cargo was taken on board, together with his permit to depart from the place of lading, whereupon it shall be the duty of such collector or surveyor to grant a permit to land or unload such cargo.

Sec. 29. *And be it further enacted*, That if the master of any ship or vessel of the burthen of twenty tons or upwards, licensed to trade as aforesaid, and having on board goods, wares, or merchandise, of the value of two hundred dollars or upwards, shall depart with the said ship or vessel from any port, with intent to go to another district, without such manifest and permit, except as is hereinafter provided, the master or owner of such ship or vessel shall forfeit and pay the sum of four hundred dollars for every such offence; and all goods, wares, and merchandise, of the value of two hundred dollars or upwards, which shall be found on board any such ship or vessel, after her departure from the port where the same were taken on board, without being contained in, accompanied with, such manifest as is hereinbefore directed, except as is hereinafter excepted, shall be subject to seizure and forfeiture.

Provided always, That nothing herein contained shall be construed to subject the master or owner of any ship or vessel licensed to trade as aforesaid, having on board goods, wares, and merchandise, of the growth and manufacture of the United States only, rum and other ardent spirits, exceeding four hundred gallons, excepted, and bound from district to district in the same State, or from a district in one State to a district in the next adjoining State, to any penalty for having departed from the port of loading without such permit and manifest, or to subject the said goods on board such ship or vessel to seizure or forfeiture, in case they are not accompanied with a manifest as aforesaid.

Sec. 30. *And be it further enacted*, That if any ship or vessel having a license to trade or fish for one year, shall, within that time, be destined to any foreign port, the master or commander of every such ship or vessel shall, before he departs from the United States, deliver such license to the collector of the port from whence he intends to depart; and it shall be the duty of such collector forthwith to transmit the license, to him so delivered, to the collector of the district where the same was granted, who shall thereupon cancel every license; and if any master or commander shall neglect or refuse to deliver up such license before he depart from the United States, he shall forfeit and pay the sum of one hundred dollars for every such neglect or refusal.

Sec. 31. *And be it further enacted*, That the fees and allowances for the several duties to be performed in virtue of this act, and the distribution of the same, shall be as follows, to wit:

For the first register or certificate of record

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granted for every ship or vessel, there shall be paid to the collector granting the same, the sum of two dollars;

For every subsequent one, one dollar and fifty cents;

For every certificate of enrolment, fifty cents;

For every license to trade between the different districts of the United States, or to carry on the bank or whale fishery for one year, fifty cents;

For every entry of inward cargo directed to be made in conformity with this act, and for receiving of, and qualifying to, every manifest of vessels licensed to trade as aforesaid, sixty cents;

For a permit to land goods of foreign growth or manufacture, twenty cents;

For every permit to proceed to the place of destination, twenty-five cents;

And for taking every bond required by this act, twenty cents.

The whole amount of which fees shall be accounted for by the collector; and where there is a collector, naval officer, and surveyor, shall be equally divided between the said officers; and where there is no naval officer, between the collector and surveyor; and where there is only a collector, he shall receive the whole amount thereof; and where there is more than one surveyor in any district, each of them shall receive his proportionable part of such fees as shall arise in the port for which he is appointed: *Provided always*, That in all cases where the tonnage of any ship or vessel shall be ascertained by any person specially appointed for that purpose, as is hereinbefore directed, that such person shall be allowed and paid by the collector a reasonable compensation for the same, out of the fees aforesaid, before any distribution thereof as aforesaid.

Sec. 32. *And be it further enacted*, That in every case where the collector is, by this act, directed to grant any license, certificate, permit, or other document, the naval officer, if there be one residing at the port, shall sign the name.

Sec. 33. *And be it further enacted*, That in every case where a forfeiture of any ship or vessel, or of any goods, wares, or merchandise, shall accrue, it shall be the duty of the collector or other proper officer, who shall give notice of the sale of such ship or vessel, or of such goods, wares, or merchandise, to insert, in the same advertisement, the name or names, and the place or places of residence, of the person or persons to whom any such ship or vessel, goods, wares or merchandise, belonged or were consigned at the time of such seizure.

Sec. 34. *And be it further enacted*, That every collector who shall knowingly make any false registry, record, or enrolment, of any ship or vessel; and every officer or person appointed as is herein provided, who shall make any false record, or grant any false certificate, or any document whatever, in any manner that shall not be herein prescribed, or that shall be con-

trary to the true intent and meaning of this act, or shall take any other or greater fees than are by this act allowed, or receive any other reward or gratuity, contrary to the provisions of this act; and every surveyor or other person appointed to measure ships or vessels, who shall wilfully deliver to any collector or naval officer a false description of any ship or vessel to be registered, recorded, or enrolled, in pursuance of this act, shall, upon conviction of any such neglect or offence, forfeit the sum of one thousand dollars, and be rendered incapable of serving in any office of trust or profit under the United States; and if any person or persons, authorized and required by this act, in respect of his or their office or offices, to perform any act or thing required to be done or performed, pursuant to any of the provisions of this act, and wilfully neglecting or refusing to do or perform the same, according to the true intent and meaning of this act, shall, on being duly convicted thereof, if not subject to the penalty and disqualification aforesaid, forfeit the sum of five hundred dollars for the first offence, and a like sum for the second offence, and shall, from thenceforward, be rendered incapable of holding any office of trust or profit under the United States.

Sec. 35. *And be it further enacted*, That if any certificate of registry, record, or enrolment, shall be fraudulently used for any ship or vessel not entitled to the same by this act, such ship or vessel shall be forfeited to the United States, with her tackle, apparel, and furniture.

Sec. 36. *And be it further enacted*, That if any person or persons shall falsely make oath or affirmation to any of the matters herein required to be verified, such person or persons shall suffer the like pains and penalties as shall be incurred by persons committing wilful and corrupt perjury; and that if any person or persons shall forge, counterfeit, erase, alter, or falsify, any certificate, register, license, permit, or other document, mentioned in this act, or to be granted by any officer of the customs, such person or persons shall, for every such offence, forfeit the sum of five hundred dollars.

Sec. 37. *And whereas*, By an act entitled "An act for laying a duty on goods, wares, and merchandises, imported into the United States," it is provided, that there shall be allowed or paid five cents on every quintal of dried fish, and on every barrel of pickled fish, and of salted provisions, exported from the United States to any country without the limits thereof, in lieu of the drawback of the duties imposed on the importation of the salt employed and expended therein; and there are now large quantities of salt within the United States, imported before any duties were laid for the use of the said United States:

Be it enacted, That no allowance shall be made by any collector for any dried or pickled fish, or for any salted provisions, which shall be exported from the United States prior to

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the last day of May, one thousand seven hundred and ninety.

Approved, September 1, 1789.

An Act to establish the Treasury Department.

Be it enacted, &c., That there shall be a Department of Treasury, in which shall be the following officers, namely: A Secretary of the Treasury, to be deemed head of the Department, a Comptroller, an Auditor, a Treasurer, a Register, and an assistant to the Secretary of the Treasury, which assistant shall be appointed by the said Secretary.

Sec. 2. *And be it further enacted,* That it shall be the duty of the Secretary of the Treasury to digest and prepare plans for the improvement and management of the revenue, and for the support of public credit; to prepare and report estimates of the public revenue and the public expenditures; to superintend the collection of the revenue; to decide on the forms of keeping and stating accounts and making returns, and to grant under the limitations herein established, or to be hereafter provided, all warrants for moneys to be issued from the Treasury, in pursuance of appropriations by law; to execute such services relative to the sale of the lands belonging to the United States as may be by law required of him; to make report and give information to either branch of the Legislature, in person or in writing, (as he may be required,) respecting all matters referred to him by the Senate or House of Representatives, or which shall appertain to his office; and generally to perform all such services relative to the finances as he shall be directed to perform.

Sec. 3. *And be it further enacted,* That it shall be the duty of the Comptroller to superintend the adjustment and preservation of the public accounts; to examine all accounts settled by the Auditor, and certify the balances arising thereon to the Register; to countersign all warrants drawn by the Secretary of the Treasury which shall be warranted by law; to report to the Secretary the official forms of all papers to be issued in the different offices for collecting the public revenue, and the manner and form of keeping and stating the accounts of the several persons employed therein. He shall moreover provide for the regular and punctual payment of all moneys which may be collected, and shall direct prosecutions for all delinquencies of officers of the revenue, and for debts that are or shall be due to the United States.

Sec. 4. *And be it further enacted,* That it shall be the duty of the Treasurer to receive and keep the moneys of the United States, and to disburse the same upon warrants drawn by the Secretary of the Treasury, countersigned by the Comptroller, recorded by the Register, and not otherwise. He shall take receipts for all moneys paid by him, and all receipts for moneys received by him shall be endorsed upon

warrants signed by the Secretary of the Treasury, without which warrant so signed, no acknowledgment for money received into the public Treasury shall be valid. And the said Treasurer shall render his accounts to the Comptroller quarterly, (or oftener if required,) and shall transmit a copy thereof, when settled, to the Secretary of the Treasury. He shall, moreover, on the third day of every session of Congress, lay before the Senate and House of Representatives fair and accurate copies of all accounts by him from time to time rendered to, and settled with the Comptroller as aforesaid, as also a true and perfect account of the state of the Treasury. He shall at all times submit to the Secretary of the Treasury, and the Comptroller, or either of them, the inspection of the moneys in his hands; and shall, prior to the entering upon the duties of his office, give bond, with sufficient sureties, to be approved by the Secretary of the Treasury and Comptroller, in the sum of one hundred and fifty thousand dollars, payable to the United States, with condition for the faithful performance of the duties of his office, and for the fidelity of the persons to be by him employed, which bond shall be lodged in the office of the Comptroller of the Treasury of the United States.

Sec. 5. *And be it further enacted,* That it shall be the duty of the Auditor to receive all public accounts, and after examination to certify the balance, and transmit the accounts with the vouchers and certificate to the Comptroller for his decision thereon: *Provided,* That if any person whose account shall be so audited, be dissatisfied therewith, he may within six months appeal to the Comptroller against such settlement.

Sec. 6. *And be it further enacted,* That it shall be the duty of the Register to keep all accounts of the receipts and expenditures of the public money, and of all debts due to or from the United States; to receive from the Comptroller the accounts which shall have been finally adjusted, and to preserve such accounts with their vouchers and certificates; to record all warrants for the receipt or payment of moneys at the Treasury, certify the same thereon, and to transmit to the Secretary of the Treasury copies of the certificates of balances of accounts adjusted as is herein directed.

Sec. 7. *And be it further enacted,* That whenever the Secretary shall be removed from office by the President of the United States, or in any other case of vacancy in the office of Secretary, the assistant shall, during the vacancy, have the charge and custody of the records, books, and papers, appertaining to the said office.

Sec. 8. *And be it further enacted,* That no person appointed to any office instituted by this act, shall directly or indirectly be concerned or interested in carrying on the business of trade or commerce, or be owner in whole or in part of any sea vessel, or purchase by himself, or another in trust for him, any public lands or other public property, or be concerned in the

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purchase or disposal of any public securities of any State, or of the United States, or take or apply to his own use, any emolument or gain for negotiating or transacting any business in the said department, other than what shall be allowed by law; and if any person shall offend against any of the prohibitions of this act, he shall be deemed guilty of a high misdemeanor, and forfeit to the United States the penalty of three thousand dollars, and shall upon conviction be removed from office, and for ever thereafter incapable of holding any office under the United States. *Provided*, That if any other person than a public prosecutor shall give information of any such offence, upon which a prosecution and conviction shall be had, one half the aforesaid penalty of three thousand dollars, when recovered, shall be for the use of the person giving such information.

Approved, September 2, 1789.

An act for establishing the salaries of the Executive Officers of Government, with their assistants and clerks.

Be it enacted, &c. That there shall be allowed to the officers hereinafter mentioned, the following annual salaries, payable quarterly at the Treasury of the United States: to the Secretary of the Treasury, three thousand five hundred dollars; to the Secretary in the Department of State, three thousand five hundred dollars; to the Secretary of the Department of War, three thousand dollars; to the Comptroller of the Treasury, two thousand dollars; to the Auditor, fifteen hundred dollars; to the Treasurer, two thousand dollars; to the Register, twelve hundred and fifty dollars; to the Governor of the Western Territory, for his salary as such, and for discharging the duties of Superintendent of Indian affairs in the Northern Department, two thousand dollars; to the three judges of the Western Territory, each eight hundred dollars; to the assistant of the Secretary of the Treasury, fifteen hundred dollars; to the chief clerk in the Department of State, eight hundred dollars; to the chief clerk in the Department of War, six hundred dollars; to the Secretary of the Western Territory, seven hundred and fifty dollars; to the principal clerk of the Comptroller, eight hundred dollars; to the principal clerk of the Auditor, six hundred dollars; to the principal clerk of the Treasury, six hundred dollars.

Sec. 2. *And be it further enacted*, That the heads of the three departments first above mentioned shall appoint such clerks therein respectively as they shall find necessary; and the salary of the said clerks respectively shall not exceed the rate of five hundred dollars per annum.

Approved, September 11, 1789.

An Act to provide for the safe-keeping of the acts, records, and seal of the United States, and for other purposes.

Be it enacted, &c., That the Executive De-

partment, denominated the Department of Foreign Affairs, shall hereafter be denominated the Department of State, and the principal officer therein shall hereafter be called the Secretary of State.

Sec. 2. *And be it further enacted*, That whenever a bill, order, resolution, or vote of the Senate and House of Representatives, having been approved and signed by the President of the United States, or not having been returned by him with his objections, shall become a law, or take effect, it shall forthwith thereafter be received by the said Secretary from the President; and whenever a bill, order, resolution, or vote shall be returned by the President with his objections, and shall, on being reconsidered, be agreed to be passed, and be approved by two-thirds of both Houses of Congress, and thereby become a law or take effect, it shall, in such case, be received by the said Secretary from the President of the Senate or the Speaker of the House of Representatives, in whichever House it shall last have been so approved; and the said Secretary shall, as soon as conveniently may be, after he shall receive the same, cause every such law, order, resolution, and vote to be published in at least three of the public newspapers printed within the United States, and shall also cause one printed copy to be delivered to each Senator and Representative of the United States, and two printed copies duly authenticated to be sent to the executive authority of each State; and he shall carefully preserve the originals, and shall cause the same to be recorded in books to be provided for the purpose.

Sec. 3. *And be it further enacted*, That the seal heretofore used by the United States in Congress assembled shall be and hereby is declared to be the seal of the United States.

Sec. 4. *And be it further enacted*, That the said Secretary shall keep the said seal, and shall make out and record, and shall affix the said seal to all civil commissions, to officers of the United States to be appointed by the President by and with the advice and consent of the Senate, or by the President alone. *Provided*, That the said seal shall not be affixed to any commission before the same shall have been signed by the President of the United States, nor to any other instrument or act without the special warrant of the President therefor.

Sec. 5. *And be it further enacted*, That the said Secretary shall cause a seal of office to be made for the said department of such device as the President of the United States shall approve, and all copies of records and papers in the said office, authenticated under the said seal, shall be evidence equally as the original record or paper.

Sec. 6. *And be it further enacted*, That there shall be paid to the Secretary, for the use of the United States, the following fees of office by the persons requiring the services to be performed, except when they are performed for any officer of the United States, in a matter

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relating to the duties of his office, to wit: for making out and authenticating copies of records, ten cents for each sheet, containing one hundred words; for authenticating a copy of a record or paper under the seal of office, twenty-five cents.

Sec. 7. *And be it further enacted*, That the said Secretary shall forthwith after his appointment be entitled to have the custody and charge of the said seal of the United States, and also of all books, records, and papers remaining in the office of the late Secretary of the United States in Congress assembled; and such of the said books, records, and papers as may appertain to the Treasury Department, or War Department, shall be delivered over to the principal officers in the said departments respectively as the President of the United States shall direct.

Approved, September 15, 1789.

An Act to suspend part of an act, entitled "An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandises imported into the United States," and for other purposes.

Be it enacted, &c., That so much of the act, entitled "An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandises imported into the United States, as obliges ships or vessels bound up the river Potomac, to come to and deposite manifests of their cargoes with the officers at Saint Mary's and Yeocomico, before they proceed to their port of delivery, shall be and is hereby suspended until the first day of May next.

Sec. 2. *Be it further enacted*, That all the privileges and advantages to which ships and vessels owned by citizens of the United States are by law entitled, shall be, until the fifteenth day of January next, extended to ships and vessels wholly owned by citizens of the States of North Carolina and Rhode Island and Providence Plantations. *Provided*, That the master of every such ship or vessel last mentioned shall produce a register for the same, conformable to the laws of the State in which it shall have been obtained, showing that the said ship or vessel is, and before the first day of September instant, was owned as aforesaid, and make oath or affirmation before the collector of the port in which the benefit of this act is claimed, that the ship or vessel for which such register is produced is the same therein mentioned, and that he believes it is still wholly owned by the person or persons named in said register, and that he or they are citizens of one of the States aforesaid.

Sec. 3. *And be it further enacted*, That all rum, loaf sugar, and chocolate, manufactured or made in the States of North Carolina or Rhode Island and Providence Plantations, and imported or brought into the United States shall be deemed and taken to be subject to the like duties as goods of the like kinds imported

from any foreign State, kingdom, or country are made subject to.

Sec. 4. *And be it further enacted*, That Rehoboth, in the State of Massachusetts, shall be a port of entry and delivery, until the fifteenth day of January next, and that a collector be appointed for the same.

Approved, September 16, 1789.

An Act for the temporary establishment of the Post-office.

Be it enacted, &c., That there shall be appointed a Postmaster-general; his powers and salary, and the compensation to the assistant or clerk and deputies which he may appoint, and the regulations of the Post-office shall be the same as they last were under the resolutions and ordinances of the late Congress. The Postmaster-general to be subject to the direction of the President of the United States in performing the duties of his office, and in forming contracts for the transportation of the mail.

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

Approved, September 22, 1789.

An Act for allowing compensation to the members of the Senate and House of Representatives of the United States, and to the officers of both Houses.

Be it enacted, &c. That at every session of Congress, and at every meeting of the Senate in the recess of Congress prior to the fourth day of March, in the year one thousand seven hundred and ninety-five, each Senator shall be entitled to receive six dollars for every day he shall attend the Senate, and shall also be allowed at the commencement and end of every such session and meeting six dollars for every twenty miles of the estimated distance by the most usual road from his place of residence to the seat of Congress; and in case any member of the Senate shall be detained by sickness, on his journey to or from any such session or meeting, or, after his arrival, shall be unable to attend the Senate, he shall be entitled to the same daily allowance. *Provided always*, That no Senator shall be allowed a sum exceeding the rate of six dollars a day from the end of one such session or meeting to the time of his taking a seat in another.

Sec. 2. *And be it further enacted*, That at every session of Congress, and at every meeting of the Senate in the recess of Congress after the aforesaid fourth day of March, in the year one thousand seven hundred and ninety-five, each Senator shall be entitled to receive seven dollars for every day he shall attend the Senate; and shall also be allowed at the commencement and end of every such session and meeting seven dollars for every twenty miles of the estimated distance, by the most usual road, from his place of residence to the seat of Congress; and in case any member of the Senate shall be detained by sickness on his journey to or from any such session or meeting, or

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after his arrival shall be unable to attend the Senate, he shall be entitled to the same allowance of seven dollars a day. *Provided always*, That no Senator shall be allowed a sum exceeding the rate of seven dollars a day from the end of one such session or meeting to the time of his taking his seat in another.

Sec. 3. *And be it further enacted*, That at every session of Congress each representative shall be entitled to receive six dollars for every day he shall attend the House of Representatives; and shall also be allowed, at the commencement and end of every session, six dollars for every twenty miles of the estimated distance, by the most usual road, from his place of residence to the seat of Congress; and in case any representative shall be detained by sickness on his journey to or from the session of Congress, or, after his arrival, shall be unable to attend the House of Representatives, he shall be entitled to the daily allowance aforesaid; and the Speaker of the House of Representatives, to defray the incidental expenses of his office, shall be entitled to receive, in addition to his compensation as a representative, six dollars for every day he shall attend the House. *Provided always*, That no representative shall be allowed a sum exceeding the rate of six dollars a day from the end of one such session or meeting to the time of his taking a seat in another.

Sec. 4. *And be it further enacted*, That there shall be allowed to each chaplain of Congress at the rate of five hundred dollars per annum, during the session of Congress; to the Secretary of the Senate and to the Clerk of the House of Representatives fifteen hundred dollars per annum each, to commence from the time of their respective appointments; and also a further allowance of two dollars a day to each during the session of that branch for which he officiates; and the said Secretary and Clerk shall each be allowed (when the President of the Senate or Speaker shall deem it necessary) to employ one principal clerk, who shall be paid three dollars per day, and an engrossing clerk, who shall be paid two dollars per day, during the session, with the like compensation to such clerk while he shall be necessarily employed in the recess.

Sec. 5. *And be it further enacted*, That the following compensation shall be allowed to the officers hereinafter mentioned, viz: to the sergeant-at-arms during the sessions, and while employed on the business of the House, four dollars per day; the allowance of the present sergeant-at-arms to commence from the time of his appointment; to the doorkeepers of the Senate and House of Representatives for their services in those offices three dollars per day, during the session of the House to which he may belong, for his own services and for the hire of necessary laborers; the allowance to the present doorkeeper of the Senate to commence from the day appointed for the meeting of Congress; and the allowance to the doorkeeper of

the House of Representatives to commence from his appointment; and to the assistant doorkeeper to each House two dollars per day during the sessions.

Sec. 6. *And be it further enacted*, That the said compensation which shall be due to the members and officers of the Senate shall be certified by the President; and that which shall be due to the members and officers of the House of Representatives shall be certified by the Speaker; and the same shall be passed as public accounts, and paid out of the public Treasury.

Sec. 7. *And be it further enacted*, That this act shall continue in force until the fourth day of March, in the year one thousand seven hundred and ninety-six, and no longer.

Approved, September 23, 1789.

An Act for allowing certain compensation to the Judges of the Supreme and other Courts, and to the Attorney General of the United States.

Be it enacted, &c., That there shall be allowed to the Judges of the Supreme and other Courts of the United States the yearly compensation hereinafter mentioned, to wit: to the Chief Justice, four thousand dollars; to each of the Justices of the Supreme Court, three thousand five hundred dollars; to the Judge of the district of Maine, one thousand dollars; to the Judge of the district of New Hampshire, one thousand dollars; to the Judge of the district of Massachusetts, twelve hundred dollars; to the Judge of the district of Connecticut, one thousand dollars; to the Judge of the district of New York, fifteen hundred dollars; to the Judge of the district of New Jersey, one thousand dollars; to the Judge of the district of Pennsylvania, sixteen hundred dollars; to the Judge of the district of Delaware, eight hundred dollars; to the Judge of the district of Maryland, fifteen hundred dollars; to the Judge of the district of Virginia, eighteen hundred dollars; to the Judge of the district of Kentucky, one thousand dollars; to the Judge of the district of South Carolina, eighteen hundred dollars; to the Judge of the district of Georgia, fifteen hundred dollars; and to the Attorney General of the United States, fifteen hundred dollars; which compensations shall commence from their respective appointments, and be paid at the Treasury of the United States in quarterly payments.

Approved, September 23, 1789.

An Act for allowing a compensation to the President and Vice President of the United States.

Be it enacted, &c., That there shall be allowed to the President of the United States, at the rate of twenty-five thousand dollars, with the use of the furniture and other effects now in his possession belonging to the United States; and to the Vice President, at the rate of five thousand dollars per annum, in full compensation for their respective services, to commence with the time of their entering on the duties of their offices respectively, and to con-

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tinue so long as they shall remain in office, and to be paid quarterly out of the Treasury of the United States.

Approved, September 24, 1769.

An Act to establish the Judicial Courts of the United States.

Be it enacted, &c., That the Supreme Court of the United States shall consist of a Chief Justice and five associate justices, any four of whom shall be a quorum, and shall hold annually at the seat of Government two sessions, the one commencing the first Monday of February, and the other the first Monday of August. That the associate justices shall have precedence according to the date of their commissions, or when the commissions of two or more of them bear date on the same day, according to their respective ages.

Sec. 2. *And be it further enacted,* That the United States shall be, and they hereby are divided into thirteen districts, to be limited and called as follows, to wit: one to consist of that part of the State of Massachusetts which lies easterly of the State of New Hampshire, and to be called Maine District; one to consist of the State of New Hampshire, and to be called New Hampshire District; one to consist of the remaining part of the State of Massachusetts, and to be called Massachusetts District; one to consist of the State of Connecticut, and to be called Connecticut District; one to consist of the State of New York, and to be called New York District; one to consist of the State of New Jersey, and to be called New Jersey District; one to consist of the State of Pennsylvania, and to be called Pennsylvania District; one to consist of the State of Delaware, and to be called Delaware District; one to consist of the State of Maryland, and to be called Maryland District; one to consist of the State of Virginia, except that part called the District of Kentucky, and to be called Virginia District; one to consist of the remaining part of the State of Virginia, and to be called Kentucky District; one to consist of the State of South Carolina, and to be called South Carolina District; and one to consist of the State of Georgia, and to be called Georgia District.

Sec. 3. *And be it further enacted,* That there be a court called a District Court in each of the aforementioned districts, to consist of one judge, who shall reside in the district for which he is appointed, and shall be called a District Judge, and shall hold annually four sessions, the first of which to commence as follows, to wit: in the districts of New York and New Jersey on the first, in the district of Pennsylvania on the second, in the district of Connecticut on the third, and in the district of Delaware on the fourth Tuesdays of November next; in the districts of Massachusetts, of Maine, and of Maryland on the first, in the district of Georgia on the second, and in the districts of New Hampshire, of Virginia, and

of Kentucky on the third Tuesdays of December next; and the other three sessions progressively in the respective districts on the like Tuesdays of every third calendar month afterwards; and in the district of South Carolina on the third Monday in March and September, the first Monday in July, and the second Monday in December of each and every year, commencing in December next, and that the district judge shall have power to hold special courts at his discretion. That the stated district court shall be held at the places following, to wit: in the district of Maine, at Portland and Pownalsborough alternately, beginning at the first; in the district of New Hampshire, at Exeter and Portsmouth alternately, beginning at the first; in the district of Massachusetts, at Boston and Salem alternately, beginning at the first; in the district of Connecticut, alternately at Hartford and New Haven, beginning at the first; in the district of New York, at New York; in the district of New Jersey, alternately at New Brunswick and Burlington, beginning at the first; in the district of Pennsylvania, at Philadelphia and Yorktown alternately, beginning at the first; in the district of Delaware, alternately at Newcastle and Dover, beginning at the first; in the district of Maryland, alternately at Baltimore and Easton, beginning at the first; in the district of Virginia, alternately at Richmond and Williamsburg, beginning at the first; in the district of Kentucky, at Harrodsburgh; in the district of South Carolina, at Charleston; and in the district of Georgia, alternately at Savannah and Augusta, beginning at the first; and that the special courts shall be held at the same place in each district as the stated courts; or in districts that have two, at either of them in the discretion of the judge, or at such other place in the district as the nature of the business and his discretion shall direct. And that in the districts that have but one place for holding the district court, the records thereof shall be kept at that place; and in districts that have two at that place in each district which the judge shall appoint.

Sec. 4. *And be it further enacted,* That the beforementioned districts, except those of Maine and Kentucky, shall be divided into three circuits, and be called the eastern, the middle, and the southern circuit. That the eastern circuit shall consist of the districts of New Hampshire, Massachusetts, Connecticut, and New York; that the middle circuit shall consist of the districts of New Jersey, Pennsylvania, Delaware, Maryland, and Virginia; and that the southern circuit shall consist of the districts of South Carolina and Georgia; and that there shall be held annually in each district of said circuits two courts which shall be called circuit courts, and shall consist of any two justices of the Supreme Court and the district judge of such districts, any two of whom shall constitute a quorum. *Provided,* That no district judge shall give a vote in any

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case of appeal or error from his own decision; but may assign the reasons of such his decision.

Sec. 5. *And be it further enacted*, That the first session of the said circuit court in the several districts shall commence at the times following, to wit: in New Jersey on the second, in New York on the fourth, in Pennsylvania on the eleventh, in Connecticut on the twenty-second, and in Delaware on the twenty-seventh day of April next; in Massachusetts on the third, in Maryland on the seventh, in South Carolina on the twelfth, in New Hampshire on the twentieth, in Virginia on the twenty-second, and in Georgia on the twenty-eighth day of May next, and the subsequent sessions in the respective districts on the like day of every sixth calendar month afterwards, except in South Carolina, where the session of the said court shall commence on the first, and in Georgia where it shall commence on the seventeenth day of October, and except when any of those days shall happen on a Sunday, and then the session shall commence on the next day following. And the sessions of the said circuit court shall be held in the district of New Hampshire, at Portsmouth and Exeter alternately, beginning at the first; in the district of Massachusetts, at Boston; in the district of Connecticut, alternately at Hartford and New Haven, beginning at the last; in the district of New York, alternately at New York and Albany, beginning at the first; in the district of New Jersey, at Trenton; in the district of Pennsylvania, alternately at Philadelphia and Yorktown, beginning at the first; in the district of Delaware, alternately at Newcastle and Dover, beginning at the first; in the district of Maryland, alternately at Annapolis and Easton, beginning at the first; in the district of Virginia, alternately at Charlottesville and Williamsburgh, beginning at the first; in the district of South Carolina, alternately at Columbia and Charleston, beginning at the first; and in the district of Georgia, alternately at Savannah and Augusta, beginning at the first. And the circuit courts shall have power to hold special sessions for the trial of criminal causes at any other time at their discretion, or at the discretion of the Supreme Court.

Sec. 6. *And be it further enacted*, That the Supreme Court may, by any one or more of its justices being present, be adjourned from day to day until a quorum be convened; and that a circuit court may also be adjourned from day to day by any one of its judges, or if none are present, by the marshal of the district until a quorum be convened; and that a district court, in case of the inability of the judge to attend at the commencement of a session, may, by virtue of a written order from the said judge directed to the marshal of the district, be adjourned by the said marshal to such a day antecedent to the next stated session of the said court, as in the said order shall be appointed, and in case of the death of the said judge, and his vacancy not being supplied, all process, pleadings, and

proceedings of what nature soever, pending before the said court, shall be continued of course until the next stated session after the appointment and acceptance of the office by his successor.

Sec. 7. *And be it further enacted*, That the Supreme Court and the district courts shall have power to appoint clerks for their respective courts, and that the clerk for each district court shall be clerk also of the circuit court in such district, and each of the said clerks shall, before he enters upon the execution of his office, take the following oath or affirmation, to wit: "I, A. B., being appointed clerk of — do solemnly swear or affirm, that I will truly and faithfully enter and record all the orders, decrees, judgments, and proceedings of the said court, and that I will faithfully and impartially discharge and perform all the duties of my said office, according to the best of my abilities and understanding. So help me God." Which words, "so help me God," shall be omitted in all cases where an affirmation is admitted instead of an oath. And the said clerks shall also severally give bond with sufficient sureties (to be approved of by the Supreme and District Courts respectively) to the United States, in the sum of two thousand dollars, faithfully to discharge the duties of his office, and seasonably to record the decrees, judgments, and determinations of the court of which he is clerk.

Sec. 8. *And be it further enacted*, That the justices of the Supreme Court and the district judges, before they proceed to execute the duties of their respective offices, shall take the following oath or affirmation, to wit: "I, A. B., do solemnly swear or affirm, that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as —, according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States. So help me God."

Sec. 9. *And be it further enacted*, That the district courts shall have, exclusively of the courts of the several States, cognizance of all crimes and offences that shall be cognizable under the authority of the United States, committed within their respective districts, or upon the high seas; where no other punishment than whipping, not exceeding thirty stripes, a fine not exceeding one hundred dollars, or a term of imprisonment not exceeding six months, is to be inflicted; and shall also have exclusive original cognizance of all civil causes of admiralty and maritime jurisdiction, including all seizures under laws of impost, navigation, or trade of the United States, where the seizures are made on waters which are navigable from the sea by vessels of ten or more tons burthen, within their respective districts as well as upon the high seas; saving to suitors, in all cases, the right of a common law remedy, where the common law is competent to give it; and shall al-

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so have exclusive original cognizance of all seizures on land, or other waters than as aforesaid made, and of all suits for penalties and forfeitures incurred under the laws of the United States. And shall also have cognizance, concurrent with the courts of the several States, or the circuit courts, as the case may be, of all causes where an alien sues for a tort only in violation of the law of nations or a treaty of the United States. And shall also have cognizance, concurrent as last mentioned, of all suits at common law where the United States sue, and the matter in dispute amounts, exclusive of costs, to the sum or value of one hundred dollars. And shall also have jurisdiction exclusively of the courts of the several States, of all suits against consuls or vice-consuls, except for offences above the description aforesaid. And the trial of issues in fact, in the district courts, in all causes except civil causes of admiralty and maritime jurisdiction, shall be by jury.

Sec. 10. *And be it further enacted*, That the district court of Kentucky district shall, besides the jurisdiction aforesaid, have jurisdiction of all other causes, except of appeals and writs of error, hereinafter made cognizable in a circuit court, and shall proceed therein in the same manner as a circuit court, and writs of error and appeals shall lie from decisions therein to the Supreme Court in the same causes, as from a circuit court to the Supreme Court, and under the same regulations. And the district court in Maine district shall, besides the jurisdiction hereinbefore granted have jurisdiction of all causes, except in cases of appeals and writs of error hereinafter made cognizable in a circuit court, and shall proceed therein in the same manner as a circuit court; and writs of error shall lie from decisions therein to the circuit court in the district of Massachusetts in the same manner as from other district courts to their respective circuit courts.

Sec. 11. *And be it further enacted*, That the circuit courts shall have original cognizance, concurrent with the courts of the several States, of all suits of a civil nature at common law or in equity, where the matter in dispute exceeds, exclusive of costs, the sum or value of five hundred dollars, and the United States are plaintiffs or petitioners; or an alien is a party, or the suit is between a citizen of the State where the suit is brought and a citizen of another State. And shall have exclusive cognizance of all crimes and offences cognizable under the authority of the United States, except where this act otherwise provides, or the laws of the United States shall otherwise direct, and concurrent jurisdiction with the district courts of the crimes and offences cognizable therein. But no person shall be arrested in one district for trial in another, in any civil action before a circuit or district court; and no civil suit shall be brought before either of said courts against an inhabitant of the United States by any original process in any other district than that whereof he is an inhabitant, or in which

he shall be found at the time of serving the writ, nor shall any district or circuit court have cognizance of any suit to recover the contents of any promissory note or other chose in action in favor of an assignee, unless a suit might have been prosecuted in such court to recover the said contents if no assignment had been made, except in cases of foreign bills of exchange. And the circuit courts shall also have appellate jurisdiction from the district courts under the regulations and restrictions hereinafter provided.

Sec. 12. *And be it further enacted*, That if a suit be commenced in any State court against an alien, or by a citizen of the State in which the suit is brought against a citizen of another State, and the matter in dispute exceeds the aforesaid sum or value of five hundred dollars, exclusive of costs, to be made to appear to the satisfaction of the court, and the defendant shall, at the time of entering his appearance in such State court, file a petition for the removal of the cause for trial into the next circuit court, to be held in the district where the suit is pending, or if in the district of Maine, to the district court next to be holden therein, or if in Kentucky district, to the district court next to be holden therein, and offer good and sufficient surety for his entering in such court on the first day of its session copies of said process against him, and also for his there appearing and entering special bail in the cause, if special bail was originally requisite therein, it shall then be the duty of the State court to accept the surety, and proceed no further in the cause, and any bail that may have been originally taken shall be discharged, and the said copies being entered as aforesaid, in such court of the United States, the cause shall there proceed in the same manner as if it had been brought there by original process. And any attachment of the goods or estate of the defendant by the original process shall hold the goods or estate so attached, to answer the final judgment in the same manner as by the laws of such State they would have been holden to answer final judgment, had it been rendered by the court in which the suit commenced. And if in any action commenced in a State court, the title of land be concerned, and the parties are citizens of the same State, and the matter in dispute exceeds the sum or value of five hundred dollars, exclusive of costs, the sum or value being made to appear to the satisfaction of the court, either party, before the trial, shall state to the court and make affidavit if they require it, that he claims and shall rely upon a right or title to the land, under a grant from a State, other than that in which the suit is pending, and produce the original grant or an exemplification of it, except where the loss of public records shall put it out of his power, and shall move that the adverse party inform the court, whether he claims a right or title to the land under a grant from the State in which the suit is pending; the said adverse party shall give

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such information, or otherwise not to be allowed to plead such grant, or give it in evidence upon the trial, and if he informs that he does claim under such grant, the party claiming under the grant first mentioned, may then, on motion, remove the cause for trial to the next circuit court to be holden in such district, or if in the district of Maine, to the court next to be holden therein; or if in Kentucky district, to the district court next to be holden therein; but if he is the defendant, shall do it under the same regulations as in the beforementioned case of the removal of a cause into such court by an alien; and neither party removing the cause, shall be allowed to plead or give evidence of any other title than that by him stated as aforesaid, as the ground of his claim. And the trial of issues in fact in the circuit courts shall, in all suits, except those of equity, and of admiralty, and maritime jurisdiction, be by jury.

Sec. 13. *And be it further enacted*, That the Supreme Court shall have exclusive jurisdiction of all controversies of a civil nature, where a State is a party, except between a State and its citizens; and except also between a State and citizens of other States, or aliens, in which latter case it shall have original but not exclusive jurisdiction. And shall have exclusively all such jurisdiction of suits or proceedings against ambassadors or other public ministers, or their domestics, or domestic servants, as a court of law can have or exercise consistently with the law of nations; and original, but not exclusive jurisdiction of all suits brought by ambassadors or other public ministers, or in which a consul or vice-consul shall be a party. And the trial of issues in fact in the Supreme Court in all actions at law against citizens of the United States shall be by jury. The Supreme Court shall also have appellate jurisdiction from the circuit courts and courts of the several States in the cases hereinafter specially provided for: and shall have power to issue writs of prohibition to the district courts, when proceeding as courts of admiralty and maritime jurisdiction, and writs of *mandamus*, in cases warranted by the principle and usages of law, to any courts appointed, or persons holding office under the authority of the United States.

Sec. 14. *And be it further enacted*, That all the beforementioned courts of the United States shall have power to issue writs of *scire facias*, *habeas corpus*, and all other writs not specially provided for by statute, which may be necessary for the exercise of their respective jurisdictions, and agreeable to the principles and usages of law. And that either of the justices of the Supreme Court, as well as judges of the district courts, shall have power to grant writs of *habeas corpus* for the purpose of an inquiry into the cause of commitment. *Provided*, That writs of *habeas corpus* shall in no case extend to prisoners in gaol, unless where they are in custody, under or by color of the authority of the United States, or are committed for trial before

some court of the same, or are necessary to be brought into court to testify.

Sec. 15. *And be it further enacted*, That all the said courts of the United States shall have power in the trial of actions at law, on motion and due notice thereof being given, to require the parties to produce books or writings in their possession or power, which contain evidence pertinent to the issue, in cases and under circumstances where they might be compelled to produce the same by the ordinary rules of proceeding in chancery; and if a plaintiff shall fail to comply with such order, to produce books or writings, it shall be lawful for the courts respectively, on motion, to give the like judgment for the defendant as in cases of nonsuit; and if a defendant shall fail to comply with such order, to produce books or writings, it shall be lawful for the courts respectively on motion as aforesaid, to give judgment against him or her by default.

Sec. 16. *And be it further enacted*, That suits in equity shall not be sustained in either of the courts of the United States, in any case where plain, adequate, and complete remedy may be had at law.

Sec. 17. *And be it further enacted*, That all the said courts of the United States shall have power to grant new trials, in cases where there has been a trial by jury for reasons for which new trials have usually been granted in the courts of law; and shall have power to impose and administer all necessary oaths or affirmations, and to punish by fine or imprisonment, at the discretion of said courts, all contempts of authority in any cause or hearing before the same; and to make and establish all necessary rules for the orderly conducting business in the said courts, provided such rules are not repugnant to the laws of the United States.

Sec. 18. *And be it further enacted*, That when in a circuit court, judgment upon a verdict in a civil action shall be entered, execution may, on motion of either party, at the discretion of the court, and on such conditions for the security of the adverse party as they may judge proper, be stayed forty-two days from the time of entering judgment, to give time to file in the clerk's office of said court, a petition for a new trial. And if such petition be there filed within said term of forty-two days, with a certificate thereon from either of the judges of such court, that he allows the same to be filed, which certificate he may make or refuse at his discretion, execution shall of course be further stayed to the next session of said court. And if a new trial be granted, the former judgment shall be thereby rendered void.

Sec. 19. *And be it further enacted*, That it shall be the duty of circuit courts, in causes in equity and of admiralty and maritime jurisdiction, to cause the facts on which they found their sentence or decree, fully to appear upon the record either from the pleadings and decree itself, or a state of the case agreed by the par-

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ties, or their counsel, or if they disagree, by a stating of the case by the court.

Sec. 20. *And be it further enacted*, That where in a circuit court a plaintiff in an action originally brought there, or a petitioner in equity, other than the United States, recovers less than the sum or value of five hundred dollars, or a libellant, upon his own appeal, less than the sum or value of three hundred dollars, he shall not be allowed, but at the discretion of the court may be adjudged to pay costs.

Sec. 21. *And be it further enacted*, That from final decrees in a district court in causes of admiralty and maritime jurisdiction, where the matter in dispute exceeds the sum or value of three hundred dollars, exclusive of costs, an appeal shall be allowed to the next circuit court, to be held in such district. *Provided nevertheless*, That all such appeals from final decrees as aforesaid from the district court of Maine shall be made to the circuit court, next to be holden after each appeal in the district of Massachusetts.

Sec. 22. *And be it further enacted*, That final decrees and judgments in civil actions in a district court, where the matter in dispute exceeds the sum or value of fifty dollars, exclusive of costs, may be re-examined, and reversed or affirmed in a circuit court, holden in the same district, upon a writ of error, whereto shall be annexed and returned therewith at the day and place therein mentioned, an authenticated transcript of the record, and assignment of errors, and prayer for reversal, with a citation to the adverse party, signed by the judge of such district court, or a justice of the Supreme Court, the adverse party having at least twenty days' notice. And upon a like process, may final judgments and decrees in civil actions, and suits in equity in a circuit court, brought there by original process, or removed there from courts of the several States, or removed there by appeal from a district court where the matter in dispute exceeds the sum or value of two thousand dollars, exclusive of costs, be re-examined and reversed or affirmed in the Supreme Court, the citation being in such case signed by a judge of such circuit court, or justice of the Supreme Court, and the adverse party having at least thirty days' notice. But there shall be no reversal in either court on such writ of error for error in ruling any plea in abatement, other than a plea to the jurisdiction of the court, or such plea to a petition or bill in equity, as in the nature of a demurrer, or for any error in fact. And writs of error shall not be brought but within five years after rendering or passing the judgment or decree complained of, or in case the person entitled to such writ of error be an infant, *feme covert*, *non compos mentis*, or imprisoned, then within five years as aforesaid, exclusive of the time of such disability. And every justice or judge signing a citation on any writ of error as aforesaid, shall take good and sufficient security that the plaintiff in error

shall prosecute his writ to effect, and answer all damages and costs if he fail to make his plea good.

Sec. 23. *And be it further enacted*, That a writ of error as aforesaid shall be a supersedeas and stay execution in cases only where the writ of error is served, by a copy thereof being lodged for the adverse party in the clerk's office where the record remains, within ten days, Sundays exclusive, after rendering the judgment or passing the decree complained of. Until the expiration of which term of ten days, executions shall not issue in any case where a writ of error may be a supersedeas; and whereupon such writ of error the Supreme or a circuit court shall affirm a judgment or decree, they shall adjudge or decree to the respondent in error just damages for his delay, and single or double costs at their discretion.

Sec. 24. *And be it further enacted*, That when a judgment or decree shall be reversed in a circuit court, such court shall proceed to render such judgment or pass such decree as the district court shall have rendered or passed, and the Supreme Court shall do the same on reversals therein, except where the reversal is in favor of the plaintiff, or petitioner in the original suit, and the damages to be assessed, or matter to be decreed, are uncertain, in which case they shall remand the cause for a final decision. And the Supreme Court shall not issue execution in causes that are removed before them by writs of error, but shall send a special mandate to the circuit court to award execution thereupon.

Sec. 25. *And be it further enacted*, That a final judgment or decree in any suit, in the highest court of law or equity of a State in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of, or an authority exercised under the United States, and the decision is against their validity; or where is drawn in question the validity of a statute of, or an authority exercised under any State, on the ground of their being repugnant to the Constitution, treaties or laws of the United States, and the decision is in favor of such their validity, or where is drawn in question the construction of any clause of the Constitution, or of a treaty, or statute of, or commission held under the United States, and the decision is against the title, right, privilege, or exemption specially set up or claimed by either party, under such clause of the said Constitution, treaty, statute, or commission, may be re-examined and reversed or affirmed in the Supreme Court of the United States upon a writ of error, the citation being signed by the chief justice, or judge or chancellor of the court rendering or passing the judgment or decree complained of, or by a justice of the Supreme Court of the United States, in the same manner and under the same regulations, and the writ shall have the same effect, as if the judgment or decree complained of had been rendered or passed in a circuit court, and

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the proceedings upon the reversal shall also be the same, except that the Supreme Court, instead of remanding the cause for a final decision as before provided, may, at their discretion, if the cause shall have been once remanded before, proceed to a final decision of the same, and award execution. But no other error shall be assigned or regarded as a ground of reversal in any such case as aforesaid, than such as appears on the face of the record, and immediately respects the before-mentioned questions of validity or construction of the said Constitution, treaties, statutes, commissions, or authorities in dispute.

Sec. 26. *And be it further enacted*, That in all causes brought before either of the courts of the United States to recover the forfeiture annexed to any articles of agreement, covenant, bond, or other specialty, where the forfeiture, breach, or non-performance shall appear by the default or confession of the defendant, or upon demurrer, the court before whom the action is, shall render judgment therein for the plaintiff to recover so much as is due according to equity. And when the sum for which judgment should be rendered is uncertain, the same shall, if either of the parties request it, be assessed by a jury.

Sec. 27. *And be it further enacted*, That a marshal shall be appointed in and for each district for the term of four years, but shall be removable from office at pleasure, whose duty it shall be to attend the district and circuit courts when sitting therein, and also the Supreme Court in the district in which that court shall sit. And to execute throughout the district all lawful precepts directed to him, and issued under the authority of the United States; and he shall have power to command all necessary assistance in the execution of his duty, and to appoint, as there shall be occasion, one or more deputies, who shall be removable from office by the judge of the district court, or the circuit court sitting within the district, at the pleasure of either; and before he enters on the duties of his office, he shall become bound for the faithful performance of the same, by himself and by his deputies, before the judge of the district court to the United States, jointly and severally with two good and sufficient sureties, inhabitants and freeholders of such district, to be approved by the district judge, in the sum of twenty thousand dollars, and shall take before said judge, as shall also his deputies, before they enter on the duties of their appointment, the following oath of office: "I, A. B., do solemnly swear or affirm, that I will faithfully execute all lawful precepts directed to the marshal of the district of — under the authority of the United States, and true returns make, and in all things well and truly, and without malice or partiality, perform the duties of the office of marshal (or marshal's deputy, as the case may be) of the district of — during my continuance in said office, and take only my lawful fees. So help me God."

Sec. 28. *And be it further enacted*, That in all causes wherein the marshal or his deputy shall be a party, the writs and precepts therein shall be directed to such disinterested person as the court, or any justice or judge thereof may appoint, and the person so appointed is hereby authorized to execute and return the same. And in case of the death of any marshal, his deputy or deputies shall continue in office, unless otherwise specially removed, and shall execute the same in the name of the deceased, until another marshal shall be appointed and sworn: and the defaults or misfeasanances in office of such deputy or deputies in the mean time, as well as before, shall be adjudged a breach of the condition of the bond given, as before directed by the marshal who appointed them; and the executor or administrator of the deceased marshal shall have like remedy for the defaults and misfeasanances in office of such deputy or deputies during such interval, as they would be entitled to if the marshal had continued in life and in the exercise of his said office, until his successor was appointed, and sworn or affirmed: and every marshal or his deputy when removed from office, or when the term for which the marshal is appointed shall expire, shall have power notwithstanding to execute all such precepts as may be in their hands respectively at the time of such removal or expiration of office; and the marshal shall be held answerable for the delivery to his successor of all prisoners which may be in his custody at the time of his removal, or when the term for which he is appointed shall expire, and for that purpose may retain such prisoners in his custody until his successor shall be appointed and qualified as the law directs.

Sec. 29. *And be it further enacted*, That in cases punishable with death, the trial shall be had in the country where the offence was committed, or where that cannot be done without great inconvenience, twelve petit jurors at least shall be summoned from thence. And jurors in all cases to serve in the courts of the United States shall be designated by lot or otherwise in each State respectively according to the mode of forming juries therein now practised, so far as the laws of the same shall render such designation practicable by the courts or marshals of the United States; and the jurors shall have the same qualifications as are requisite for jurors by the laws of the State of which they are citizens, to serve in the highest courts of law of such State, and shall be returned as there shall be occasion for them, from such parts of the district from time to time as the court shall direct, so as shall be most favorable to an impartial trial, and so as not to incur an unnecessary expense, or unduly to burthen the citizens of any part of the district with such services. And writs of *venire facias* when directed by the court shall issue from the clerk's office, and shall be served and returned by the marshal in his proper person or by his deputy, or in case the marshal or his deputy is not an indifferent

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person, or is interested in the event of the cause, by such fit person as the court shall specially appoint for that purpose, to whom they shall administer an oath or affirmation that he will truly and impartially serve and return such writ. And when from challenges or otherwise there shall not be a jury to determine any civil or criminal cause, the marshal or his deputy shall, by order of the court where such defect of jurors shall happen, return jurymen *de talibus circumstantibus* sufficient to complete the pannel; and when the marshal or his deputy is disqualified as aforesaid, jurors may be returned by such disinterested person as the court shall appoint.

Sec. 30. *And be it further enacted*, That the mode of proof by oral testimony and examination of witnesses in open court shall be the same in all the courts of the United States, as well in the trial of causes in equity and of admiralty and maritime jurisdiction, as of actions at common law. And when the testimony of any person shall be necessary in any civil cause depending in any district in any court of the United States, who shall live at a greater distance from the place of trial than one hundred miles, or is bound on a voyage to sea, or is about to go out of the United States, or out of such district, and to a greater distance from the place of trial than as aforesaid, before the time of trial, or is ancient or very infirm, the deposition of such person may be taken *de bene esse* before any justice or judge of any of the courts of the United States, or before any chancellor, justice or judge of a Supreme or Superior Court, mayor or chief magistrate of a city, or judge of a county court or court of common pleas of any of the United States, not being of counsel or attorney to either of the parties, or interested in the event of the cause, provided that a notification from the magistrate before whom the deposition is to be taken to the adverse party, to be present at the taking of the same, and to put interrogatories, if he think fit, be first made out and served on the adverse party or his attorney as either may be nearest, if either is within one hundred miles of the place of such caption, allowing time for their attendance after notified, not less than at the rate of one day, Sundays exclusive, for every twenty miles travel. And in causes of admiralty and maritime jurisdiction, or other cases of seizure when a libel shall be filed, in which an adverse party is not named, and depositions of persons circumstanced as aforesaid shall be taken before a claim be put in, the like notification as aforesaid shall be given to the person having the agency or possession of the property libelled at the time of the capture or seizure of the same, if known to the libellant. And every person deposing as aforesaid shall be carefully examined and cautioned, and sworn or affirmed to testify the whole truth, and shall subscribe the testimony by him or her given after the same shall be reduced to writing, which shall be done only by the magistrate taking the depo-

sition, or by the deponent in his presence. And the depositions so taken shall be retained by such magistrate until he deliver the same with his own hand into the court for which they are taken, or shall, together with a certificate of the reasons as aforesaid of their being taken, and of the notice, if any given, to the adverse party, be by him the said magistrate sealed up and directed to such court, and remain under his seal until opened in court. And any person may be compelled to appear and depose as aforesaid in the same manner as to appear and testify in court. And in the trial of any cause of admiralty or maritime jurisdiction in a district court, the decree in which may be appealed from, if either party shall suggest to and satisfy the court that probably it will not be in his power to produce the witnesses there testifying before the circuit court should an appeal be had, and shall move that their testimony be taken down in writing, it shall be so done by the clerk of the court. And if an appeal be had, such testimony may be used on the trial of the same, if it shall appear to the satisfaction of the court which shall try the appeal, that the witnesses are then dead or gone out of the United States, or to a greater distance than as aforesaid from the place where the court is sitting, or that by reason of age, sickness, bodily infirmity or imprisonment, they are unable to travel and appear in court, but not otherwise. And unless the same shall be made to appear on the trial of any cause, with respect to witnesses whose depositions may have been taken therein, such depositions shall not be admitted or used in the cause. *Provided*, That nothing herein shall be construed to prevent any court of the United States from granting a *dedimus potestatem* to take depositions according to common usage, when it may be necessary to prevent a failure or delay of justice; which power they shall severally possess, nor to extend to depositions taken in *perpetuam rei memoriam*, which if they relate to matters that may be cognizable in any court of the United States, a circuit court on application thereto made, as a court of equity may, according to the usages in chancery, direct to be taken.

Sec. 31. *And be it further enacted*, That where any suit shall be depending in any court of the United States, and either of the parties shall die before final judgment, the executor or administrator of such deceased party who was plaintiff, petitioner, or defendant, in case the cause of action doth by law survive, shall have full power to prosecute or defend any such suit or action until final judgment; and the defendant or defendants are hereby obliged to answer thereto accordingly; and the court before whom such cause may be depending, is hereby empowered and directed to hear and determine the same, and to render judgment for or against the executor or administrator, as the case may require. And if such executor or administrator having been duly served with a

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scire facias from the office of the clerk of the court where such suit is depending, twenty days beforehand, shall neglect or refuse to become a party to the suit, the court may render judgment against the estate of the deceased party, in the same manner as if the executor or administrator had voluntarily made himself a party to the suit; and the executor or administrator who shall become a party as aforesaid shall, upon motion to the court where the suit is depending, be entitled to a continuance of the same until the next term of the said court. And if there be two or more plaintiffs or defendants, and one or more of them shall die, if the cause of action shall survive to the surviving plaintiff or plaintiffs, or against the surviving defendant or defendants, the writ or action shall not be thereby abated; but such death being suggested upon the record, the action shall proceed at the suit of the surviving plaintiff or plaintiffs against the surviving defendant or defendants.

Sec. 32. *And be it further enacted*, That no summons, writ, declaration, return, process, judgment, or other proceedings in civil causes in any of the courts of the United States, shall be abated, arrested, quashed, or reversed, for any defect, or want of form, but the said courts respectively shall proceed and give judgment according to the right of the cause and matter in law shall appear unto them, without regarding any imperfections, defects, or want of form in such writ, declaration, or other pleading, return, process, judgment, or course of proceeding whatsoever, except those only in cases of demurrer, which the party demurring shall specially set down and express together with his demurrer as the cause thereof. And the said courts respectively shall and may, by virtue of this act, from time to time, amend all and every such imperfections, defects, and wants of form, other than those only which the party demurring shall express as aforesaid, and may at any time permit either of the parties to amend any defect in the process or pleadings, upon such conditions as the said courts respectively shall in their discretion and by their rules prescribe.

Sec. 33. *And be it further enacted*, That for any crime or offence against the United States, the offender may, by any justice or judge of the United States, or by any justice of the peace, or other magistrate of any of the United States where he may be found agreeably to the usual mode of process against offenders in such State, and at the expense of the United States, be arrested, and imprisoned or bailed, as the case may be, for trial before such court of the United States as by this act has cognizance of the offence: and copies of the process shall be returned as speedily as may be into the clerk's office of such court, together with the recognizances of the witnesses for their appearance to testify in the case; which recognizances the magistrate before whom the examination shall be, may require on pain of im-

prisonment. And if such commitment of the offender, or the witnesses shall be in a district other than that in which the offence is to be tried, it shall be the duty of the judge of that district where the delinquent is imprisoned, seasonably to issue, and of the marshal of the same district to execute, a warrant for the removal of the offender, and the witnesses or either of them, as the case may be, to the district in which the trial is to be had. And upon all arrests in criminal cases bail shall be admitted, except where the punishment may be death, in which cases it shall not be admitted but by the Supreme or circuit court, or by a justice of the Supreme Court or a judge of a district court, who shall exercise their discretion therein, regarding the nature and circumstances of the offence, and of the evidence, and the usages of law. And if a person committed by a justice of the Supreme or a judge of a district court for an offence not punishable with death, shall afterwards procure bail, and there be no judge of the United States in the district to take the same, it may be taken by any judge of the Supreme or superior court of law of such State.

Sec. 34. *And be it further enacted*, That the laws of the several States, except where the Constitution, treaties, or statutes of the United States shall otherwise require or provide, shall be regarded as rules of decision in trials at common law in the courts of the United States in cases where they apply.

Sec. 35. *And be it further enacted*, That in all the courts of the United States the parties may plead and manage their own causes personally or by the assistance of such counsel or attorneys at law as by the rules of the said courts respectively shall be permitted to manage and conduct causes therein. And there shall be appointed in each district a meet person learned in the law to act as attorney for the United States in such district, who shall be sworn or affirmed to the faithful execution of his office, whose duty it shall be to prosecute in such district all delinquents for crimes and offences, cognizable under the authority of the United States, and all civil actions in which the United States shall be concerned, except before the Supreme Court in the district in which that court shall be holden. And he shall receive as a compensation for his services such fees as shall be taxed therefor in the respective courts before which the suits or prosecutions shall be. And there shall also be appointed a meet person learned in the law to act as attorney-general for the United States, who shall be sworn or affirmed to a faithful execution of his office; whose duty it shall be to prosecute and conduct all suits in the Supreme Court in which the United States shall be concerned, and to give his advice and opinion upon questions of law when required by the President of the United States, or when requested by the heads of any of the departments, touching any matters that may concern their departments, and shall

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receive such compensation for his services as shall by law be provided.

Approved, September 24, 1789.

An Act to regulate processes in the courts of the United States.

Be it enacted, &c., That all writs and processes, issuing from a Supreme or circuit court, shall bear teste of the chief justice of the Supreme Court, and if from a district court, shall bear teste of the judge of such court, and shall be under the seal of the court from whence they issue, and signed by the clerk thereof: The seals of the Supreme and circuit courts to be provided by the Supreme Court, and of the district courts, by the respective judges of the same.

Sec. 2. *And be it further enacted,* That until further provision shall be made, and except where, by this act, or other statutes of the United States, is otherwise provided, the forms of writs and executions, except their style, and modes of process and rates of fees, except fees to judges in the circuit and district courts, in suits at common law, shall be the same in each State respectively as are now used or allowed in the Supreme Courts of the same. And the forms and modes of proceedings in causes of equity, and of admiralty and maritime jurisdiction shall be according to the course of the civil law; and the rates of the fees, the same as are, or were last allowed by the States respectively, in the court exercising supreme jurisdiction in such causes. *Provided,* That on judgments in any of the cases aforesaid, where different kinds of executions are issuable in succession, a *capias ad satisfaciendum* being one, the plaintiff shall have his election to take out a *capias ad satisfaciendum* in the first instance, and be at liberty to pursue the same, until a tender of the debt and costs in gold or silver shall be made.

Sec. 3. *And be it further enacted,* That this act shall continue in force until the end of the next session of Congress, and no longer.

Approved, September 29, 1789.

An Act to explain and amend an act, entitled "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes."

Be it enacted, &c., That when any goods, wares, or merchandise, of foreign growth or manufacture, shall be unladen from any ship or vessel in virtue of a permit, obtained for that purpose, and shall be put into a craft or vessel, with intent to be transported to a landing within the same district, it shall be the duty of the inspector, or other officer attending the unloading of such goods, wares, and merchandise, to deliver to the master or commander of every such craft or vessel a certificate of such goods, wares, and merchandise having been duly entered, and a permit granted therefor; and such certificate shall contain a description of all the packages, with their marks and numbers, and

shall authorize the transportation and landing of the same at any landing within the same district, without any further fee or permit, any thing in the said recited act to the contrary notwithstanding.

Sec. 2. *And be it further enacted,* That so much of the twenty-second section of the said recited act, as exempts vessels of less than twenty and not less than five tons burthen, employed between any of the districts of the United States, in any bay or river, and having a license from the collector of the district to which such vessel belongs, from entering and clearing for the term of one year, be extended to vessels not exceeding fifty tons. *Provided,* such vessel shall not have on board goods, wares, or merchandise other than such as are actually the growth or produce of the United States.

Sec. 3. *And be it further enacted,* That so much of an act entitled "An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandises imported into the United States, as hath rated the ruble of Russia at one hundred cents, be, and the same is hereby repealed and made null and void.

Approved, September 29, 1789.

An Act making appropriations for the service of the present year.

Be it enacted, &c., That there be appropriated for the services of the present year, to be paid out of the moneys which arise, either from the requisitions heretofore made upon the several States, or from the duties on imposts and tonnage, the following sums, viz: a sum not exceeding two hundred and sixteen thousand dollars for defraying the expenses of the civil list under the late and present Government; a sum not exceeding one hundred and thirty-seven thousand dollars for defraying the expenses of the department of War; a sum not exceeding one hundred and ninety thousand dollars for discharging the warrants issued by the late board of Treasury, and remaining unsatisfied; and a sum not exceeding ninety-six thousand dollars for paying the pensions to invalids.

Approved, September 29, 1789.

An Act providing for the payment of the invalid pensioners of the United States.

Be it enacted, &c. That the military pensions which have been granted and paid by the States respectively, in pursuance of the acts of the United States in Congress assembled, to the invalids who were wounded and disabled during the late war, shall be continued and paid by the United States, from the fourth of March last, for the space of one year, under such regulations as the President of the United States may direct.

Approved, September 29, 1789.

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An Act to recognise and adapt to the Constitution of the United States, the establishment of the troops raised under the resolves of the United States, in Congress assembled, and for other purposes therein mentioned.

Be it enacted, &c., That the establishment contained in the resolve of the late Congress, of the third day of October, one thousand seven hundred and eighty-seven, except as to the mode of appointing the officers; and also as is hereinafter provided, be, and the same is hereby recognised to be the establishment for the troops in the service of the United States.

Sec. 2. *And be it further enacted,* That the pay and allowances of the said troops be the same as have been established by the United States, in Congress assembled, by their resolution of the twelfth of April, one thousand seven hundred and eighty-five.

Sec. 3. *And be it further enacted,* That all commissioned and noncommissioned officers, and privates, who are, or shall be, in the service of the United States, shall take the following oaths or affirmations, to wit: "I, A. B., do solemnly swear or affirm (as the case may be) that I will support the Constitution of the United States." "I, A. B., do solemnly swear or affirm (as the case may be) to bear true allegiance to the United States of America, and to serve them honestly and faithfully against all their enemies or opposers whatsoever, and to observe and obey the orders of the President

of the United States of America, and the orders of the officers appointed over me."

Sec. 4. *And be it further enacted,* That the said troops shall be governed by the rules and articles of war, which have been established by the United States, in Congress assembled, or by such rules and articles of war as may hereafter by law be established.

Sec. 5. *And be it further enacted,* That for the purpose of protecting the inhabitants of the frontiers of the United States from the hostile incursions of the Indians, the President is hereby authorized to call into service, from time to time, such part of the militia of the States, respectively, as he may judge necessary for the purpose, aforesaid; and that their pay and subsistence, while in service, be the same as the pay and subsistence of the troops abovementioned.

Sec. 6. *And be it further enacted,* That this act shall continue, and be in force, until the end of the next session of Congress, and no longer.

Approved, September 29, 1789.

An Act to alter the time for the next meeting of Congress.

Be it enacted, &c., That after the adjournment of the present session, the next meeting of Congress shall be on the first Monday in January next.

Approved, September 29, 1789.

ACTS OF THE SECOND SESSION OF THE FIRST CONGRESS.

An Act for giving effect to the several acts therein mentioned, in respect to the State of North Carolina, and other purposes.

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

Sec. 2. *And be it further enacted,* That for the due collection of the said duties there shall be, in the said State of North Carolina, five districts; one to be called the district of Wilmington, and to comprehend all the waters, shores, bays, harbors, creeks, and inlets, from Little River Inlet inclusive, to New River Inlet inclusive: another to be called the district of Newbern, and to comprehend all the waters, shores, bays, harbors, creeks, and inlets, from New River Inlet exclusive, to Ocracock Inlet inclusive, together with Pamlico Sound, (except that part of it into which the Pamlico, or Tarr, and Machapunga rivers empty themselves, and which lies between the Royal Shoal, extended to Machapunga Bluff, and the shoal which projects from the mouth of Pamlico river towards the Royal Shoal:) another to be called the district of Washington, and to comprehend all that part of Pamlico Sound excepted out of the district of Newbern, and the waters, shores, bays, harbors, creeks, and inlets, adjacent to, and communicating with the

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same: another to be called the district of Edenton, and to comprehend all the waters, bays, harbors, creeks, and inlets, from the channel between Pamlico Sound and Albemarle Sound inclusive: the other to be called the district of Cambden, and to comprehend North River, Pasquotank, and Little Rivers, and all the waters, shores, bays, harbors, creeks, and inlets, from the junction of Currituck and Albemarle Sound to the northern extremity of Back Bay. That in the district of Wilmington, the town of Wilmington shall be a port of entry and delivery, and Swansborough a port of delivery only; and there shall be a collector, naval officer, and a surveyor to reside at the said town of Wilmington, and a surveyor to reside at Swansborough. That in the district of Newbern, the town of Newbern shall be a port of entry and delivery, and the town of Beaufort a port of delivery only; and there shall be a collector to reside at Newbern, and a surveyor to reside at Beaufort. That in the district of Washington, the town of Washington shall be the sole port of entry and delivery, and there shall be a collector to reside at the same. That in the district of Edenton, the town of Edenton shall be a port of entry and delivery; and Hartford, Murfreesborough, Plymouth, Windsor, Skewarkey, Winton, and Bennet's Creek, ports of delivery; and there shall be a collector at the town of Edenton, and a surveyor at Hartford, another surveyor at Murfreesborough, one surveyor at each of the ports of Plymouth, Windsor, Skewarkey, Winton, and Bennet's Creek. That all ships or vessels, intending to proceed to Hartford, Plymouth, Windsor, Skewarkey, Winton, Bennet's Creek, or Murfreesborough shall first come to and enter at the port of Edenton. That in the district of Cambden, Plankbridge, on Sawyer's Creek, shall be the port of entry and delivery, and Nixonton, Indiantown, Newbiggin Creek, Currituck Inlet, and Pasquotank River Bridge, ports of delivery; and there shall be a collector at Plankbridge on Sawyer's Creek, and a surveyor at each of the ports of Nixonton, Indiantown, Currituck Inlet, Pasquotank River Bridge, and Newbiggin Creek: and that the authority of the officers of each district shall extend over all the waters, shores, bays, harbors, creeks, and inlets comprehended within such district.

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

Sec. 4. *And be it further enacted*, That all the regulations, provisions, exceptions, allowances, compensations, directions, authorities, penalties, forfeitures, and other matters whatsoever, contained or expressed in the act, enti-

tled "An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandises, imported into the United States," and not locally inapplicable, shall have the like force and effect within the said State of North Carolina, for the collection of the said duties, as elsewhere within the United States, and as if the same were repeated, and re-enacted in this present act.

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

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

Sec. 7. *And be it further enacted*, That the second section of the act, entitled "An act to suspend part of an act, entitled 'An act to regulate the collection of duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandises, imported into the United States, and for other purposes,'" passed the sixteenth day of September last, shall, with respect to the inhabitants and citizens of the State of Rhode Island and Providence Plantations, be revived, and also that the fourth section of the said act shall be revived, and both continued in force until the first day of April next, and no longer.

FRED. A. MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS,
*Vice President of the United States and
President of the Senate.*

APPROVED, February 8, 1790.

GEORGE WASHINGTON,
President of the United States.

An Act providing for the enumeration of the inhabitants of the United States.

Be it enacted, &c., That the marshals of the several districts of the United States shall be, and they are hereby authorized and required to cause the number of the inhabitants within their respective districts to be taken; omitting in such enumeration Indians not taxed, and distinguishing free persons, including those bound to service for a term of years from all others;

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

The number of persons within my division, consisting of _____, appears in a schedule hereunto annexed, subscribed by me this _____ day of _____ 1790.

A. B. assistant to the marshal of _____

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

Names of the heads of families	Free white males of 16 years, and upwards, including heads of families.	Free white males under 16 years.	Free white females, including heads of families.	All other free persons.	Total

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

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

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

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of the district of Connecticut, two hundred dollars; the marshal of the district of New York, three hundred dollars; the marshal of the district of New Jersey, two hundred dollars; the marshal of the district of Pennsylvania, three hundred dollars; the marshal of the district of Delaware, one hundred dollars; the marshal of the district of Maryland, three hundred dollars; the marshal of the district of Virginia, five hundred dollars; the marshal of the district of Kentucky, two hundred and fifty dollars; the marshal of the district of North Carolina, three hundred and fifty dollars; the marshal of the district of South Carolina, three hundred dollars; the marshal of the district of Georgia, two hundred and fifty dollars. And to obviate all doubts which may arise respecting the persons to be returned, and the manner of making returns,

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

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

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

Approved, March 1, 1790.

An Act to establish a uniform rule of naturalization.

Be it enacted, &c., That any alien, being a free white person, who shall have resided within the limits and under the jurisdiction of the United States for the term of two years, may be admitted to become a citizen thereof, on application to any common law court of record in any one of the States wherein he shall have resided for the term of one year at least, and making proof, to the satisfaction of such court, that he is a person of good character, and taking the oath or affirmation prescribed by law, to support the Constitution of the United States, which oath or affirmation such court shall administer; and the clerk of such court shall record such application, and the proceedings thereon; and thereupon such person shall be considered as a citizen of the United States. And the children of such persons so naturalized, dwelling within the United States, being under the age of twenty-one years, at the time of such naturalization, shall also be considered as citizens of the United States. And the children of citizens of the United States, that may be born beyond sea, or out of the limits of the United States, shall be considered as natural born citizens. *Provided*, That the right of citizenship shall not descend to persons whose fathers have never been resident in the United States. *Provided also*, That no person heretofore proscribed by any State shall be admitted a citizen aforesaid, except by an act of the Legislature of the State in which such person was proscribed.

Approved, March 26, 1790.

An Act making appropriations for the support of Government, for the year one thousand seven hundred and ninety.

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

Sec. 2. *And be it further enacted*, That all the expenses arising from, and incident to the

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sessions of Congress, which may happen in the course of the aforesaid year, agreeably to laws heretofore passed, shall be defrayed out of the moneys arising from the aforesaid duties on imports and tonnage.

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

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

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

fifty-three cents; for paying salaries to the late loan-officers of the several States, from the thirtieth day of June, to the thirty-first day of December, one thousand seven hundred and eighty-nine, including office charges, six thousand seven hundred and twenty-five dollars; for paying the interest due on the loans made by the Secretary of the Treasury two thousand four hundred and fourteen dollars and sixty-one cents.

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

Sec. 7. *And be it further enacted*, That the President of the United States be authorized to empower the Secretary of the Treasury, if he shall deem it necessary, to make such loans as may be requisite to carry into effect the foregoing appropriations, for the repayment of which the aforesaid duties on imports and tonnage shall be, and are hereby pledged.

Approved, March 26, 1790.

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

Be it enacted, &c., That the collectors and other officers of the customs in the several ports of the United States be, and they are hereby directed to pay due regard to the inspection laws of the States in which they may respectively act, in such manner that no vessel, having on board goods liable to inspection, shall be cleared out until the master or other proper person shall have produced such certificate that all such goods have been duly inspected, as the laws of the respective States do or may require to be produced to collectors or other officers of the customs.

Approved, April 2, 1790.

An Act to accept a session of the claims of the State of North Carolina to a certain district of Western Territory.

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

To all who shall see these presents,

We, the undersigned SAMUEL JOHNSTON and BENJAMIN HAWKINS, Senators in the Congress of the United States of America, duly and constitutionally chosen by the Legislature of the State of North Carolina, send greeting.

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

Whereas the United States in Congress assembled have repeatedly and earnestly recommended to the respective States in the Union, claiming or owning vacant Western Territory, to make cessions of part of the same, as a further means, as well of hastening the extinguishment of the debts, as of establishing the harmony of the United States; and the inhabitants of the said Western Territory being also desirous that such cession should be made, in order to obtain a more ample protection than they have heretofore received; now this State, being ever desirous of doing ample justice to the public creditors, as well as the establishing the harmony of the United States, and complying with the reasonable desires of her citizens; *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the Senators of this State, in the Congress of the United States, or one of the Senators and any two of the Representatives of this State in the Congress of the United States, are hereby authorized, empowered, and required to execute a deed or deeds on the part and behalf of this State, conveying to the United States of America, all right, title, and claim which this State has to the sovereignty and territory of the lands situated within the chartered limits of this State, west of a line beginning on the extreme height of the Stone Mountain, at the place where the Virginia line intersects it; running thence along the extreme height of the said mountain, to the place where Wataugo river breaks through it; thence a direct course to the top of the Yellow Mountain, where Bright's Road crosses the same; thence along the ridge of the said mountain, between the waters of Doe River and the waters of Rock Creek, to the place where the road crosses the Iron Mountain; from thence along the extreme height of said mountain, to where Nolichucky River runs through the same; thence to the top of the Bald Mountain; thence along the extreme height of the said mountain, to the Painted Rock, on French Broad River; thence along the highest ridge of the said mountain, to the place where it is called the Great Iron or Smoky Mountain; thence along the extreme height of the said mountain, to the place where it is called Unicoy or Unaka Mountain, between the Indian towns of Cowee and old Chota; thence along the main ridge of the said mountain, to the southern boundary of this State, upon the following express conditions, and subject thereto, that is to say: First, That neither the lands nor inhabitants westward of the said mountain shall be estimated after the cession made by virtue of this act shall

be accepted, in the ascertaining the proportion of this State with the United States, in the common expense occasioned by the late war. Secondly, that the lands laid off, or directed to be laid off by any act or acts of the General Assembly of this State, for the officers and soldiers thereof, their heirs and assigns respectively, shall be and enure to the use and benefit of the said officers, their heirs and assigns respectively; and if the bounds of the said lands already prescribed for the officers and soldiers of the continental line of this State, shall not contain a sufficient quantity of lands fit for cultivation, to make good the several provisions intended by law, that such officer or soldier, or his assignee, who shall fall short of his allotment or proportion, after all the lands fit for cultivation within the said bounds are appropriated, be permitted to take his quota, or such part thereof as may be deficient, in any other part of the said territory intended to be ceded by virtue of this act, not already appropriated. And where entries have been made agreeable to law, and titles under them not perfected by grant or otherwise, then, and in that case, the Governor for the time being shall be, and he is hereby, required to perfect, from time to time, such titles, in such manner as if this act had never been passed. And that all entries made by, or grants made to all and every person or persons whatsoever, agreeable to law, and within the limits hereby intended to be ceded to the United States, shall have the same force and effect as if such cession had not been made; and that all and every right of occupancy and pre-emption, and every other right reserved by any act or acts to persons settled on, and occupying lands within the limits of the lands hereby intended to be ceded as aforesaid, shall continue to be in full force, in the same manner as if the cession had not been made, and as conditions upon which the said lands are ceded to the United States. And further, it shall be understood, that if any person or persons shall have, by virtue of the act entitled "An act for opening the land office for the redemption of specie and other certificates, and discharging the arrears due to the army," passed in the year one thousand seven hundred and eighty-three, made his or their entry in the office usually called John Armstrong's office, and located the same to any spot or piece of ground on which any other person or persons shall have previously located any entry or entries, that then and in that case, the person or persons having made such entry or entries, or their assignee or assignees shall have leave and be at full liberty to remove the location of such entry or entries, to any lands on which no entry has been specially located, or on any vacant lands included within the limits of the lands hereby intended to be ceded. *Provided,* That nothing herein contained shall extend or be construed to extend to the making good any entry or entries, or any grant or grants heretofore declared void, by any act or acts of the General Assembly of this State. Thirdly,

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that all the lands intended to be ceded by virtue of this act to the United States of America, and not appropriated as before mentioned, shall be considered as a common fund for the use and benefit of the United States of America, North Carolina inclusive, according to their respective and usual proportion in the general charge and expenditure, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever. Fourthly, that the territory so ceded shall be laid out and formed into a State or States, containing a suitable extent of territory, the inhabitants of which shall enjoy all the privileges, benefits, and advantages set forth in the ordinance of the late Congress, for the government of the Western Territory of the United States; that is to say, whenever the Congress of the United States shall cause to be officially transmitted to the Executive Authority of this State, an authenticated copy of the act to be passed by the Congress of the United States, accepting the cession of territory made by virtue of this act, under the express conditions hereby specified, the said Congress shall at the same time assume the government of the said ceded territory, which they shall execute in a manner similar to that which they support in the territory west of the Ohio; shall protect the inhabitants against enemies, and shall never bar or deprive them of any privileges which the people in the territory west of the Ohio enjoy. *Provided always*, That no regulations made or to be made by Congress shall tend to emancipate slaves. Fifthly, that the inhabitants of the said ceded territory shall be liable to pay such sums of money, as may, from taking their census, be their just proportion of the debt of the United States, and the arrears of the requisitions of Congress on this State. Sixthly, that all persons indebted to this State, residing in the territory intended to be ceded by virtue of this act, shall be held and deemed liable to pay such debt or debts in the same manner, and under the same penalty or penalties as if this act had never been passed. Seventhly, that if the Congress of the United States do not accept the cession hereby intended to be made, in due form, and give official notice thereof to the Executive of this State, within eighteen months from the passing of this act, then this act shall be of no force or effect whatsoever. Eighthly, that the laws in force and use in the State of North Carolina, at the time of passing this act, shall be, and continue in full force within the territory hereby ceded, until the same shall be repealed, or otherwise altered by the legislative authority of the said territory. Ninthly, that the lands of non-resident proprietors within the said ceded territory shall not be taxed higher than the lands of residents. Tenthly, that this act shall not prevent the people now residing south of French Broad, between the rivers Tennessee and Big Pigeon, from entering their pre-emptions in that tract, should an office be opened for that purpose, under an act of the present General

Assembly. *And be it further enacted by the authority aforesaid*, That the sovereignty and jurisdiction of this State, in and over the territory aforesaid, and all and every the inhabitants thereof shall be and remain the same in all respects until the Congress of the United States shall accept the cession to be made by virtue of this act, as if this act had never passed.

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

CHA. JOHNSON, *Sp. Sen.*
S. CABARRUS, *Sp. H. C.*

Now therefore know ye, That we, SAMUEL JOHNSTON and BENJAMIN HAWKINS, Senators aforesaid, by virtue of the power and authority committed to us by the said act, and in the name, and for and on behalf of the said State, do, by these presents convey, assign, transfer, and set over unto the United States of America, for the benefit of the said States, North Carolina inclusive, all right, title, and claim which the said State hath to the sovereignty and territory of the lands situated within the chartered limits of the said State, as bounded and described in the above recited act of the General Assembly, to and for the uses and purposes, and on the conditions mentioned in the said act.

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

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

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

Be it enacted, &c., That the said deed be, and the same is hereby, accepted.
Approved, April 2, 1790.

An act to promote the progress of useful arts.

Be it enacted, &c., That upon the petition of any person or persons to the Secretary of State, the Secretary for the Department of War, and the Attorney General of the United States, setting forth, that he, she, or they hath or have invented or discovered any useful art, manufacture, engine, machine, or device, or any improvement therein, not before known or used, and praying that a patent may be granted therefor, it shall and may be lawful to and for the said Secretary of State, the Secretary for the Department of War, the Attorney General, or any two of them, if they shall deem the invention or discovery sufficiently useful and important, to cause letters patent to be made out in the name of the United States, to bear teste by the President of the United States, reciting the allegations and suggestions of the

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said petition, and describing the said invention or discovery, clearly, truly, and fully; and thereupon granting to such petitioner or petitioners, his, her, or their heirs, administrators, or assigns, for any term not exceeding fourteen years, the sole and exclusive right and liberty of making, constructing, using, and vending to others to be used, the said invention or discovery; which letters patent shall be delivered to the Attorney General of the United States, to be examined, who shall, within fifteen days next after the delivery to him, if he shall find the same conformable to this act, certify it to be so at the foot thereof, and present the letters patent so certified to the President, who shall cause the seal of the United States to be thereon affixed, and the same shall be good and available to the grantee or grantees, by force of this act, to all and every intent and purpose herein contained, and shall be recorded in a book to be kept for that purpose, in the office of the Secretary of State, and delivered to the patentee or his agent; and the delivery thereof shall be entered on the record, and endorsed on the patent by the said Secretary at the time of granting the same.

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

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

Sec. 4. *And be it further enacted*, That if any person or persons shall devise, make, construct, use, employ, or vend, within these United States, any art, manufacture, engine,

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

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

Sec. 6. *And be it further enacted*, That in all actions to be brought by such patentee or patentees, his, her, or their executors, administrators, or assigns, for any penalty incurred by virtue of this act, the said patents or specifications shall be *prima facie* evidence that the said patentee or patentees was or were the first and true inventor or inventors, discoverer or discoverers of the thing so specified, and that the same is truly specified; but that, nevertheless, the defendant or defendants may plead the general issue, and give this act, and any special matter whereof notice in writing shall have been given to the plaintiff, or his attorney, thirty days before the trial, in evidence, tend-

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ing to prove that the specification filed by the plaintiff does not contain the whole of the truth concerning his invention or discovery; or that it contains more than is necessary to produce the effect described; and if the concealment of part, or the addition of more than is necessary, shall appear to have been intended to mislead, or shall actually mislead the public, so as the effect described cannot be produced by the means specified, then, and in such cases, the verdict and judgment shall be for the defendant.

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

Approved, April 10, 1790.

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

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

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

Approved, April 15, 1790.

An Act for the punishment of certain crimes against the United States.

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

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

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

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

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

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

Sec. 7. *And be it enacted*, That if any person or persons shall, within any fort, arsenal, dock-yard, magazine, or other place or district

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of country, under the sole and exclusive jurisdiction of the United States, commit the crime of manslaughter, and shall be thereof convicted, such person or persons shall be imprisoned not exceeding three years, and fined not exceeding one thousand dollars.

Sec. 8. *And be it enacted*, That if any person or persons shall commit upon the high seas, or in any river, haven, basin, or bay, out of the jurisdiction of any particular State, murder or robbery, or any other offence, which, if committed within the body of a county, would by the laws of the United States be punishable with death; or if any captain or mariner of any ship or other vessel, shall piratically and feloniously run away with such ship or vessel, or any goods or merchandise to the value of fifty dollars, or yield up such ship or vessel voluntarily to any pirate; or if any seaman shall lay violent hands upon his commander, thereby to hinder and prevent his fighting in defence of his ship or goods committed to his trust, or shall make a revolt in the ship; every such offender shall be deemed, taken, and adjudged, to be a pirate and felon, and being thereof convicted, shall suffer death; and the trial of crimes committed on the high seas, or in any place out of the jurisdiction of any particular State, shall be in the district where the offender is apprehended, or into which he may first be brought.

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

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

Sec. 11. *And be it enacted*, That after any murder, felony, robbery, or other piracy whatsoever aforesaid, is or shall be committed by any pirate or robber, every person who, knowing that such pirate or robber has done or committed any such piracy or robbery, shall, on the land or at sea receive, entertain, or conceal, any such pirate or robber, or receive or take into his custody any ship, vessel, goods, or chat-

tels, which have been by any such pirate or robber piratically and feloniously taken, shall be, and are hereby declared, deemed, and adjudged, to be accessory to such piracy or robbery, after the fact; and on conviction thereof shall be imprisoned not exceeding three years, and fined not exceeding five hundred dollars.

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

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

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

Sec. 15. *And be it enacted*, That if any per-

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son shall feloniously steal, take away, alter, falsify, or otherwise avoid any record, writ, process, or other proceedings in any of the courts of the United States, by means whereof any judgment shall be reversed, made void, or not take effect, or if any person shall acknowledge, or procure to be acknowledged, in any of the courts aforesaid, any recognizance, bail or judgment, in the name or names of any other person or persons not privy or consenting to the same, every such person or persons, on conviction thereof, shall be fined not exceeding five thousand dollars, or be imprisoned not exceeding seven years, and whipped not exceeding thirty-nine stripes: *Provided, nevertheless,* That this act shall not extend to the acknowledgment of any judgment or judgments by any attorney or attorneys, duly admitted for any person or persons against whom any such judgment or judgments shall be had or given.

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

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

Sec. 18. *And be it enacted,* That if any person shall wilfully and corruptly commit perjury, or shall by any means procure any person to commit corrupt and wilful perjury, on his or her oath or affirmation in any suit, controversy, matter, or cause, depending in any of the courts of the United States, or in any deposition taken

pursuant to the laws of the United States, every person so offending, and being thereof convicted, shall be imprisoned not exceeding three years, and fined not exceeding eight hundred dollars, and shall stand in the pillory for one hour, and be thereafter rendered incapable of giving testimony in any of the courts of the United States, until such time as the judgment so given against the said offender shall be reversed.

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

Sec. 20. *And be it further enacted,* That in every presentment or indictment for subornation of perjury, or for corrupt bargaining or contracting with others to commit wilful and corrupt perjury, it shall be sufficient to set forth the substance of the offence charged upon the defendant, without setting forth the bill, answer, information, indictment, declaration, or any part of any record or proceeding, either in law or equity, and without setting forth the commission or authority of the court, or person or persons before whom the perjury was committed, or was agreed or promised to be committed.

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

Sec. 22. *And be it enacted,* That if any person or persons shall knowingly and wilfully obstruct, resist, or oppose, any officer of the

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United States, in serving, or attempting to serve, or execute, any mesne process, or warrant, or any rule or order of any of the courts of the United States, or any other legal or judicial writ or process whatsoever, or shall assault, beat or wound any officer, or other person duly authorized in serving or executing any writ, rule, order, process, or warrant, aforesaid, every person so knowingly and wilfully offending in the premises, shall, on conviction thereof, be imprisoned not exceeding twelve months, and fined not exceeding three hundred dollars.

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

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

Sec. 25. *And be it enacted,* That if any writ or process shall at any time hereafter be sued forth or prosecuted by any person or persons, in any of the courts of the United States, or in any of the courts of a particular State, or by any judge or justice therein respectively, whereby the person of any ambassador, or other public minister of any foreign prince or State, authorized and received as such by the President of the United States, or any domestic or domestic servant of any such ambassador or other public minister, may be arrested or imprisoned, or his or their goods or chattels be distrained, seized, or attached, such writ or process shall be deemed and adjudged to be utterly null and void, to all intents, construction, and purposes, whatsoever.

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

Sec. 27. *Provided nevertheless,* That no citizen or inhabitant of the United States, who shall have contracted debts prior to his entering into the service of any ambassador or other public minister, which debts shall be still due

and unpaid, shall have, take, or receive, any benefit of this act; nor shall any person be proceeded against by virtue of this act, for having arrested or sued any other domestic servant of any ambassador or other public minister, unless the name of such servant be first registered in the office of the Secretary of State, and by such Secretary transmitted to the marshal of the district in which Congress shall reside, who shall, upon receipt thereof, affix the same in some public place in his office, whereto all persons may resort and take copies, without fee or reward.

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

Sec. 29. *And be it enacted,* That any person who shall be accused and indicted of treason, shall have a copy of the indictment, and a list of the jury and witnesses, to be produced on the trial for proving the said indictment, mentioning the names and places of abode of such witnesses and jurors, delivered unto him at least three entire days before he shall be tried for the same; and in other capital offences, shall have such copy of the indictment, and list of the jury, two entire days at least before the trial: And that every person so accused and indicted for any of the crimes aforesaid, shall also be allowed and admitted to make his full defence by counsel learned in the law; and the court before whom such person shall be tried, or some judge thereof, shall, and they are hereby authorized and required, immediately upon his request, to assign to such person such counsel, not exceeding two, as such person shall desire, to whom such counsel shall have free access at all seasonable hours; and every such person or persons accused or indicted of the crimes aforesaid, shall be allowed and admitted in his said defence to make any proof that he or they can produce, by lawful witness or witnesses, and shall have the like process of the court where he or they shall be tried, to compel his or their witnesses to appear at his or their trial, as is usually granted to compel witnesses to appear on the prosecution against them.

Sec. 30. *And be it further enacted,* That if any person or persons be indicted of treason against the United States, and shall stand mute or refuse to plead, or shall challenge peremptorily above the number of thirty-five of the jury; or if any person or persons be indicted of any other of the offences herein before set forth, for which the punishment is declared to be death, if he or they shall also stand mute, or will not answer to the indictment, or challenge peremptorily above the number of twenty per-

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sons of the jury, the court, in any of the cases aforesaid, shall, notwithstanding, proceed to the trial of the person or persons so standing mute or challenging, as if he or they had pleaded not guilty, and render judgment thereon accordingly.

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

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

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

Approved, April 30, 1790.

An Act for regulating the military establishment of the United States.

Be it enacted, &c. That the commissioned officers hereinafter mentioned, and the number of one thousand two hundred and sixteen non-commissioned officers, privates, and musicians, shall be raised for the service of the United States, for the period of three years, unless they should previously by law be discharged.

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

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

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

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

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

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

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

Sec. 8. *And be it further enacted*, That the commissioned officers hereinafter described, shall receive, monthly, the following enumerated sums, instead of forage: Lieutenant colonels

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commandant, twelve dollars; major commandant of artillery, majors and surgeon, each, ten dollars; surgeon's mates, each, six dollars.

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

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

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

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

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

Sec. 14. *And be it further enacted*, That the "act for recognising, and adapting to the Constitution of the United States, the establishment of the troops raised under the resolves of the United States in Congress assembled, and for other purposes therein mentioned," passed the twenty-ninth day of September, one thousand seven hundred and eighty-nine, be, and the same is hereby repealed: *Provided always*, That the non-commissioned officers and privates, continued and engaged under the aforesaid act of the twenty-ninth day of September, one thousand seven hundred and eighty-nine, and who shall decline to re-enlist under the establishment made by this act, shall be discharged whenever the President of the United States shall direct the same: *Provided further*, That the whole number of non-commissioned officers, privates, and musicians, in the service of the United States at any one time, either by virtue of this act, or by virtue of the aforesaid act, passed the twenty-ninth day of September, one thousand seven hundred and eighty-nine, shall not exceed the number of one thousand two hundred and sixteen.

Sec. 15. *And be it further enacted*, That for the purpose of aiding the troops now in service, or to be raised by this act, in protecting the inhabitants of the frontiers of the United States, the President is hereby authorized to call into service, from time to time, such part of the militia of the States, respectively, as he may judge necessary for the purpose aforesaid; and that their pay and subsistence, while in service, be the same as the pay and subsistence of the troops abovementioned, and they shall be subject to the rules and articles of war.

Approved, April 30, 1790.

An Act to prescribe the mode in which the public acts, records, and judicial proceedings, in each State, shall be authenticated so as to take effect in every other State.

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

Approved, May 26, 1790.

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

Be it enacted, &c., That whenever any person who now is, or hereafter shall be, liable to a fine, penalty, or forfeiture, or interested in any vessel, goods, wares, or merchandise, or other thing which may be subject to seizure and forfeiture, by force of the laws of the United States now existing, or which may hereafter exist, for collecting duties of impost and tonnage, and for regulating the coasting trade, shall prefer his petition to the judge of the district in which such fine, penalty, or forfeiture, may have accrued, truly and particularly setting forth the circumstances of his case, and shall pray that the same may be mitigated or remitted; the said judge shall inquire in a summary manner into the circumstances of the case, first causing reasonable notice to be given to the person or persons claiming such fine, penalty, or forfeiture, and to the attorney of the United States for such district, that each may have an opportunity of showing cause against the mitigation or remission thereof; and shall cause the facts which shall appear upon such inquiry to be stated and annexed to the petition, and direct their transmission to the Secretary of the Treasury of the United States, who shall thereupon have power to mitigate or remit such fine, penalty, or forfeiture, or any part thereof, if in his opinion the same was incurred without wilful negligence or any intention of fraud, and to direct the prosecution, if any shall have been instituted for the recovery thereof, to cease and be discontinued, upon such terms or conditions as he may deem reasonable and just: *Provided,* That nothing herein contained shall be construed to affect the right or claim of any person to that part of any fine, penalty, or forfeiture, incurred by breach of either of the laws aforesaid, which such person may be entitled to by virtue of the said laws, in cases where a prosecution has been commenced, or information has been given before the passing of this act; the amount of which right and claim shall be assessed and valued by the judge of the district in a summary manner.

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

Approved, May 26, 1790.

An Act to continue in force an act passed at the last session of Congress, entitled "An act to regulate processes in the courts of the United States."

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

Approved, May 26, 1790.

An Act for the government of the territory of the United States, south of the river Ohio.

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

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

Approved, May 26, 1790.

An Act for the encouragement of learning, by securing the copies of maps, charts, and books; to the authors and proprietors of such copies, during the times therein mentioned.

Be it enacted, &c., That from and after the passing of this act, the author and authors of any map, chart, book, or books already printed within these United States, being a citizen or citizens thereof, or resident within the same, his or their executors, administrators, or assigns, who hath or have not transferred to any other person the copyright of such map, chart, book or books, share or shares, thereof; and any other person or persons, being a citizen or citizens of these United States, or residents therein, his or their executors, administrators, or assigns, who hath or have purchased or legally acquired the copyright of any such map, chart, book, or books, in order to print, reprint, publish, or vend the same, shall have the sole right and liberty of printing, reprinting, publishing, and vending such map, chart, book or books, for the term of fourteen years from the recording the title thereof in the clerk's office, as is hereinafter directed: And that the author and authors of any map, chart, book or books, already made and composed, and not printed or published, or that shall hereafter be made and composed, being a citizen or citizens of these United States, or resident therein, as his or their executors, administrators, or assigns, shall have the sole right and liberty of printing, reprinting, publishing, and vending such map,

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chart, book or books, for the like term of fourteen years from the time of recording the title thereof in the clerk's office as aforesaid. And if, at the expiration of the said term, the author or authors, or any of them, be living, and a citizen or citizens of these United States, or resident therein, the same exclusive right shall be continued to him or them, his or their executors, administrators, or assigns, for the further term of fourteen years: *Provided*, he or they shall cause the title thereof to be a second time recorded and published in the same manner as is hereinafter directed, and that within six months before the expiration of the first term of fourteen years aforesaid.

Sec. 2. *And be it further enacted*, That if any other person or persons, from and after the recording the title of any map, chart, book or books, and publishing the same as aforesaid, and within the times limited and granted by this act, shall print, re-print, publish, or import, or cause to be printed, re-printed, published, or imported from any foreign kingdom or State, any copy or copies of such map, chart, book or books, without the consent of the author or proprietor thereof, first had and obtained in writing, signed in the presence of two or more credible witnesses; or knowing the same to be so printed, re-printed, or imported, shall publish, sell, or expose to sale, or cause to be published, sold, or exposed to sale, any copy of such map, chart, book or books, without such consent first had and obtained in writing as aforesaid, then such offender or offenders shall forfeit all and every copy or copies of such map, chart, book or books, and all and every sheet and sheets, being part of the same, or either of them, to the author or proprietor of such map, chart, book or books, who shall forthwith destroy the same: And every such offender and offenders shall also forfeit and pay the sum of fifty cents for every sheet which shall be found in his or their possession, either printed or printing, published, imported, or exposed to sale, contrary to the true intent and meaning of this act, the one moiety thereof to the author or proprietor of such map, chart, book or books who shall sue for the same, and the other moiety thereof, to and for the use of the United States, to be recovered by action of debt in any court of record in the United States, wherein the same is cognizable: *Provided always*, That such action be commenced within one year after the cause of action shall arise, and not afterwards.

Sec. 3. *And be it further enacted*, That no person shall be entitled to the benefit of this act, in cases where any map, chart, book or books, hath or have been already printed and published, unless he shall first deposite, and in all other cases, unless he shall, before publication, deposite a printed copy of the title of such map, chart, book or books, in the clerk's office of the district court, where the author or proprietor shall reside: And the clerk of such court is hereby directed and required to record the same

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

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

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

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

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

Approved, May 31, 1790.

An Act for giving effect to an act, entitled "An act to establish the judicial courts of the United States," within the State of North Carolina.

Be it enacted, &c., That the act, entitled

"An act to establish the judicial courts of the United States," shall have the like force and effect within the State of North Carolina, as elsewhere within the United States.

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

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

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

Approved, June 4, 1790.

An Act supplemental to the act for establishing the salaries of the executive officers of Government, with their assistants and clerks.

Be it enacted, &c. That the more effectually to do and perform the duties in the Department of State, the Secretary of the said Department be, and is hereby, authorized to appoint an additional clerk in his office, who shall be allowed an equal salary, to be paid in the same manner as is allowed by law to the chief clerk.

Approved, June 4, 1790.

An Act for giving effect to the several acts therein mentioned, in respect to the State of Rhode Island and Providence Plantations.

Be it enacted, &c., That the several and respective duties specified and laid in and by the act, entitled "An act for laying a duty on goods, wares, and merchandises, imported into the United States," and in and by the act, entitled "An act imposing duties on tonnage," shall be paid and collected upon all goods, wares, and merchandises, which, after the expiration of five days from the passing of this act, shall be imported into the State of Rhode Island and Providence Plantations, from any

foreign port or place, and upon the tonnage of all ships and vessels, which, after the said day, shall be entered within the said State of Rhode Island and Providence Plantations, subject to the exceptions, qualifications, allowances, and abatements, in the said acts contained or expressed, which acts shall be deemed to have the like force and operation within the said State of Rhode Island and Providence Plantations, as elsewhere within the United States.

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

Sec. 3. *And be it further enacted*, That all the regulations, provisions, exceptions, allowances, compensations, directions, authorities, penalties, forfeitures, and other matters whatsoever, contained or expressed in the act, entitled "An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandises, imported into the United States," and

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not locally inapplicable, shall have the like force and effect within the said State of Rhode Island and Providence Plantations, for the collection of the said duties, as elsewhere within the United States, and as if the same were repeated and re-enacted in this present act: *Provided always, and be it declared,* That the thirty-ninth section of the said act, and the third section of an act, entitled "An act to suspend part of an act, entitled "An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandises, imported into the United States, and for other purposes," did, by virtue of the adoption of the Constitution of the United States, by the said State of Rhode Island and Providence Plantations, cease to operate in respect to the same.

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

Approved, June 14, 1790.

An act for giving effect to an act, entitled "An act to establish the judicial courts of the United States," within the State of Rhode Island and Providence Plantations.

Be it enacted, &c., That the act, entitled "An act to establish the judicial courts of the United States," shall have the like force and effect within the State of Rhode Island and Providence Plantations, as elsewhere within the United States.

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

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

alternately at the said towns of Newport and Providence, beginning at the last.

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

Approved, June 23, 1790.

An Act providing the means of intercourse between the United States and foreign nations.

Be it enacted, &c., That the President of the United States shall be, and he hereby is, authorized to draw from the Treasury of the United States a sum not exceeding forty thousand dollars annually, to be paid out of the moneys arising from the duties on imports and tonnage, for the support of such persons as he shall commission to serve the United States in foreign parts, and for the expense incident to the business in which they may be employed: *Provided,* That exclusive of an outfit, which shall in no case exceed the amount of one year's full salary to the Minister Plenipotentiary, or Chargé des Affaires, to whom the same may be allowed, the President shall not allow to any Minister Plenipotentiary a greater sum than at the rate of nine thousand dollars per annum, as a compensation for all his personal services, and other expenses; nor a greater sum for the same than four thousand five hundred dollars per annum to a Chargé des Affaires; nor a greater sum for the same than one thousand three hundred and fifty dollars per annum to the secretary of any Minister Plenipotentiary. *And provided also,* That the President shall account specifically for all such expenditures of the said money as in his judgment may be made public, and also for the amount of such expenditures as he may think it advisable not to specify, and cause a regular statement and account thereof to be laid before Congress annually, and also lodged in the proper office of the Treasury Department.

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

Approved, July 1, 1790.

An Act for giving effect to an act, entitled "An act providing for the enumeration of the inhabitants of the United States," in respect to the State of Rhode Island and Providence Plantations.

Be it enacted, &c., That the act passed the present session of Congress, entitled "An act providing for the enumeration of the inhabitants of the United States," shall be deemed to have the like force and operation within the State of Rhode Island and Providence Plantations, as elsewhere within the United States; and all the regulations, provisions, directions,

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authorities, penalties, and other matters whatsoever, contained or expressed in the said act, and which are not locally inapplicable, shall have the like force and effect within the said State, as if the same were repeated and re-enacted in and by this present act.

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

Approved, July 5, 1790.

An Act to authorize the purchase of a tract of land for the use of the United States.

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

Approved, July 5, 1790.

An Act further to provide for the payment of the invalid pensioners of the United States.

Be it enacted, &c., That the military pensions which have been granted and paid by the States, respectively, in pursuance of former acts of the United States in Congress assembled, and such as, by acts passed in the present session of Congress, are, or shall be declared to be due to invalids who were wounded and disabled during the late war, shall be continued and paid by the United States, from the fourth day of March last, for the space of one year, under such regulations as the President of the United States may direct.

Approved, July 16, 1790.

An Act for establishing the temporary and permanent seat of the Government of the United States.

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

Sec. 2. *And be it further enacted*, That the President of the United States be authorized to appoint, and by supplying vacancies happening from refusals to act or other causes, to keep in appointment as long as may be neces-

sary, three commissioners, who, or any two of whom, shall, under the direction of the President, survey, and by proper metes and bounds define and limit a district of territory, under the limitations above mentioned; and the district so defined, limited, and located, shall be deemed the district accepted by this act, for the permanent seat of the Government of the United States.

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

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

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

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

Approved, July 16, 1790.

An Act for the government and regulation of seamen in the merchant service.

Be it enacted, &c., That from and after the first day of December next, every master or commander of any ship or vessel bound from a port in the United States to any foreign port, or of any ship or vessel of the burthen of fifty tons or upwards, bound from a port in one State to a port in any other than an adjoining State, shall, before he proceed on such voyage, make an agreement in writing, or in print, with every seaman or mariner on board such ship or vessel, (except such as shall be apprentice or servant to himself or owners) declaring the

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voyage or voyages, term or terms of time, for which such seaman or mariner shall be shipped. And if any master or commander of such ship or vessel shall carry out any seamen or mariners (except apprentices or servants as aforesaid) without such contract or agreement being first made and signed by the seamen and mariners, such master or commander shall pay to every such seaman or mariner the highest price or wages which shall have been given at the port or place where such seaman or mariner shall have been shipped, for a similar voyage, within three months next before the time of such shipping: *Provided*, such seaman or mariner shall perform such voyage; or if not, then for such time as he shall continue to do duty on board such ship or vessel; and shall moreover forfeit twenty dollars for every such seaman or mariner, one half to the use of the person prosecuting for the same, the other half to the use of the United States: and such seaman or mariner, not having signed such contract, shall not be bound by the regulations, nor subject to the penalties and forfeitures contained in this act.

Sec. 2. *And be it enacted*, That at the foot of every such contract, there shall be a memorandum in writing of the day and the hour on which such seaman or mariner, who shall so ship and subscribe, shall render themselves on board, to begin the voyage agreed upon. And if any such seaman or mariner shall neglect to render himself on board the ship or vessel, for which he has shipped, at the time mentioned in such memorandum; and if the master, commander, or other officer of the ship or vessel, shall, on the day on which such neglect happened, make an entry in the log-book of such ship or vessel, of the name of such seaman or mariner, and shall in like manner note the time that he so neglected to render himself, (after the time appointed;) every such seaman or mariner shall forfeit, for every hour which he shall so neglect to render himself, one day's pay, according to the rate of wages agreed upon, to be deducted out of his wages. And if any such seaman or mariner shall wholly neglect to render himself on board of such ship or vessel, or having rendered himself on board, shall afterwards desert and escape, so that the ship or vessel proceed to sea without him, every such seaman or mariner shall forfeit and pay to the master, owner, or consignee, of the said ship or vessel, a sum equal to that which shall have been paid to him by advance at the time of signing the contract, over and besides the sums so advanced, both which sums shall be recoverable in any court, or before any justice or justices of any State, city, town, or county, within the United States, which, by the laws thereof, have cognizance of debts of equal value, against such seaman or mariner, or his surety or sureties, in case he shall have given surety to proceed the voyage.

Sec. 3. *And be it further enacted*, That if the mate, or first officer under the master, and a majority of the crew of any ship or vessel,

bound on a voyage to any foreign port, shall, after the voyage is begun, (and before the ship or vessel shall have left the land,) discover that the said ship or vessel is too leaky, or is otherwise unfit in her crew, body, tackle, apparel, furniture, provisions, or stores, to proceed on the intended voyage, and shall require such unfitness to be inquired into, the master or commander shall, upon the request of the said mate, (or other officer,) and such majority forthwith proceed to, or stop at the nearest or most convenient port or place where such inquiry can be made, and shall there apply to the judge of the district court, if he shall there reside, or if not, to some justice of the peace of the city, town, or place, taking with him two or more of the said crew who shall have made such request; and thereupon such judge or justice is hereby authorized and required to issue his precept, directed to three persons in the neighborhood, the most skilful in maritime affairs that can be procured, requiring them to repair on board such ship or vessel, and to examine the same, in respect to the defects and insufficiencies complained of, and to make report to him, the said judge or justice, in writing, under their hands, or the hands of two of them, whether in any, or in what respect the said ship or vessel is unfit to proceed on the intended voyage, and what addition of men, provisions, or stores, or what repairs or alterations in the body, tackle, or apparel, will be necessary; and upon such report the said judge or justice shall adjudge and determine, and shall endorse on the said report his judgment, whether the said ship or vessel is fit to proceed on the intended voyage; and if not, whether such repairs can be made, or deficiencies supplied, where the ship or vessel then lays, or whether it be necessary for the said ship or vessel to return to the port from whence she first sailed, to be there refitted, and the master and crew shall in all things conform to the said judgment; and the master or commander shall, in the first instance, pay all the costs of such view, report and judgment, to be taxed and allowed on a fair copy thereof, certified by the said judge or justice. But if the complaint of the said crew shall appear upon the said report and judgment to have been without foundation, then the said master, or the owner or consignee of such ship or vessel, shall deduct the amount thereof, and of reasonable damages for the detention, (to be ascertained by the said judge or justice,) out of the wages growing due to the complaining seamen or mariners. And if after such judgment, such ship or vessel is fit to proceed on her intended voyage, or after procuring such men, provisions, stores, repairs, or alterations, as may be directed, the said seamen or mariners, or either of them, shall refuse to proceed on the voyage, it shall and may be lawful for any justice of the peace to commit by warrant, under his hand and seal, every such seaman or mariner (who shall so refuse) to the common jail of the county, there to remain without bail

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or mainprise, until he shall have paid double the sum advanced to him at the time of subscribing the contract for the voyage, together with such reasonable costs as shall be allowed by the said justice, and inserted in the said warrant, and the surety or sureties of such seaman or mariner (in case he or they shall have given any) shall remain liable for such payment; nor shall any such seaman or mariner be discharged upon any writ of habeas corpus or otherwise, until such sum be paid by him or them, or his or their surety or sureties, for want of any form of commitment, or other previous proceedings: *Provided*, That sufficient matter shall be made to appear, upon the return of such habeas corpus, and an examination then to be had, to detain him for the causes herein before assigned.

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

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

Sec. 6. *And be it enacted*, That every seaman or mariner shall be entitled to demand and receive from the master or commander of the ship or vessel to which they belong, one-third part of the wages which shall be due to him at every port where such ship or vessel shall unlade and deliver her cargo, before the voyage be ended, unless the contrary be expressly stipulated in the contract; and as soon as the voyage is ended, and the cargo or ballast be fully discharged at the last port of delivery, every seaman or mariner shall be entitled to the wages which shall be then due according to his contract; and if such wages shall not be paid within ten days after such discharge, or if any dispute shall arise between the master and seamen or mariners, touching said wages, it shall be lawful for the judge of the district where the said ship or vessel shall be, or in case his residence be more than three miles from the place, or of his absence from the place of his residence, then, for any judge or justice of the peace to summon the master of such ship or vessel to appear before him, to show cause why process should not issue against such ship or vessel, her tackle, furniture, and apparel, according to the course of admiralty courts, to answer for the said wages: and if the master shall neglect to appear, or appearing, shall not show that the wages are paid, or otherwise satisfied or forfeited, and if the matter in dispute shall not be forthwith settled, in such case the judge or justice shall certify to the clerk of the court of the district, that there is sufficient cause of complaint whereon to found admiralty process, and thereupon the clerk of such court shall issue process against the said ship or vessel, and the suit shall be proceeded on in the said court, and final judgment be given according to the course of admiralty courts in such cases used; and in such suit all the seamen or mariners (having cause of complaint of the like kind against the same ship or vessel) shall be joined as complainants; and it shall be incumbent on the master or commander to produce the contract and log-book, if required, to ascertain any matters in dispute, otherwise the complainants shall be permitted to state the contents thereof, and the proof of the contrary shall lie on the master or commander; but nothing herein contained shall prevent any seaman or mariner from having or maintaining any action at common law for the recovery of his wages, or from immediate process out of any court having admiralty jurisdiction, wherever any ship or vessel may be found, in case she shall have left the port of delivery where her voyage ended, before payment of the wages, or in case she shall be about to proceed to sea before the end of the ten days next after the delivery of her cargo on ballast.

Sec. 7. *And be it enacted*, That if any seaman or mariner, who shall have signed a contract to perform a voyage, shall, at any port or place, desert, or shall absent himself from such ship or vessel, without leave of the master, or offi-

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

Sec. 8. And be it enacted, That every ship or vessel belonging to a citizen or citizens of the United States, of the burthen of one hundred and fifty tons or upwards, navigated by ten or more persons in the whole, and bound on a voyage without the limits of the United States, shall be provided with a chest of medicines, put up by some apothecary of known reputation, and accompanied by directions for administering the same; and the said medicines shall be examined by the same, or some other apothecary, once at least in every year, and supplied with fresh medicines in the place of such as shall have been used or spoiled; and in default of having such medicine chest so provided, and kept fit for use, the master or commander of such ship or vessel shall provide and pay for all such advice, medicine, or attendance of physicians, as any of the crew shall stand in need of in case of sickness, at every port or place where the ship or vessel may touch or trade at during the voyage, without any deduction from the wages of such sick seaman or mariner.

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

Approved, July 20, 1790.

An Act imposing duties on the tonnage of ships or vessels.

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

Sec. 2. And be it further enacted, That the aforesaid duty of six cents per ton shall be also paid upon every ship or vessel of the United States, which after the said first day of September next, shall be entered in a district in one State from a district in another State, other than an adjoining State on the sea-coast, or on a navigable river, having on board goods, wares, and merchandise, taken in one State to be delivered in another State: *Provided,* That it shall not be paid on any ship or vessel having a license to trade between the different districts of the United States, or to carry on the bank or whale fisheries whilst employed therein, more than once a year.

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

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

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

Sec. 5. And be it further enacted, That the act, entitled "An act imposing duties on ton-

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nage," shall, after the said first day of September next, be repealed, and shall thenceforth cease to operate, except as to the collection of the duties which shall have accrued prior to the said repeal, for which purpose the said act shall continue in force.

Approved, July 20, 1790.

An Act providing for holding a treaty or treaties to establish peace with certain Indian tribes.

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

Approved, July 22, 1790.

An Act to amend the act for the establishment and support of light-houses, beacons, buoys, and public piers.

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

Approved, July 22, 1790.

An Act to regulate trade and intercourse with the Indian tribes.

Be it enacted, &c., That no person shall be permitted to carry on any trade or intercourse with the Indian tribes, without a license for that purpose, under the hand and seal of the superintendent of the department, or of such other person as the President of the United States shall appoint for that purpose; which superintendent, or other person so appointed, shall, on application, issue such license to any proper person, who shall enter into bond, with one or more sureties, approved of by the superintendent, or person issuing such license, or by the President of the United States, in the penal

sum of one thousand dollars, payable to the President of the United States for the time being, for the use of the United States, conditioned for the true and faithful observance of such rules, regulations, and restrictions, as now are, or hereafter shall be, made for the government of trade and intercourse with the Indian tribes. The said superintendents, and persons by them licensed as aforesaid, shall be governed in all things, touching the said trade and intercourse, by such rules and regulations as the President shall prescribe. And no other person shall be permitted to carry on any trade or intercourse with the Indians, without such license as aforesaid. No license shall be granted for a longer term than two years: *Provided, nevertheless,* That the President may make such order respecting the tribes surrounded in their settlements by the citizens of the United States, as to secure an intercourse without license, if he may deem it proper.

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

Sec. 3. *And be it further enacted,* That every person who shall attempt to trade with the Indian tribes, or be found in the Indian country with such merchandise in his possession as are usually vended to the Indians, without a license first had and obtained, as in this act prescribed, and being thereof convicted in any court proper to try the same, shall forfeit all the merchandise so offered for sale to the Indian tribes, or so found in the Indian country, which forfeiture shall be one half to the benefit of the person prosecuting, and the other half to the benefit of the United States.

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

Sec. 5. *And be it further enacted,* That if any citizen or inhabitant of the United States, or of either of the territorial districts of the United States, shall go into any town, settlement, or territory, belonging to any nation or tribe of Indians, and shall there commit any

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crime upon, or trespass against, the person or property of any peaceable and friendly Indian or Indians, which, if committed within the jurisdiction of any State, or within the jurisdiction of either of the said districts, against a citizen or white inhabitant thereof, would be punishable by the laws of such State or district, such offender or offenders shall be subject to the same punishment, and shall be proceeded against in the same manner, as if the offence had been committed within the jurisdiction of the State or district to which he or they may belong, against a citizen or white inhabitant thereof.

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

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

Approved, July 22, 1796.

An Act making provision for the debt of the United States.

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

Be it enacted, &c., That reserving out of the moneys which have arisen since the last day of December last past, and which shall hereafter arise from the duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels, the yearly sum of six hundred thousand dollars, or so much thereof as may be appropriated from time to time, towards the support of the Government of the United States, and their common defence, the residue of the said moneys, or so much thereof as may be necessary, as the same shall be received in each year, next after the sum reserved as aforesaid, shall be, and is hereby appropriated to the payment of the interest which shall from time to time become due on the loans heretofore made by the United States in foreign countries; and also to the payment of interest on such further loans as may be obtained for discharging the arrears of interest thereupon, and the whole or any part of the principal thereof; to continue so appropriated

until the said loans, as well as those already made as those which may be made in virtue of this act, shall be fully satisfied, pursuant to the contracts relating to the same, any law to the contrary notwithstanding. *And provided*, That nothing herein contained shall be construed to annul or alter any appropriation by law made prior to the passing of this act.

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

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

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

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

Those issued by the Register of the Treasury;

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

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and the eleventh of April, one thousand seven hundred and seventy-eight;

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

Those issued by the commissioners for the adjustment of accounts in the respective States;

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

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

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

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

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

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

Sec. 7. *And be it further enacted*, That the stock which shall be created pursuant to this act, shall be transferable only on the books of the Treasury, or of the said commissioners respectively, upon which the credit for the same shall exist at the time of transfer, by the proprietor or proprietors of such stock, his, her, or their attorney; but it shall be lawful for the Secretary of the Treasury, by special warrant, under his hand and the seal of the Treasury, countersigned by the Comptroller, and registered by the Register, at the request of the respective proprietors, to authorize the transfer of such stock from the books of one commissioner to those of another commissioner, or to those of the Treasury, and from those of the Treasury to those of a commissioner.

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

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

Sec. 9. *Be it further enacted*, That nothing in this act contained shall be construed in any wise to alter, abridge, or impair, the rights of those creditors of the United States, who shall not subscribe to the said loan, or the contracts

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upon which their respective claims are founded; but the said contracts and rights shall remain in full force and virtue.

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

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

Sec. 11. *And be it further enacted,* That the commissioners who shall be appointed pursuant to this act, shall respectively be entitled to the following yearly salaries, that is to say: The commissioner for the State of New Hampshire, six hundred and fifty dollars; the commissioner for the State of Massachusetts, fifteen hundred dollars; the commissioner for the State of Rhode Island and Providence Plantations, six hundred dollars; the commissioner for the State of Connecticut, one thousand dollars; the commissioner for the State of New York, fifteen hundred dollars; the commissioner for the State of New Jersey, seven hundred dollars; the commissioner for the State of Pennsylvania, fifteen hundred dollars; the commissioner for

the State of Delaware, six hundred dollars; the commissioner for the State of Maryland, one thousand dollars; the commissioner for the State of Virginia, fifteen hundred dollars; the commissioner for the State of North Carolina, one thousand dollars; the commissioner for the State of South Carolina, one thousand dollars; the commissioner for the State of Georgia, seven hundred dollars; which salaries shall be in full compensation for all services and expenses.

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

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

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

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

In those of New Hampshire, three hundred thousand dollars;

In those of Massachusetts, four million dollars;

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

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

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

In those of New Jersey, eight hundred thousand dollars;

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

In those of Delaware, two hundred thousand dollars;

In those of Maryland, eight hundred thousand dollars;

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

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In those of North Carolina, two million four hundred thousand dollars;

In those of South Carolina, four million dollars;

In those of Georgia, three hundred thousand dollars;

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

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

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

sum to be expressed therein, equal to the said remaining third, bearing an interest of three per cent. per annum, payable quarter-yearly, and subject to redemption by payment of the sum specified therein, whenever provision shall be made by law for that purpose.

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

Sec. 17. *And be it further enacted*, That if the whole sum allowed to be subscribed in the debt or certificates of any State as aforesaid, shall not be subscribed within the time for that purpose limited, such State shall be entitled to receive, and shall receive, from the United States, an interest per centum per annum, upon so much of the said sum as shall not have been so subscribed, equal to that which would have accrued on the deficiency, had the same been subscribed in trust for the non-subscribing creditors of such State, who are holders of certificates or notes, issued on account of services or supplies towards the prosecution of the late war, and the defence of the United States, or of some part thereof, to be paid in like manner as the interest on the stock which may be created by virtue of the said loan, and to continue until there shall be a settlement of accounts between the United States, and the individual States; and in case a balance shall then appear in favor of such State, until provision shall be made for the said balance.

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

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

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

Sec. 20. *And be it further enacted*, That the

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

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

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

Approved, August 4, 1790.

An Act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels.

Be it enacted, &c., That for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels, there shall be established and appointed, districts, ports, and officers, in manner following, to wit:

The State of New Hampshire shall be one district, to be called the district of Portsmouth, of which the town of Portsmouth shall be the

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

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

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tract 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 Hollowell, Pittstown, and Topsham, as ports of delivery only; and a collector for the district shall be appointed, to reside at Bath. To the district of Wiscasset shall be annexed Bristol, Boothbay, Warren, Thomaston, and Waldoborough, as ports of delivery only; and a collector for the district shall be appointed, to reside at Wiscasset. To the district of Penobscot shall be annexed Frankfort, Sedgwick Point, and Deer Island, as ports of delivery only; and a collector for the district shall be appointed, to reside at Penobscot. To the district of Frenchman's Bay shall be annexed Union river, as a port of delivery only; and a collector for the district shall be appointed, to reside at Frenchman's Bay. For each of the districts of Machias and Passamaquoddy shall be appointed a collector, to reside at the said ports of Machias and Passamaquoddy, respectively. The district of Newburyport shall include all the waters and shores from the State of New Hampshire to the north line of Ipswich. The district of Gloucester shall include all the waters and shores in the towns of Gloucester and Manchester. The district of Salem and Beverly shall include all the shores and waters within the towns of Ipswich, Beverly, Salem, and Danvers. The district of Marblehead shall include all the waters and shores within the towns of Marblehead and Lynn. The district of Boston and Charlestown shall include all the waters and shores within the counties of Middlesex and Suffolk. The district of Plymouth shall include all the waters and shores within the county of Plymouth, excepting the towns of Wareham and Rochester. The district of Barnstable shall include all the shores and waters within the county of Barnstable. The district of Nantucket shall include the island of Nantucket. The district of Edgartown shall include all the waters and shores within the county of Duke's County. The district of New Bedford shall include all the waters and shores within the towns of New Bedford, Dartmouth, Westport, Rochester, and Wareham, together with all the islands within the county of Bristol. The district of Dighton shall include all the waters and shores on Taunton river, and in the town of Rehoboth; and the collectors of the several districts within that part of the State of Massachusetts, eastward of New Hampshire, shall agree, as soon as may be, upon

a divisional line between their respective districts, and transmit the same to the Comptroller of the Treasury; and such districts, so agreed upon, shall include all the shores, waters, and islands, within the same. And in case of disagreement between any of the said collectors, concerning such divisional line, the Secretary of the Treasury shall determine the same.

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

In the State of Connecticut shall be three districts, to wit: New London, New Haven, and Fairfield. The district of New London shall extend from the east line of the said State of Connecticut, to the west line of the town of Killingsworth, and north to the south line of the State of Massachusetts; and shall also include the several towns or landing places of Norwich, Stonington, Groton, Lyme, Saybrook, Haddon, East Haddon, Middletown, Chatham, Weathersfield, Glastonbury, Hartford, East Hartford, Windsor, East Windsor, and Killingsworth, as ports of delivery only; New London to be the sole port of entry; and

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a collector and surveyor for the district shall be appointed, to reside at New London; and a surveyor to reside at each of the ports of Stonington and Middletown. The district of New Haven shall extend from the west line of the district of New London, westerly to Ousatumnick river; to which shall be annexed the several towns or landing places of Guildford, 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.

In the State of New York shall be two districts, to wit: Sagg Harbor on Nassau or Long Island, and the city of New York, each of which shall be a port of entry. The district of Sagg Harbor shall include all bays, harbors, rivers, and shores within the two points of land which are called Oyster Pond Point, and Montauk Point; and a collector for the district shall be appointed, to reside at Sagg Harbor, which shall be the only place of delivery in the said district. The district of the city of New York shall include such part of the coasts, rivers, bays, and harbors of the said State, not included in the district of Sagg Harbor; and moreover the several towns or landing places of New Windsor, Newburgh, Poughkeepsie, Esopus, city of Hudson, Kinderhook, and Albany, as ports of delivery only; and a naval officer, collector, and surveyor for the district shall be appointed, to reside in 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.

In the State of New Jersey shall be four districts, to wit: Perth Amboy, Burlington, Bridgetown, and Great Egg Harbor, which shall severally be ports of entry. The district of Perth Amboy shall comprehend all that part of the State of New Jersey, known by the name of East New Jersey, (that part excepted which is hereafter included in the district of Burlington,) together with all the waters thereof heretofore within the jurisdiction of the said State; in which district the towns or landing places of New Brunswick, Middletown Point, Elizabethtown, and Newark shall be ports of delivery only; and a collector for the district shall be appointed, to reside at Perth Amboy. The district of Burlington shall comprehend that part of the said State known by the name of

West New Jersey, which lies to the eastward and northward of the county of Gloucester, with all the waters thereof heretofore within the jurisdiction of the said State, including the river and inlet of Little Egg Harbor, with the waters emptying into the same, and the seacoast, sound, inlets, and harbors thereof, from Barnegat inlet to Brigantine inlets, in which district the landing places of Lamberton, and Little Egg Harbor shall be ports of delivery only, and a collector shall be appointed for the district, to reside at Burlington, and a surveyor at Little Egg Harbor. The district of Bridgetown shall comprehend the counties of Gloucester, Salem, Cumberland, and Cape May (such part of the counties of Gloucester and Cape May as shall be hereinafter included in the district of Great Egg Harbor, excepted) and all the waters thereof heretofore within the jurisdiction of the said State; and the town of Salem and Port Elizabeth, on Maurice river shall be ports of delivery only; and a collector shall be appointed, to reside at Bridgetown. The district of Great Egg Harbor shall comprehend the river of Great Egg Harbor, together with all the inlets, bays, sound, rivers, and creeks, along the seacoast, from Brigantine inlet to Cape May; and a collector shall be appointed, to reside at Somers' Point, on the said river of Great Egg Harbor.

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

The State of Delaware shall be one district, and the borough of Wilmington shall be the port of entry, to which shall be annexed New-castle 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.

In the State of Maryland shall be nine districts, to wit: Baltimore, Chester, Oxford, Vienna, Snowhill, Annapolis, Nottingham, Cedar Point, and Georgetown. The district of Baltimore shall include Patapsco, Susquehannah, and Elk rivers, and all the waters and shores on the west side of Chesapeake Bay, from the mouth of Magetty river to the south side of Elk river, inclusive, in which Havre de Grace and Elkton shall be ports of delivery only; and a collector, naval officer, and surveyor shall be appointed for the said district, to reside at the town of Baltimore, which shall be the sole port of entry. The district of Chester shall include Chester river, and all the waters and shores on the eastern side of Chesapeake Bay, from the south side of Elk river to the north side of the Eastern Bay and Wye river, inclusive; in which Georgetown on Sas-safas 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

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

In the State of Virginia shall be twelve districts, to wit: Hampton as one port; Norfolk

and Portsmouth as one port; Bermuda Hundred and City Point as one port; Yorktown, Tappahannock, Yeocomico river, including Kinsale, Dumfries, including Newport, Alexandria, Foley Landing, Cherrystone, South Quay, and Louisville. The authority of the officers at Hampton shall extend over all the waters, shores, bays, harbors, and inlets, between the south side of the mouth of York river, along the west shore of Chesapeake Bay to Hampton, and thence up James river to the west side of Chickahomony river; and a collector shall be appointed, to reside at Hampton, which shall be the sole port of entry. To the district of Norfolk and Portsmouth shall be annexed Suffolk and Smithfield as ports of delivery only; and the authority of the officers of the said district shall extend over all the waters, shores, bays, harbors, and inlets comprehended within a line drawn from Cape Henry to the mouth of James river, and thence up James river to Jordan's Point, and up Elizabeth river to the highest tide water thereof; and Norfolk and Portsmouth shall be the sole port of entry; and a collector, naval officer, and surveyor for the district shall be appointed, to reside at Norfolk; also a surveyor to reside at each of the ports of Suffolk and Smithfield. To the district of Bermuda Hundred or City Point shall be annexed Richmond, Petersburg, and Manchester, as ports of delivery only; and a collector and surveyor shall be appointed, to reside at Bermuda Hundred, or City Point, which shall be the sole port of entry; also a surveyor for Petersburg to reside thereat; and a surveyor for Richmond and Manchester to reside at Richmond; and the authority of the officers of the said district shall extend over all the waters, shores, bays, harbors, and inlets, comprehended between Jordan's Point, and the highest tide water on James and Appamattox rivers. To the district of Yorktown shall be annexed West Point and Cumberland as ports of delivery only; and a collector for the district shall be appointed, to reside at Yorktown, which shall be the sole port of entry; also a surveyor for the two ports of delivery, to reside at West Point; and the authority of the officers of the said district shall extend over all the waters, shores, bays, harbors, and inlets, comprehended between the point forming the south shore of the mouth of Rappahannock river, and the point forming the south shore of the mouth of York river, and thence up the said river to West Point, and thence up Pamunkey and Mattaponi rivers to the highest navigable waters thereof. To the district of Tappahannock shall be annexed Urbanna, Port Royal, and Fredericksburg, including Falmouth, as ports of delivery only; and a collector for the district shall be appointed, to reside at Tappahannock, which shall be the sole port of entry; also a surveyor for each of the ports of Urbanna, Port Royal, and Fredericksburg; and the authority of the officers of the said district shall extend over all the waters, shores,

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bays, harbors, and inlets comprehended between Smith's Point, at the mouth of the Potomac river, and the point forming the south shore of the mouth of Rappahannock river, and thence up the last mentioned river to the highest tide water thereof. The district of Yeocomico river, including Kinsale, shall extend from Smith's Point on the south side of Potomac river to Boyd's Hole on the same river, including all the waters, shores, bays, rivers, creeks, harbors, and inlets along the south shore of Potomac river to Boyd's Hole aforesaid; and Yeocomico, including Kinsale, shall be the sole port of entry; and a collector shall be appointed to reside on Yeocomico river. The district of Dumfries, including Newport, shall extend from Boyd's Hole to Cockpit Point on the south side of Potomac river; and a collector shall be appointed to reside at Dumfries, which shall be the sole port of entry; and the authority of the officers of this district shall extend over all the waters, shores, bays, harbors, and inlets comprehended between Boyd's Hole and Cockpit Point aforesaid. For the district of Alexandria shall be appointed a collector and surveyor, to reside at Alexandria, which shall be the sole port of entry; and the authority of the officers of the said district shall extend over all the waters, shores, bays, harbors, and inlets on the south side of the river Potomac, from the last mentioned Cockpit Point to the highest tide water of the said river. For the district of Foley Landing shall be appointed a collector, who shall reside at Accomack Courthouse, and whose authority shall extend over all the waters, shores, bays, harbors, and inlets of the county of Accomack. For the district of Cherrystone shall be appointed a collector, to reside at Cherrystone, whose authority shall extend over all the waters, shores, bays, harbors, and inlets comprehended within Northampton county. For the district of South Quay a collector shall be appointed, to reside thereat, whose authority shall extend over all the waters, shores, bays, harbors, and inlets in that part of Virginia, comprehended within the limits of the said State. For the district of Louisville a collector shall be appointed, to reside thereat, whose authority shall extend over all the waters, shores, and inlets included between the rapids and the mouth of the Ohio river on the south side thereof.

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

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

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

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

Sec. 2. *And be it further enacted*, That it shall not be lawful to make entry of any ship or vessel which shall arrive from any foreign port or place within the United States, or of the cargo on board such ship or vessel elsewhere than at one of the ports of entry hereinbefore established, nor to unlade the said cargo, or any part thereof, elsewhere than at one of the ports of delivery herein established. *Provided always*, That every port of entry shall be also a port of delivery. *And provided further*, That none but ships or vessels of the United

States shall be admitted to unlade at any other than the ports following, to wit: Portsmouth, in the State of New Hampshire; Portland and Falmouth, New Bedford, Dighton, Salem, and Beverly, Gloucester, Newburyport, Marblehead, Sherburne, Boston, and Charlestown, Plymouth, Bath, Frenchman's Bay, Wiscasset, Machias, and Penobscot, in the State of Massachusetts; Newport and Providence, in the State of Rhode Island and Providence Plantations; New London and New Haven, in the State of Connecticut; New York, in the State of New York; Perth-Amboy and Burlington, in the State of New Jersey; Philadelphia, in the State of Pennsylvania; Wilmington, New-castle, and Port Penn, in the State of Delaware; Baltimore, Annapolis, Vienna, Oxford, Georgetown on Potomac, Chestertown, Town-creek, Nottingham, Cedar Point, Digges's Landing, Snowhill, and Carrolsburg, in the State of Maryland; Alexandria, Kinsale, Newport, Tappahannock, Port Royal, Fredericksburg, Urbanna, Yorktown, West Point, Hampton, Bermuda Hundred, City Point, Rocket's Landing, Norfolk, and Portsmouth, in the State of Virginia; Wilmington, Newbern, Washington, Edenton, and Plankbridge, in the State of North Carolina; Charleston, Georgetown, and Beaufort, in the State of South Carolina; and in either of the districts of Savannah, Sunbury, Brunswick, Frederica, and Saint Mary's in the State of Georgia; or to make entry in any other district than in one in which they shall be so admitted to unlade. *And provided lastly*, That no ship or vessel arriving from the Cape of Good Hope, or from any place beyond the same, shall be admitted to make entry at any other than the ports following, to wit: Portsmouth, in the State of New Hampshire; Boston and Charlestown, Newburyport, Salem, and Beverly, Gloucester, Portland, and Falmouth, in the State of Massachusetts; Newport and Providence, in the State of Rhode Island and Providence Plantations; New London, and New Haven, in the State of Connecticut; New York, in the State of New York; Perth-Amboy, in the State of New Jersey; Philadelphia, in the State of Pennsylvania; Wilmington, in the State of Delaware; Baltimore, Annapolis, and Georgetown, in the State of Maryland; Alexandria, Norfolk, and Portsmouth, in the State of Virginia; Wilmington, Newbern, Washington, and Edenton, in the State of North Carolina; Charleston, Georgetown, and Beaufort, in the State of South Carolina; and Sunbury and Savannah, in the State of Georgia. *Provided*, That nothing herein contained shall prevent the master or commander of any ship or vessel from making entry with the collector of any district in which such ship or vessel may be owned, or from which she may have sailed on the voyage from which she shall then have returned.

Sec. 3. *And be it further enacted*, That the master or commander of every ship or vessel bound to a port of delivery only, in any of the

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

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, deposite with the surveyor of the said port, a true manifest of the cargo on board such ship or vessel; if bound to the district of Tappahannock, shall, before he pass by the port of Urbanna, and immediately after his arrival, deposite with the surveyor for that port a like manifest; if bound to the district of Bermuda Hundred or City Point, shall, before he pass by Elizabeth River, and immediately after his arrival, deposite with the collector of the port of Norfolk and Portsmouth, or with the collector of the port of Hampton, a like manifest: and if bound to the district of South Quay, shall, before he pass by the port of Edenton, and immediately after his arrival, deposite with the collector of the port of Edenton, a like manifest. And the said surveyors and collectors 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. And if the master or commander of any ship or vessel shall neglect or omit to deposite a manifest in manner aforesaid, and as the case shall require, he shall forfeit and pay five hundred dollars, to be recovered with costs of suit, one half to the use of the officer with whom such manifest ought to have been deposited, and the other half to the use of the collector of the district to which the said ship or vessel may be bound. *Provided*, That if manifests shall have been in either of the said cases previously delivered to any officer of the customs, pursuant to the provision hereinafter to be made in that behalf, the depositing of a manifest as aforesaid shall not be necessary. *And provided also*, That no master of any ship or vessel which was absent from the United States on the first day of May last, and which hath not since returned within the same, or of any ship or vessel not owned wholly or in part by a citizen or inhabitant of the United States, shall incur the said penalty, if he shall make oath or affirma-

tion that he had no knowledge of or information concerning the regulation herein contained, unless it can be otherwise proved that he had such knowledge or information.

Sec. 5. *And be it further enacted*, That all officers and persons to be appointed pursuant to this act, before they enter upon the duties of their respective offices, shall severally take an oath diligently and faithfully to execute the duties of their said offices respectively, and to use their best endeavors to prevent and detect frauds in relation to the duties imposed by the laws of the United States; which oath, if taken by a collector, may be taken before any magistrate authorized to administer oaths within the district to which he belongs; but if taken by another, shall be taken before the collector of his district, and being certified under the hand and seal of the person by whom the same shall have been administered, shall, within three months thereafter be transmitted to the Comptroller of the Treasury; in default of taking which oath, the party failing shall forfeit and pay two hundred dollars, to be recovered with costs of suit, in any court of competent jurisdiction, to the use of the United States.

Sec. 6. *And be it further enacted*, That the several officers of the customs shall respectively perform the duties following, to wit: at such of the ports to which there shall be appointed a collector, naval officer, and surveyor, the collector shall receive all reports, manifests, and documents, to be made or exhibited on the entry of any ship or vessel, according to the regulations of this act; shall record in books to be kept for that purpose, all such manifests; shall receive the entries of all ships and vessels, and of the goods, wares, and merchandise imported in them; shall, together with the naval officer, where there is one, or alone where there is none, estimate the amount of the duties payable thereupon, endorsing the said amount upon the respective entries; shall receive all moneys paid for duties, and take all bonds for securing the payment thereof; shall grant all permits for the unlading and delivery of goods; shall employ proper persons as weighers, gaugers, measurers, and inspectors at the several ports within his district; and shall provide at the public expense, and with the approbation of the principal officer of the Treasury Department, store-houses for the safe-keeping of goods, and such scales, weights, and measures as may be necessary. The naval officers shall receive copies of all manifests; shall, together with the collector, estimate the duties on all goods, wares, and merchandise subject to duty, keeping a separate record thereof; and shall countersign all permits, clearances, certificates, and debentures to be granted by the collector. The surveyor shall superintend and direct all inspectors, weighers, measurers, and gaugers within his district; shall visit and inspect the ships or vessels which arrive within his district, and shall have power to put on board each of them one or more inspectors; shall ascertain the

proofs of distilled spirits, rating those which shall be of the proof of twenty-four degrees as of Jamaica proof; and shall examine whether the goods imported in any ship or vessel, and the deliveries thereof, are conformable to the entries of such goods and the permits for landing the same; and the said surveyor shall in all cases be subject to the control of the collector. And at such ports to which a collector and surveyor only are assigned, the said collector shall solely execute all the duties in which the co-operation of the naval officer is requisite at the ports where a naval officer shall be appointed, which he shall also do in case of the disability or death of the naval officer. And at the ports to which a collector only is assigned, such collector shall solely execute all the duties in which the co-operation of the naval officer is requisite as aforesaid: and shall also, as far as may be, perform all the duties prescribed to surveyors at the ports where such officers are established. And at ports to which surveyors only are assigned, every such surveyor shall perform all the duties herein before enjoined upon surveyors; and shall also receive and record the copies of all manifests which shall be transmitted to him by the collector; shall record all permits granted by such collector, distinguishing the gauge, weight, measure, and quality of the goods specified therein; and shall take care that no goods be unladen or delivered from any ship or vessel without a proper permit for that purpose. And at such ports of delivery only to which no surveyor is assigned, it shall be lawful for the collector of the district occasionally and from time to time to employ a proper person or persons to do the duties of a surveyor, who shall be entitled to the like compensation with inspectors, during the time they shall be employed. And the said collectors, naval officers, and surveyors shall respectively attend in person at the ports at which they are respectively assigned; and shall keep fair and true accounts and records of all their transactions as officers of the customs, in such manner and form as may be directed by the proper department, or officer having the superintendence of the collection of the revenue of the United States; and shall, at all times, submit their books, papers, and accounts to the inspection of such persons as may be appointed for that purpose. And the said collectors shall at all times pay to the order of the officer who shall be authorized to direct the payment thereof, the whole of the moneys which they may respectively receive by virtue of this act (such moneys as they are otherwise by this act directed to pay only excepted); and shall also once in every three months, and oftener if they shall be required, transmit their accounts for settlement to the officer or officers whose duty it shall be to make such settlement.

Sec. 7. *And be it further enacted*, That every collector, naval officer, and surveyor, in cases of occasional and necessary absence, or of sickness, and not otherwise, may respectively ex-

ercise and perform their several powers, functions, and duties, by deputy duly constituted under their hands and seals respectively, for whom in the execution of the trust they shall respectively be answerable.

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

Sec. 9. *And be it further enacted*, That from and after the first day of October next, no goods, wares, or merchandise shall be brought into the United States from any foreign port or place in any ship or vessel belonging in the whole or in part to a citizen or citizens, inhabitant or inhabitants of the United States, unless the master or person having the charge or command of such ship or vessel shall have on board a manifest or manifests in writing, signed by such master or other person, containing the name or names of the port or ports, place or places where the goods in such manifest or manifests mentioned, shall have been respectively taken on board, and the port or ports, place or places within the United States for which the same are respectively consigned or destined, and the name and built of such ship or vessel, and the true admeasurement or tonnage thereof according to the register of the same, together with the name of the master or other person having the command or charge of such ship or vessel, and the port or place to which such ship or vessel truly belongs, and a just and particular account of all the cargo so laden or taken on board, whether in packages or stowed loose, together with the marks and numbers, in words at length, of the said packages respectively, with a description of each, as whether leaguer, pipe, butt, puncheon, hogshead, barrel, case, bale, pack, truss, chest, box, bundle, or other cask or package, describing the same by its usual name or denomination.

Sec. 10. *And be it further enacted*, That if any goods, wares, or merchandise shall, after the said first day of October next, be imported or brought into the United States in any ship

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

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

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

Sec. 12. *And be it further enacted*, That if the master or other person having the charge or command of any ship or vessel laden as aforesaid, and bound to any port or place in the United States, shall not upon his arrival within four leagues of the coast thereof, or within the limits of any district thereof, where the cargo of such ship or vessel or any part thereof is intended to be discharged, produce such manifest or manifests in writing, to the proper officer or officers upon demand thereof, and also deliver such copy or copies thereof as aforesaid according to the directions of this act in each case, or shall not give an account of the destination of such ship or vessel, which he is hereby required to do, upon request of such officer or officers, or shall give a false account

of the said destination, in order to evade the production of the said manifest or manifests, the said master or other person having the charge or command of such ship or vessel, shall forfeit for every such refusal, neglect, or offence, a sum not exceeding five hundred dollars. And if such officer or officers first coming on board, in each case within the distance or limits aforesaid, shall neglect or refuse to certify on the back of such manifest or manifests, the production thereof, and the delivery of such copy or copies respectively, as are herein before directed to be delivered to such officer or officers, every such officer, so neglecting or refusing, shall forfeit and pay the sum of five hundred dollars.

Sec. 13. *And be it further enacted*, That if after the arrival of any ship or vessel so laden with goods as aforesaid, and bound to the United States, within the limits of any of the districts of the United States, or within four leagues of the coast thereof, any part of the cargo of such ship or vessel shall be unladen for any purpose whatever, from out of such ship or vessel as aforesaid, within the limits or distance aforesaid, before such ship or vessel shall come to the proper place for the discharge of her cargo or some part thereof, and shall be there duly authorized by the proper officer or officers of the customs, to unlade the same, the master or other person having the charge or command of such ship or vessel, and the mate or other person next in command, shall respectively forfeit and pay the sum of one thousand dollars; and the goods, wares, and merchandise so unladen and unshipped shall be forfeited and lost, except in the case of some unavoidable accident, necessity, or distress of weather, of which unavoidable accident, necessity, or distress the master or other person having the charge or command of such ship or vessel, shall give notice to, and together with two or more of the mariners on board such ship or vessel, shall make proof upon oath before the collector or other chief officer of the customs of the district, within the limits of which such accident, necessity, or distress shall happen, or before the collector or other chief officer of the first district of the United States within the limits of which such ship or vessel shall afterwards arrive, if the said accident, necessity, or distress shall have happened not within the limits of any district, but within four leagues of the coast of the United States, (which oath the said collector or other chief officer is hereby authorized and required to administer.)

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

other person aiding and assisting therein, shall forfeit treble the value of the said goods; and the said ship, boat, or vessel shall also be forfeited and lost.

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

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

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

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

Sec. 18. *And be it further enacted*, That it shall be lawful for the said ship or vessel to proceed with any goods, wares, or merchandise brought in her, which shall be reported by the said master or other person having the charge or command of the said ship or vessel, to be destined for any foreign port or place from the district within which such ship or vessel shall first arrive, to such foreign port or place, without paying or securing the payment of any du-

ties upon such of the said goods, wares, or merchandise as shall be actually re-exported in the said ship or vessel accordingly; any thing herein contained to the contrary notwithstanding. *Provided always*, That the said master or person having the charge or command of the said ship or vessel shall first give bond with one or more sureties, in a sum equal to the amount of the duties upon the said goods, wares, and merchandise, as the same shall be estimated by the collector to whom the said report shall be made, to the satisfaction of the said collector, with condition that the said goods, wares, or merchandise, or any part thereof, shall not be landed within the United States, unless due entry thereof shall have been first made, and the duties thereupon paid or secured according to law, which bond shall be cancelled in like manner as bonds hereinafter directed to be given for obtaining drawbacks of duties. *Provided, nevertheless*, That such bond shall not be required in respect to the goods on board of any ship or vessel which shall have put into the United States from necessity, to be made appear in manner hereinafter prescribed.

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

Sec. 20. *And be it further enacted*, That before any ship or vessel shall depart from the district in which she shall first arrive, for another district, with goods, wares, or merchandise brought in such ship or vessel from a foreign port or place, the duties whereof shall not have been paid or secured, the master or person having the charge or command of such ship or vessel, shall obtain from the collector of the district from which she shall be about to depart (who is hereby required to grant the same) a copy of the report made by such master or person having the charge or command of such ship or vessel, certified by the said collector, together with a certificate of the quantity and particulars of the goods which shall appear to him to have been landed within his district. And within twenty-four hours after the arrival of such ship or vessel within any other district, the said master or person having the charge or command of such ship or vessel shall make report or entry to or with the collector of such other district, producing and showing the said certified copy of his said first report, together with a certificate from each collector of any other district within which any of the goods, wares, or merchandise brought in such ship or vessel shall have been before landed, of the quantity and particulars of such of the said goods, wares, and merchandise as shall have

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been so landed in each district respectively; except in the State of Georgia, where such report shall be made within forty-eight hours. *Provided always*, That the master or person having the charge or command of the said ship or vessel shall first give bond with one or more sureties to the satisfaction of the collector of the district within which the said ship or vessel shall first arrive, in a sum equal to the amount of the duties on the residue of the said goods, according to such estimate as the said collector shall form thereof, with condition that the said residue of the said goods shall be duly entered and delivered in such other district or districts of the United States, for which the same shall have been reported to be destined. And the said bond shall be canceled or discharged by the production of a certificate or certificates from the collector or collectors of the district or districts for which the said goods shall have been reported, testifying the due entry and delivery of the said goods in such district or districts, or upon due proof to the satisfaction of the collector by whom the said bond shall have been taken, that such entry and delivery were prevented by some unavoidable accident or casualty, and that if the whole or any part of the said goods shall not have been lost, that the same has been duly entered and delivered within the United States. And if the master or person having charge or command of any such ship or vessel, shall fail by his neglect or fault to obtain the said copy of his said report from the collector of the district from which he shall be so about to depart, or of any certificate which he ought to obtain as aforesaid, or shall neglect to produce and show the same to the collector of any other district to which the said ship or vessel shall afterwards proceed, within the time for that purpose hereinbefore specified, he shall forfeit and pay for every such neglect or omission five hundred dollars.

Sec. 21. *And be it further enacted*, That the owner or owners, consignee or consignees of any goods, wares, or merchandise on board of any such ship or vessel, or in case of his, her, or their absence or sickness, his, her, or their known factor or agent, in his, her, or their names, within fifteen days after report of the master or person having the charge or command of such ship or vessel to the collector of the district for which such goods, wares, or merchandise shall be destined, shall make entry thereof with the said collector, and shall specify in such entry the particular marks, numbers, and contents of each package or parcel whereof they shall consist, or if in bulk, the quantity and quality, together with the nett prime cost thereof; and shall also produce to the said collector, if any such there be, the original invoice or invoices, or other documents in lieu thereof, and bill or bills of lading; all which shall be done upon the oath of the person by whom such entry shall be made, according to the best of his or her knowledge and belief; who shall thereby also declare that if he or she shall afterwards

discover or know of any other goods, wares, or merchandise imported in such ship or vessel, belonging or consigned to the person or persons by whom or on whose behalf such entry shall have been made, he or she will forthwith make known the same, in order to the due entry thereof, and the payment or securing the payment of the duties thereupon. *Provided always*, That where the particulars of any such goods, wares, or merchandise shall be unknown, in lieu of the entry hereinbefore directed to be made, an entry thereof shall be made and received according to the circumstances of the case, the party making the same, declaring upon oath all that he or she knows or believes concerning the quantity and particulars of the said goods, and that he or she has no other knowledge or information concerning the same; which entry, as well the first as the last, shall be made in writing, and shall be subscribed by the party making the same.

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

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

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

Sec. 23. *Be it further enacted*, That due entry thereof, as of other goods, wares, and mer-

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chandise, but separate and distinct from that of any other goods, wares, or merchandise imported from a foreign port or place, shall be made with the collector of the district in which the said articles are intended to be landed by the owner thereof, his or her agent, who shall make oath before the said collector, according to the best of his or her knowledge or belief, touching the person to whom the said articles shall belong, and his calling or occupation, the arrival or expected arrival of the said person within the United States, and that the said articles are truly intended for the use of the said owner solely, or jointly with his or her family, as the case may be, and are not directly or indirectly imported or intended for sale; which oath shall be in writing, endorsed upon the said entry, and subscribed by the party making the same. And in case the said party shall be other than the owner of the said articles, he or she shall give bond with one or more sureties to the satisfaction of the said collector, in a sum equal to what would be the amount of the duties on the said articles if imported subject to duty, with condition that in a certain time therein to be specified, not exceeding one year, a like oath as above directed shall be made by the said owner, and if not made before the said collector, shall be produced to him duly authenticated; whereupon a permit shall and may be granted for landing the said articles. And a copy of every such entry, and of the oath endorsed thereupon, shall be transmitted to the Secretary of the Treasury for his information.

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

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

And also to ascertain the identity of articles of the growth, product, or manufacture of the United States, which having been exported to

any foreign port or place, shall be brought back to the said States:

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

Sec 26. *And be it further enacted*, That the oaths to be taken upon making of any of the reports or entries aforesaid, whether by the master or other person having the charge or command of any ship or vessel, or of the owner or consignee of any goods, wares, or merchandise, his or her factor or agent, shall be administered by the collector or officer to whom report or entry shall be made, and where there shall be a naval officer, in the presence of such naval officer, who shall attend for that purpose, and shall be reduced to writing, and shall be subscribed by the person administering the same, and by the said naval officer, if any shall be present: and the said collector, jointly with the said naval officer, where there is a naval officer, or alone where there is none, shall, according to the best of his or their judgment or information, make a gross estimate of the amount of the duties on the goods, wares, or merchandise to which the entry of any owner or consignee, his or her factor or agent shall relate, which estimate shall be endorsed upon such entry, and signed by the officer or officers making the same. And the amount of the said duties according to the said estimate, having been first paid or secured, pursuant to the provisions of this act, the said collector shall grant a permit to land the goods, wares, or merchandise,

whereof such entry shall have been made, and then and not otherwise it shall be lawful to land the said goods.

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

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

Sec. 29. *And be it further enacted*, That all goods, wares, or merchandise of which entry shall have been made, without specification of particulars, shall be conveyed to some warehouse or storehouse, to be designated by the collector, in the parcel or packages containing the same, under the care of some proper officer, until the particulars thereof shall be examined and ascertained, agreeably to which the duties thereupon shall be finally adjusted and satisfied. And in every case, if the amount of the duties estimated, or secured to be paid, shall exceed or fall short of the true amount of the duties on

the goods, wares, or merchandise imported, as the same shall be finally ascertained, the difference shall be made good, or allowed where there shall be an excess, by return of the money, if paid, or credit on the bond which shall have been given for the same, if not paid; and where there shall be a deficiency, by payment of such deficiency to the said collector.

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

Sec. 31. *And be it further enacted*, That it shall be lawful for all collectors, naval officers, surveyors, inspectors, and the officers of the revenue cutters hereinafter mentioned, to go on board of ships or vessels in any part of the United States, or within four leagues of the coast thereof, if bound to the United States, whether in or out of their respective districts, for the purposes of demanding the manifests aforesaid, and of examining and searching the said ships or vessels; and the said officers respectively shall have free access to the cabin, and every other part of a ship or vessel; and if any box, trunk, chest, cask, or other package, shall be found in the cabin, steerage, or fore-castle of such ship or vessel, or in any other place separate from the residue of the cargo, it shall be the duty of the said officer to take a particular account of every such box, trunk, cask, or package, and the marks, if any there be, and a description thereof; and if he shall judge proper, to put a seal or seals on every such box,

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chest, trunk, cask, or package; and such account and description shall be by him forwarded to the collector of the district to which such ship or vessel is bound. And if upon her arrival at the port of her entry, the boxes, trunks, chests, casks, or packages so described, or any of them shall be missing, or if the seals put thereon be broken, the master or commander of such ship or vessel shall forfeit and pay for every such box, trunk, chest, cask, or package so missing, or of which the seals shall be broken, two hundred dollars. And it shall also be lawful for the inspectors who may be put on board of any ship or vessel, to secure after sunset in each evening, the hatches and other communications with the hold of such ship or vessel, with locks or other proper fastenings, which fastenings shall not be opened, broken, or removed until the morning following, or after the rising of the sun, and in presence of the inspector or inspectors by whom the same shall have been affixed, except by special license from the chief officer of the port. And if the said locks or other fastenings, or any of them, shall be broken or removed during the night, or before the said rising of the sun, or without the presence of the said inspector or inspectors, the master or person having the charge or command of such ship or vessel shall forfeit and pay the sum of \$200.

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

Sec. 33. *And be it further enacted*, That if at the expiration of fifteen working days after the time within which the report of the master or person having the charge or command of any ship or vessel is required to be made to the collector of a district as aforesaid, there shall be found on board any goods, wares, or merchandise, other than shall have been reported for some other district or a foreign port or place, the said inspector or inspectors shall take possession thereof, and deliver the same to the or-

der of the collector of the district, taking his receipt therefor, and giving a certificate thereof to the master or person having such charge or command of such ship or vessel, describing the packages and their marks and numbers. And the said goods shall be kept with due and reasonable care at the charge and risk of the owner or owners for a term of nine months; and if within that time no claim be made for the same, the said collector shall procure an appraisalment thereof by two or more reputable merchants, to be certified under their hands, and to remain with him, and shall afterwards cause the said goods to be sold at public auction, and retaining the duties and charges thereon, shall pay the overplus, if any there be, into the Treasury of the United States, there to remain for the use of the owner or owners, who shall upon due proof of his, her, or their property, be entitled to receive the same; and the receipt or certificate of the collector shall exonerate the master or commander from all claim of the owner. *Provided*, That where any entry shall have been duly made of such goods, the same shall not be appraised; and that where such goods are of a perishable nature, they shall be sold forthwith. *Provided further*, That the said limitation of fifteen days shall not extend to ships or vessels laden with salt or coal; but if the said master or owner of any such ship or vessel requires longer time to discharge her cargo, the wages or compensation of the inspector for every day's attendance exceeding the said fifteen days, shall be paid by the said master or owner. And if by reason of the delivery of a cargo in different districts, more than the said term of fifteen working days shall in the whole be spent therein, the wages or compensation of the inspector or inspectors who may be employed on board any ship or vessel, in respect to which the said term may be so exceeded, shall for every day of such excess be paid by the said master or owner.

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

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

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

Sec. 37. *And be it further enacted,* That if any goods, wares, or merchandise, on which duties are payable, shall receive damage during the voyage, or shall not be accompanied with the original invoice of their cost, it shall be lawful for the collector (and upon the request of the party he is required) to appoint one merchant, and the owner or consignee to appoint another, who being sworn or affirmed by the collector, well and truly to appraise such goods, shall appraise or value them accordingly, and the duties upon such goods shall be estimated agreeably to such appraisement or valuation. And in respect to such damaged articles as are charged with a specific duty, by number, weight, or measure, the said appraisers shall certify what in their judgment would have been their value, in case they had not been so damaged, and there shall be an abatement in the duty in proportion to the difference in value. *Provided,* That if the owner or owners, consignee or consignees of such goods not accompanied with an original invoice, shall choose to wait the receipt thereof, in such case the said collector shall take into his custody the said goods,

and shall keep or cause the same to be kept with due and reasonable care, at the expense and risk of the party or parties, until the said invoice shall arrive, or until the said party or parties shall consent to the valuation thereof.

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

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

Sec. 40. *And be it further enacted,* That all foreign coins and currencies shall be estimated according to the following rates: each pound sterling of Great Britain, at four dollars and forty-four cents; each livre tournois of France at

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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 rial of plate of Spain, at ten cents; each milree of Portugal, at one dollar and twenty-four cents; each pound sterling of Ireland, at four dollars ten cents; each tale of China, at one 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 near as may be to the said rates.

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

Sec. 42. Provided always, and be it further enacted, That all teas imported from China

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

Sec. 43. And be it further enacted, That the duties imposed by law on the tonnage of any ship or vessel, shall be paid to the collector by the master or person having the charge or command of such ship or vessel, within ten days after his report to the said collector; and before such ship or vessel shall be permitted to clear out; the register of which ship or vessel shall at the time of entry be lodged in the office of the collector, and there remain until such clearance. And if any ship or vessel shall leave, or attempt to leave any district of the United States, without paying the said duties, the master or person having the charge or command of the same shall forfeit and pay five hundred dollars.

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

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breadth as above directed, in respect to a double decked ship or vessel, shall deduct from the said length three-fifths of the breadth, and taking the depth from the under side of the deck plank to the ceiling of the hold, shall multiply and divide as aforesaid, and the quotient shall be deemed the tonnage of such ship or vessel.

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

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

Sec. 47. *And be it further enacted*, That it shall be lawful for the collector or other officer of the customs, after entry made of any goods, wares, or merchandise, on suspicion of fraud, to open and examine in the presence of two or more reputable merchants, any package or packages thereof; and if on examination they should be found to agree with the entries, the officer making such seizure shall cause the same to be repacked, and delivered to the owner or claimant forthwith; and the expense of such examination shall be paid by the said collector or other officer, and allowed in the settlement of his accounts; but if any of the packages so ex-

amined shall be found to differ in their contents from the entry, then the goods, wares, or merchandise contained in such package or packages shall be forfeited. *Provided*, That the said forfeiture shall not be incurred, if it shall be made appear to the satisfaction of the collector and naval officer of the district where the same shall happen, if there be a naval officer, and if there be no naval officer, to the satisfaction of the said collector; or of the court in which a prosecution for the forfeiture shall be had, that such difference proceeded from accident or mistake, and not from an intention to defraud the revenue.

Sec. 48. *And be it further enacted*, That every collector, naval officer, and surveyor, or other person specially appointed by either of them for that purpose, shall have full power and authority to enter any ship or vessel in which they shall have reason to suspect any goods, wares, or merchandise subject to duty shall be concealed; and therein to search for, seize, and secure any such goods, wares, or merchandise. And if they shall have cause to suspect a concealment thereof in any particular dwelling-house, store, building, or other place, they or either of them shall, upon application on oath to any justice of the peace, be entitled to a warrant to enter such house, store, or other place, (in the 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.

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

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

Sec. 51. *And be it further enacted*, That if any officer or other person, executing or aiding and assisting in the seizure of goods, shall be sued or molested for any thing done in virtue of the powers given by this act, or by virtue of a warrant granted by any judge or justice pursuant to law, such officer or other person may

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plead the general issue, and give this act and the special matter in evidence; and if in such suit the plaintiff be non-suited, or judgment pass against him, the defendant shall recover double cost; and in actions, suits, or information to be brought, where any seizure shall be made pursuant to this act, if the property be claimed by any person, in every such case the *onus probandi* shall be upon such claimant. And if any person shall forcibly resist, prevent, or impede any officers of the customs or their deputies, or any person assisting them in the execution of their duty, such person so offending shall for every offence be fined in a sum not exceeding four hundred dollars.

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

months after the passing of this act, give bond with proper surety or sureties, in conformity to the provision aforesaid.

Sec. 53. *And be it further enacted*, That there shall be allowed and paid to the collectors, naval officers, and surveyors to be appointed pursuant to this act, the fees and per centage following, that is to say: to each collector for every entrance of any ship or vessel of one hundred tons' burden 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 any vessel not before enumerated, twenty cents; and where a naval officer is appointed to the same port, the said fees shall be equally divided between the collector and the said naval officer, the latter paying one-third of the expense of necessary stationery, and the rent of an office to be provided by the collector, at the place assigned for his residence, and as conveniently as may be for the trade of the district; and all fees shall, at the option of the collector, be either received by him or by the naval officer, the party receiving to account monthly with the other for his proportion or share thereof. To each surveyor for the admeasurement of every ship or vessel of one hundred tons and under, one cent per ton; for the admeasurement of every ship or vessel, above one hundred tons, and not exceeding two hundred tons, one hundred and fifty cents; for the admeasurement of every ship or vessel above two hundred tons, two hundred cents; for all other services by this act to be performed by such surveyor, on board any ship or vessel of one hundred tons and upwards, and having on board goods, wares, and merchandise subject to duty, three dollars; for the like services on board any ship or vessel of less than one hundred tons burthen, having on board goods, wares, and merchandise subject to duty, one dollar and a half; on all vessels not having on board goods, wares, and merchandise subject to duty, two-thirds of a dollar; all which fees shall be paid by the master or owner of the ship or vessel in which the said services shall be performed, to the surveyor by whom they shall be performed, if performed by one only for his sole benefit, but if performed by more than one, to him who shall have the first agency, to be divided in equal parts between him and the other or others by whom the said services shall be performed. To each inspector there shall be allowed for every day

he shall be actually employed in aid of the customs, a sum not exceeding one dollar and twenty-five cents, to be paid by the collector out of the revenue, and charged to the United States. To the measurers, weighers, and gaugers respectively, to be paid by the collector out of the revenue for the measurement of every one hundred bushels of grain, thirty cents; for measurement of every one hundred bushels of salt, forty cents; for the measurement of every one hundred bushels of coal, fifty cents; for the weighing of every one hundred and twelve pounds, two cents; for the gauging and marking of every cask (to be marked in durable characters with his own name and the quantity) eight cents; for computing the contents of, and, if requested by the party, marking cases containing distilled spirits and wines, three cents per case; for counting the number of bottles of cider, beer, ale, or porter, one cent per doz., and in proportion for any greater or less quantity. There shall moreover be allowed to the collectors of the districts of New York and Philadelphia, three-fourths of one per cent. on the amount of all moneys by them respectively received on account of duties; and to the collector of each of the other districts by this act established, one per centum on the amount of all moneys by them respectively received on the said account of duties.

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

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

Sec. 55. *And be it further enacted*, That every collector, naval officer, and surveyor shall cause to be affixed and constantly kept in some public and conspicuous place of his office,

a fair table of the rates of fees and duties demandable by law, and shall give a receipt for the fees he shall receive, specifying the particulars; and in case of failure therein, shall forfeit and pay one hundred dollars, to be recovered with costs, in any court having cognizance thereof, to the use of the informer; and if any officer of the customs shall demand or receive any greater or other fee, compensation or reward, for executing any duty or service required of him by law, he shall forfeit and pay two hundred dollars for each offence, recoverable in manner aforesaid for the use of the party aggrieved.

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

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

Sec. 58. *Provided always, and be it further enacted*, That in order to entitle the exporter or exporters of any goods, wares, or merchandise to the benefit of the said drawbacks or allowances, he or she shall, previous to putting or lading the same on board any ship or vessel for exportation, give twenty-four hours' notice at least to the collector of the district from which the same are about to be exported, of his, her, or their intention to export the same, and of the particulars thereof, and of the casks, cases, chests, boxes, and other packages or parcels containing the same, or of which the same consist, and of their respective marks, numbers, and contents; and if imported articles, of the ship or ships, vessel or vessels in which the person or persons for or by whom, and the place or places from which they were imported. And in respect to the said imported articles proof shall be made to the satisfaction of the said collector, by the oaths of the person or persons (including the said exporter or exporters) through whose hands the said articles shall have passed, according to the best of their knowledge and belief, respecting the due importation

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of the said articles according to law, and in conformity to such notice of their identity, and of the payment or securing the payment of the duties thereupon. And in respect to the said dried and pickled fish and salted provisions, proof shall be made to the satisfaction of the said collector, according to the circumstances of the case, that the same, if fish, are of the fisheries of the United States; if salted provisions, were salted within the United States. And the said collector shall inspect or cause to be inspected, the goods, wares, or merchandise so notified for exportation; and if they shall be found to correspond with the notice and proof concerning the same, the said collector shall grant a permit for lading the same on board the ship or vessel named in such notice, which lading shall be performed under the superintendence of the officer by whom the same shall have been so inspected. And the said exporter or exporters shall also make oath that the said goods so noticed for exportation, and laden on board the said ship or vessel, are truly intended to be exported to the place whereof notice shall have been given, and are not intended to be reloaded within the United States, and shall give bond with one or more sureties to the satisfaction of the said collector, in a sum equal to the amount of the drawbacks or allowances on such goods, with condition that the said goods, or any part thereof, shall not be reloaded in any port or place within the limits of the United States, as settled by the late treaty of peace.

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

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

Sec. 59. And be it further enacted, That the

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

Sec. 60. And be it further enacted, That if any goods, wares, or merchandise, entered for exportation, with intent to draw back the duties, or to obtain any allowance given by law on the exportation thereof, shall be landed in any port or place within the limits of the United States as aforesaid, all such goods, wares, and merchandise shall be subject to seizure and forfeiture, together with the ship or vessel from which such goods shall be landed, and the vessels or boats used in landing the same; and all persons concerned therein shall, on indictment and conviction thereof, suffer imprisonment for a term not exceeding six months. And for discovery of frauds, and seizures of goods, wares, and merchandise, reloaded 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 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.

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

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

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

Sec. 63. And be it further enacted, That there shall be to each of the said boats or cutters, one master, and not more than three mates, first, second and third, four mariners and two boys; and that the compensations and allowances to the said officers, mariners, and boys respectively, shall be, to the master thirty dollars per month, and the subsistence of a captain in the army of the United States; to a first mate twenty dollars per month; to a second mate sixteen dollars per month; to a third mate

fourteen dollars per month; and to every mate the subsistence of a lieutenant in the said army; to each mariner eight dollars per month; to each boy four dollars per month; and to each mariner and boy the same ration of provisions, which is or shall be allowed to a soldier in the said army. The said allowances for subsistence to be paid in provisions or money at the contract prices, at the option of the Secretary of the Treasury.

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

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

Sec. 66. *And be it further enacted,* That if any officer of the customs shall directly or indirectly take or receive any bribe, reward, or recompense for conniving, or shall connive at any false entry of any ship or vessel, or of any goods, wares, or merchandise, and shall be thereof convicted, every such officer shall forfeit and pay a sum not less than two hundred, nor more than two thousand dollars for each offence; and any person giving or offering any bribe, recompense, or reward for any such deception, collusion, or fraud, shall forfeit and pay a sum not less than two hundred, nor more than two thousand dollars for each offence. And in all cases where an oath is by this act required from a master or other person having command of a ship or vessel, or from an owner or consignee of goods, wares, or merchandise, his or her factor or agent, if the person so swearing shall swear falsely, such person shall, on indictment and conviction thereof, be punished by fine or imprisonment or both, in the discretion of the court before whom the conviction shall be had, so as the fine shall not exceed one thousand dollars, and the term of imprisonment shall not exceed twelve months.

Sec. 67. *And be it further enacted,* That all penalties accruing by any breach of this act,

shall be sued for and recovered with costs of suit, in the name of the United States of America, in any court proper to try the same, and the trial of any fact which may be put in issue shall be within the judicial district in which any such penalty shall have accrued, and the collector, within whose district the seizure shall be made, is hereby authorized and directed to cause suits for the same to be commenced and prosecuted to effect, and to receive, distribute, and pay the sum or sums recovered, after first deducting all necessary costs and charges, according to law. And that all ships or vessels, goods, wares, or merchandise, which shall become forfeited by virtue of this act, shall be seized, labelled, and prosecuted as aforesaid, in the proper court having cognizance thereof; which court shall cause fourteen days' notice to be given of such seizure and libel, by causing the substance of such libel, with the order of the court thereon, setting forth the time and place appointed for trial, to be inserted in some newspaper, published near the place of seizure, and also by posting up the same in the most public manner for the space of fourteen days, at or near the place of trial, for which advertisement a sum not exceeding ten dollars shall be paid; and proclamation shall be made in such manner as the court shall direct; and if no person shall appear to claim such ship or vessel, goods, wares, or merchandise, the same shall be adjudged to be forfeited; but if any person shall appear before such judgment of forfeiture, and claim any such ship or vessel, goods, wares, or merchandise, and shall give bond to defend the prosecution thereof, and to respond the cost in case he shall not support his claim, the court shall proceed to hear and determine the cause according to law: and upon the prayer of any claimant to the court, that any ship or vessel, goods, wares, or merchandise so seized and prosecuted, or any part thereof should be delivered to such claimant, it shall be lawful for the court to appoint three proper persons to appraise such ship or vessel, goods, wares, or merchandise, who shall be sworn in open court for the faithful discharge of their duty; and such appraisal shall be made at the expense of the party on whose prayer it is granted; and on the return of such appraisal, 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 favor 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

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within twenty days thereafter, pay into the court the amount of the appraised value of such ship or vessel, goods, wares, or merchandise so condemned, with the costs, the bond shall be put in suit. And when any prosecution shall be commenced on account of the seizure of any ship or vessel, goods, wares, or merchandise, and judgment shall be given for the claimant or claimants; if it shall appear to the court before whom such prosecution shall be tried, that there was a reasonable cause of seizure, the same court shall cause a proper certificate or entry to be made thereof, and in such case the claimant shall not be entitled to costs, nor shall the person who made the seizure, or the prosecutor be liable to action, suit, or judgment, on account of such seizure or prosecution. *Provided*, That the ship or vessel, goods, wares, or merchandise be, after judgment, forthwith returned to such claimant or claimants, his, her, or their agents. *And provided*, That no action or prosecution shall be maintained in any case under this act, unless the same shall have been commenced within three years next after the penalty or forfeiture was incurred.

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

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

Sec. 70. *And be it further enacted*, That no goods, wares, or merchandise of foreign growth

or manufacture, subject to the payment of duties, shall be brought into the United States from any foreign port or place in any other manner than by sea, nor in any ship or vessel of less than thirty tons' burthen, except within the district of Louisville, nor shall be landed or unladen at any other place than is by this act directed, under the penalty of seizure and forfeiture of all such vessels, and of the goods, wares, or merchandise brought in, landed, or unladen in any other manner. And all goods, wares, or merchandise brought into the United States by land, contrary to this act, shall be forfeited, together with the carriages, horses, and oxen that shall be employed in conveying the same. *Provided*, That nothing herein shall be construed to extend to household furniture and clothing belonging to any person or persons actually removing into any part of the United States, for the purpose of becoming an inhabitant or inhabitants thereof.

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

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

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

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

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wares, or merchandise which shall have been imported, and as to the recovery and distribution of fines, penalties, and forfeitures which shall have been incurred before or upon the said day, subject, nevertheless, to the alterations contained and expressed in this present act.

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

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

Approved, August 4th, 1790.

An Act to continue in force, for a limited time, an act entitled "An act for the temporary establishment of the Post-office."

Be it enacted, &c., That the act passed the last session of Congress, entitled "An act for the temporary establishment of the Post-office," be, and the same hereby is, continued in force until the end of next session of Congress, and no longer.

An Act to provide more effectually for the settlement of the accounts between the United States and individual States.

Be it enacted, &c., That a board, to consist of three commissioners be, and hereby is, established to settle the accounts between the United States and the individual States; and the determination of a majority of the said commissioners on the claims submitted to them shall be final and conclusive; and they shall have power to employ such number of clerks as they may find necessary.

Sec. 2. *And be it further enacted,* That the said commissioners shall respectively take an oath or affirmation before the Chief Justice of the United States, or one of the associate or district judges, that they will faithfully and impartially execute the duties of their office. And they shall each of them be entitled to receive at the rate of two thousand two hundred and fifty dollars per annum, payable quarterly at the Treasury of the United States for their respective services.

Sec. 3. *And be it further enacted,* That it shall be the duty of the said commissioners to receive and examine all claims which shall be exhibited to them before the first day of July,

one thousand seven hundred and ninety-one, and to determine on all such as shall have accrued for the general or particular defence during the war, and on evidence thereof, according to the principles of general equity (although such claims may not be sanctioned by the resolves of Congress, or supported by regular vouchers) so as to provide for the final settlement of all accounts between the United States and the States individually; but no evidence of a claim heretofore admitted by a commissioner of the United States for any State or District shall be subject to such examination; nor shall the claim of any citizen be admitted as a charge against the United States in the account of any State, unless the same was allowed by such State before the twenty-fourth day of September, one thousand seven hundred and eighty-eight.

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

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

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

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

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

Sec. 9. *And be it further enacted,* That the powers of the said commissioners shall continue until the first day of July, one thousand seven

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hundred and ninety-two, unless the business shall be sooner accomplished.

Approved, August 5, 1790.

An Act making further provision for the payment of the debts of the United States.

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

Be it enacted, &c., That from and after the last day of December next, the duties specified and laid in and by the act aforesaid, shall cease and determine; and that upon all goods, wares, and merchandise (not herein particularly excepted) which after the said day shall be brought into the United States, from any foreign port or place, there shall be levied, collected, and paid the several and respective duties following, that is to say: Madeira wine of the quality of London particular, per gallon, thirty-five cents; other Madeira wine, per gallon, thirty cents; Sherry wine, per gallon, twenty-five cents; other wine, per gallon, twenty cents; distilled spirits, if more than ten per cent. below proof, according to Dycas's hydrometer, per gallon, twelve cents; if more than five, and not more than ten per cent. below proof, according to the same hydrometer, per gallon, twelve and a half cents; if of proof, and not more than five per cent. below proof, according to the same hydrometer, per gallon, thirteen cents; if above proof, but not exceeding twenty per cent. according to the same hydrometer, per gallon, fifteen cents; if of more than twenty, and not more than forty per cent. above proof, according to the same hydrometer, per gallon, twenty cents; if of more than forty per cent. above proof, according to the same hydrometer, per gallon, twenty-five cents; molasses, per gallon, three cents; beer, ale, and porter in casks, per gallon, five cents; beer, ale, and porter, in bottles, per dozen, twenty cents. Teas from China and India, in ships or vessels of the United States, bohea per pound, ten cents; souchong and other black teas, per pound, eighteen cents; hyson, per pound, thirty-two cents; other green teas, per pound, twenty cents; teas from Europe, in ships or vessels of the United States, bohea, per pound, twelve cents; souchong and other black teas, per pound, twenty-one cents; hyson, per pound, forty cents; other green teas, per pound, twenty-four cents; teas from any other place, or in any other ships or vessels, bohea, per pound, fifteen cents; souchong and other black teas, per pound, twenty-seven cents; hyson, per pound, fifty cents; other green teas, per pound, thirty cents; coffee, per pound, four

cents; cocoa, per pound, one cent; loaf sugar, per pound, five cents; brown sugar, per pound, one cent and a half; other sugar, per pound, two and a half cents; candles of tallow, per pound, two cents; candles of wax or spermaceti, per pound, six cents; cheese, per pound, four cents; soap, per pound, two cents; pepper, per pound, six cents; pimento, per pound, four cents; manufactured tobaccos, per pound, six cents; snuff, per pound, ten cents; indigo, per pound, twenty-five cents; cotton, per pound, three cents; nails and spikes, per pound, one cent; bar, and other lead, per pound, one cent; steel unwrought, per one hundred and twelve pounds, seventy-five cents; hemp, per one hundred and twelve pounds, fifty-four cents; cables, per one hundred and twelve pounds, one hundred cents; tarred cordage, per one hundred and twelve pounds, one hundred cents; untarred cordage and yarn, per one hundred and twelve pounds, one hundred and fifty cents; twine and packthread, per one hundred and twelve pounds, three hundred cents; salt, per bushel, twelve cents; malt, per bushel, ten cents; coal, per bushel, three cents; boots, per pair, fifty cents; shoes, slippers, and galoshes, made of leather, per pair, seven cents; shoes and slippers made of silk or stuff, per pair, ten cents; wool and cotton cards, per dozen, fifty cents; playing cards, per pack, ten cents; all China ware, looking-glasses, window and other glass, and all manufactures of glass, (black quart bottles excepted,) twelve and a half per centum *ad valorem*; marble, slate, and other stones, bricks, tiles, tables, mortars, and other utensils of marble or slate, and generally all stone and earthen ware, blank books, writing paper, and wrapping paper, paper hangings, pasteboards, parchment and vellum, pictures and prints, painters' colors, including lamp-black, except those commonly used in dying, gold, silver, and plated ware, gold and silver lace, jewellery and paste work, clocks and watches, shoe and knee buckles, grocery, (except the articles before enumerated,) namely, cinnamon, cloves, mace, nutmegs, ginger, aniseed, currants, dates, figs, plums, prunes, raisins, sugar-candy, oranges, lemons, limes, and generally all fruits and comfits, olives, capers, and pickles of every sort, oil, gunpowder, mustard in flour, ten per centum *ad valorem*; cabinet wares, buttons, saddles, gloves of leather, hats of beaver, felt, wool, or a mixture of any of them, millinery ready made, castings of iron, and slit and rolled iron, leather tanned or tawed, and all manufactures of which leather is the article of chief value, except such as are herein otherwise rated, canes, walking-sticks and whips, clothing ready made, brushes, anchors, all wares of tin, pewter, or copper, all or any of them, medicinal drugs, except those commonly used in dying, carpets and carpeting, all velvets, velverets, satins, and other wrought silks, cambrics, muslins, muslinets, lawns, laces, gauzes, chintzes, and colored calicoes, and nankeens, seven and a half

per centum *ad valorem*. All goods, wares, and merchandise imported directly from China or India in ships or vessels not of the United States, teas excepted, twelve and a half per centum *ad valorem*. All coaches, chariots, phaetons, chaises, chairs, solos, or other carriages, or parts of carriages, fifteen and a half per centum *ad valorem*; and five per centum *ad valorem* upon all other goods, wares, and merchandise, except bullion, tin in pigs, tin plates, old pewter, brass tutenag, iron and brass wire, copper in plates, saltpetre, plaster of Paris, wool, dying woods, and dying drugs, raw hides and skins, undressed furs of every kind, the sea-stores of ships or vessels, the clothes, books, household furniture, and the tools or implements of the trade or profession of persons who come to reside in the United States, philosophical apparatus, specially imported for any seminary of learning; all goods intended to be re-exported to a foreign port or place, in the same ship or vessel in which they shall be imported, and, generally, all articles of the growth, product, or manufactures of the United States.

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

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

Sec. 4. *And be it further enacted*, That there shall be allowed and paid on dried and pickled fish, of the fisheries of the United States, and on other provisions salted within the said States, which, after the said last day of December next, shall be exported therefrom to any foreign port or place; in lieu of a drawback of the duty on the salt which shall have been expended thereupon, according to the following rates, namely: dried fish, per quintal, ten cents; pickled fish and other salted provisions, per barrel, ten cents.

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

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

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

Approved, August 10, 1790.

An Act to enable the officers and soldiers of the Virginia line on continental establishment, to obtain titles to certain lands lying northwest of the river Ohio, between the Little Miami and Sciota.

Be it enacted, &c., That the act of Congress of the seventeenth of July, one thousand seven hundred and eighty-eight, relative to certain locations and surveys made by, or on account of the Virginia troops on continental establishment upon lands between the Little Miami and Sciota rivers, northwest of the Ohio be, and the same is hereby, repealed.

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

Sec. 2. *Be it further enacted*, That the Secretary of the Department of War shall make return to the Executive of the State of Virginia of the names of such of the officers, non-commissioned officers, and privates of the line of the said State, who served in the army of the United States, on the continental establishment, during the late war, and who in conformity to the laws of the said State, are entitled to bounty lands; and shall also in such return state the

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aggregate amount in acres due to the said line by the laws aforesaid.

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

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

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

Sec. 6. *And be it further enacted*, That it shall be the duty of the Secretary of State, as soon as may be after the letters patent shall be so completed and entered of record, to transmit the same to the Executive of the State of Virginia, to be by them delivered to each grantee; or in case of his death, or that the right of the grantees shall have been legally transferred before such delivery, then to his legal representative or representatives, or to one of them.

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

Approved, August 10, 1790.

An Act authorizing the Secretary of the Treasury to finish the light-house on Portland Head, in the District of Maine.

Be it enacted, &c., That there be appropriated and paid out of the moneys arising from the duties on imports and tonnage, a sum not exceeding fifteen hundred dollars, for the purpose of finishing the light-house on Portland Head, in the District of Maine; and that the Secretary of the Treasury, under the directions of the President of the United States, be authorized to cause the said light-house to be finished and completed accordingly.

Approved, August 10, 1790.

An Act to alter the times for holding the Circuit courts of the United States in the districts of South Carolina and Georgia, and providing that the District court of Pennsylvania shall in future be held at the city of Philadelphia only.

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

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

Approved, August 11, 1790.

An Act declaring the assent of Congress to certain acts of the States of Maryland, Georgia, and Rhode Island and Providence Plantations.

Be it enacted, &c., That the consent of Congress be, and is hereby, declared to the operation of the acts of the several States, hereinafter mentioned, so far as the same relate to the levying a duty on the tonnage of ships and vessels, for the purposes therein mentioned, until the

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tenth day of January next, that is to say: an act of the General Assembly of the State of Rhode Island and Providence Plantations, at their session held in January, one thousand seven hundred and ninety, entitled "An act to incorporate certain persons, by the name of the River Machine company, in the town of Providence, and for other purposes therein mentioned;" and also an act of the General Assembly of the State of Maryland, at their session in April, one thousand seven hundred and eighty-three, entitled "An act appointing wardens for the port of Baltimore Town, in Baltimore county;" as also another act of the General Assembly of the same State, passed at their session in November, one thousand seven hundred and eighty-eight, entitled "A supplement to the act entitled 'An act for appointing wardens for the port of Baltimore county;'" and also an act of the State of Georgia, "for levying and appropriating a duty on tonnage for the purpose of clearing the river Savannah, and removing the wrecks and other obstructions therein."

Approved, August 11, 1790.

An Act for the relief of disabled soldiers and scamen lately in the service of the United States, and of certain other persons.

Be it enacted, &c., That Stephen Califfe, Jeremiah Ryan, Joseph McGibbon, Samuel Garretson, Ephraim McCoy, Christian Khun, David Steele, Joseph Shuttlief, and Daniel Culver, disabled soldiers lately in the service of the United States be allowed pensions at the rate of five dollars per month from the time their pay in the army respectively ceased. That Christian Wolfe, a disabled soldier, be allowed a pension at the rate of four dollars per month from the date of his discharge. That Edward Scott, a disabled soldier, be allowed a pension at the rate of three dollars per month from the date of his discharge. That David Weaver and George Schell, disabled soldiers, be each allowed a pension, at the rate of two dollars per month, from the date of their respective discharges. That Seth Boardman, a disabled soldier, be allowed a pension, at the rate of three dollars and one-third of a dollar per month, from the seventeenth day of March, one thousand seven hundred and eighty-six. That Severinus Koch, a disabled captain of Colonel Jacob Klock's regiment of New York militia, be allowed a pension, at the rate of five dollars per month, from the twentieth day of August, one thousand seven hundred and seventy-seven. That John Younglove, a disabled major of Colonel Lewis Van Woort's regiment of New York militia, be allowed a pension, at the rate of six dollars per month, from the thirtieth day of July, one thousand seven hundred and eighty-one. That William White, a disabled private of Colonel Williams's regiment of New York militia, be allowed a pension, at the rate

of three dollars and one-third of a dollar per month, from the first day of April, one thousand seven hundred and eighty-six. That Jacob Newkerk, a disabled soldier of Colonel John Harper's regiment of New York State troops, be allowed a pension, at the rate of three dollars per month, from the twenty-second day of October, one thousand seven hundred and eighty. That David Poole, a disabled seaman lately in the service of the United States, be allowed a pension of five dollars per month, to commence on the fifth of March, one thousand seven hundred and eighty-nine.

Sec. 2. And be it further enacted, That Caleb Brewster, lately a lieutenant, who was wounded and disabled in the service of the United States, be allowed three hundred and forty-eight dollars and fifty-seven cents, the amount of his necessary expenses for sustenance and medical assistance, while dangerously ill of his wounds, including the interest to the first of July, one thousand seven hundred and ninety. And that the said Brewster be allowed a pension equal to his half-pay as a lieutenant from the third of November, one thousand seven hundred and eighty-three, he first having returned his commutation of half-pay.

Sec. 3. And be it further enacted, That Nathaniel Gove, a disabled lieutenant, lately in the service of the United States, be allowed a pension, at the rate of six dollars and two-thirds of a dollar per month, from the twentieth of May, one thousand seven hundred and seventy-eight, to the first day of July, one thousand seven hundred and eighty-six, and that he be allowed at the rate of thirteen dollars and one-third of a dollar per month, from the said first day of July, one thousand seven hundred and eighty-six.

Sec. 4. And be it further enacted, That the commissioner of army accounts be authorized and directed to settle the pay and depreciation of pay of John Stevens, a hostage in the late war at the capitulation of the Cedars, as a captain in the line of the army, and that he issue certificates accordingly. That he also issue a certificate to Charles Markley, lately a captain in Armand's corps, for the commutation of his half-pay. That he also settle the accounts of James Derry and Benjamin Hardison, who were made prisoners in Canada, in May, one thousand seven hundred and seventy-six, and forcibly detained in captivity among the Indians, and that he issue certificates for the balance of their pay respectively, to the third of November, one thousand seven hundred and eighty-three.

Sec. 5. And be it further enacted, That the several pensions mentioned in this act, due or to become due from the fifth of March, one thousand seven hundred and eighty-nine, shall be paid according to such laws as have been made, or shall be made relative to invalid pensioners; and that the arrears of the said pensions, due before the said fifth day of March, one thousand seven hundred and eighty-nine,

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shall be paid in such manner as Congress may hereafter provide for paying the arrears of pensions.

Sec. 6. *And be it further enacted*, That there shall be allowed to Seth Harding, for three months and ten days' services on board the Alliance frigate, during the late war, at the rate of sixty dollars per month, being the pay of a captain, to be paid out of the moneys arising from imposts and tonnage.

Approved, August 11, 1790.

An Act for the relief of the persons therein mentioned or described.

Be it enacted, &c., That the Register of the Treasury shall, and is hereby required to grant unto Sarah, the widow of the late Major-general Earl of Stirling, who died in the service of the United States, a certificate to entitle her to a sum equal to an annuity for seven years' half-pay of a major-general, to commence as from the fourteenth day of January, one thousand seven hundred and eighty-three, in conformity to the act of the late Congress, passed on the twenty-fourth day of August, one thousand seven hundred and eighty; the amount for which the said certificate is to be granted, to be ascertained by the Secretary of the Treasury, and on similar principles as other debts of the United States are liquidated and certified.

Sec. 2. *And be it further enacted*, That the said register shall grant unto Frances Eleanor Laurens, the orphan daughter of the late lieutenant-colonel John Laurens, who was killed whilst in the service of the United States, a certificate to entitle her to a sum equal to an annuity for seven years' half-pay of a lieutenant-colonel, to commence as from the twenty-fifth day of August, one thousand seven hundred and eighty-two, according to the act of the late Congress of the twenty-fourth day of August, one thousand seven hundred and eighty; the amount for which the said certificate is to be granted, to be ascertained by the Secretary of the Treasury in manner aforesaid.

And whereas no provision hath heretofore been made for discharging the arrears of pensions due to officers, non-commissioned officers, and soldiers who were wounded and disabled whilst in the service of the United States: therefore,

Sec. 3. *Be it further enacted*, That each of the officers, non-commissioned officers, and soldiers who are so wounded and disabled, and who are now placed on the books in the office of the Secretary for the Department of War, as a pensioner, or to be so placed in conformity to any law of this Congress, shall receive from the Register of the Treasury, who is hereby required to grant the same, a certificate, to be liquidated and settled in such manner as the Secretary of the Treasury shall direct, for a sum equal to the pension annually due to him, to commence from the time he became entitled

thereto, or from the time to which the same had been paid, as the case may be, which shall be ascertained and certified by the said Secretary for the Department of War, and which annuity shall be liquidated to the fourth day of March, one thousand seven hundred and eighty-nine, from which day the United States have assumed the payment of the pensions certified by the several States. And in case of the death of any person so entitled, the certificate shall pass to his heirs or legal representative or representatives.

Sec. 4. *And be it further enacted*, That the widow or orphan of each officer, non-commissioned officer, or soldier who was killed or died whilst in the service of the United States, and who is now placed on the books in the office of the said Secretary, as entitled to a pension, by virtue of any act of the said late Congress, or any law of this Congress, and for whom provision has not been made by any State, and to whom any arrears of such pension are due, and which have arisen prior to the said fourth day of March, one thousand seven hundred and eighty-nine, shall receive a certificate therefor in like manner, and on the same principles, as certificates are by this act directed to be given to officers, non-commissioned officers, and soldiers, who were wounded or disabled as aforesaid.

Approved, August 11, 1790.

An Act making certain appropriations therein mentioned.

Be it enacted, &c., That there be appropriated to the purposes hereinafter mentioned, to be paid out of the moneys arising from the duties on goods, wares, and merchandise imported, and on the tonnage of ships or vessels, the following sums, to wit: the sum of thirty-eight thousand eight hundred and ninety-two dollars and seventy-five cents, towards discharging certain debts contracted by Abraham Skinner, late commissary of prisoners, on account of the subsistence of the officers of the late army while in captivity; the sum of forty thousand dollars, towards discharging certain debts contracted by Colonel Timothy Pickering, late quartermaster-general, and which sum was included in the amount of a warrant drawn in his favor by the late superintendent of the finances of the United States, and which warrant was not discharged; the sum of one hundred and four thousand three hundred and twenty-seven dollars and twenty-two cents, for the several purposes specified in an estimate accompanying the report of the Secretary of the Treasury of the fifth instant, including one thousand dollars for defraying the expenses of certain establishments for the security of navigation of the like nature with those mentioned in the act entitled "An act for the establishment and support of light-houses, beacons, buoys, and public piers;" but not particularly

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specified therein; the sum of one hundred and eighty-one dollars and forty-two cents, for reimbursing the Secretary at War an advance by him made on account of George Morgan White Eyes, over and above the sum heretofore appropriated on account of the said George Morgan White Eyes; the sum of six hundred and thirty-two dollars and eighty cents, for the services and expenses of Isaac Guion, employed by direction of the President of the United States, in relation to the resolution of Congress of the twenty-sixth of August last; the sum of forty-one dollars and forty-seven cents, for reimbursing the Treasurer of the United States the costs by him paid on a protested bill; the sum of two hundred and fifty dollars, for the salary of an interpreter of the French language, employed in the Department of State; the sum of three hundred and twenty-six dollars and six cents, for sundry expenditures by Richard Phillips, on account of the household of the late President of Congress, and for certain unsatisfied claims against the same; the sum of seven hundred and fifty dollars, towards compensating the late loan officer of Pennsylvania for his services in relation to the re-exchange of certificates granted by the State of Pennsylvania, in lieu of certificates of the United States; which several sums so included in the said sum of one hundred and four thousand three hundred and twenty-seven dollars and twenty-two cents, are hereby authorized and granted; and the further sum of fifty thousand dollars, towards discharging such demands on the United States, not otherwise provided for, as shall have been ascertained and admitted in due course of settlement at the Treasury, and which are of a nature according to the usage thereof, to require payment in specie.

Approved, August 12, 1790.

An Act making provision for the reduction of the public debt.

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

Be it enacted, &c., That all such surplus of the product of the duties on goods, wares, and merchandise imported, and on the tonnage of ships or vessels to the last day of December next, inclusively, as shall remain after satisfying the several purposes for which appropriations shall have been made by law to the end of the present session, shall be applied to the purchase of the debt of the United States, at

its market price, if not exceeding the par or true value thereof.

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

Sec. 3. And be it further enacted, That accounts of the application of the said moneys shall be rendered for settlement as other public accounts, accompanied with returns of the amount of the said debt purchased therewith, at the end of every quarter of a year, to be computed from the time of commencing the purchases aforesaid; and that a full and exact report of the proceedings of the said five persons, or any three of them, including a statement of the disbursements and purchases made under their direction, specifying the times thereof, the prices at which, and the parties from whom the same may be made, shall be laid before Congress, within the first fourteen days of each session which may ensue the present, during the execution of their said trust.

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

Approved, August 12, 1790.

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

Approved, June 14, 1790.

Resolved, &c., That all surveys of lands in the Western Territory, made under the direc-

tion of the late geographer, Thomas Hutchins, agreeable to contracts for part of the said lands made with the late Board of Treasury, and perfected by the Secretary of the Treasury, so as to complete the said contracts; and that the said Secretary be, and is hereby, authorized to direct the making and completing any other surveys that remain to be made, so as to comply on the part of the United States with the several contracts aforesaid, in conformity to the terms thereof.

Approved, August 12, 1790.

ACTS OF THE THIRD SESSION OF THE FIRST CONGRESS.

An Act supplementary to the act entitled "An act making further provision for the payment of the debts of the United States."

Whereas no express provision has been made for extending the act, entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise imported into the United States, and on the tonnage of ships or vessels," to the collection of the duties imposed by the said "Act making further provision for the payment of the debts of the United States," doubts concerning the same may arise: therefore,

Be it enacted, &c., That the act, entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise imported into the United States, and on the tonnage of ships or vessels," doth and shall extend to, and be in force for the collection of the duties specified and laid in and by the act, entitled "An act making further provision for the payment of the debts of the United States," as fully and effectually as if every regulation, restriction, penalty, provision, clause, matter, or thing therein contained, had been inserted in and re-enacted by the act last aforesaid.

FRED. A. MUHLENBERG, *Speaker of the House of Representatives.*

JOHN ADAMS, *Vice President of the United States, and President of the Senate.*

Approved, December 27, 1790.

GEORGE WASHINGTON,
President of the United States.

An Act to provide for the unlading of ships or vessels, in cases of obstruction by ice.

Whereas it sometimes happens that ships or vessels are obstructed by ice in their passage to the ports of their destination, and it is necessary that provision should be made for unlading such ships or vessels:

Be it enacted, &c., That in all cases where a ship or vessel shall be prevented by ice from

getting to the port at which her cargo is intended to be delivered, it shall be lawful for the collector of the district, in which such ship or vessel may be so obstructed, to receive the report and entry of any such ship or vessel, and with the consent of the naval officer (where there is one) to grant a permit or permits for unlading or landing the goods, wares, or merchandise imported in such ship or vessel at any place within his district, which shall appear to him to be most convenient and proper.

Sec. 2. *And be it further enacted,* That the report and entry of such ship or vessel, and of her cargo, or any part thereof, and all persons concerned therein, shall be under and subject to the same rules, regulations, restrictions, penalties, and provisions, as if the said ship or vessel had arrived at the port of her destination, and had then proceeded to the delivery of her cargo.

Approved, January 7, 1791.

An Act to continue an act, entitled "An act declaring the assent of Congress to certain acts of the States of Maryland, Georgia, and Rhode Island and Providence Plantations," so far as the same respects the States of Georgia, and Rhode Island and Providence Plantations.

Be it enacted, &c., That the act, passed the last session of Congress, entitled "An act, declaring the assent of Congress to certain acts of the States of Maryland, Georgia, and Rhode Island and Providence Plantations," shall be continued, and is hereby declared to be in full force, so far as the same respects the States of Georgia, and Rhode Island and Providence Plantations, for the further term of one year, and from thence to the end of the then next session of Congress, and no longer.

Approved, January 10, 1791.

An Act declaring the consent of Congress, that a new State be formed within the jurisdiction of the Commonwealth of Virginia, and admitted into this Union, by the name of the State of Kentucky.

Acts of Congress.

Whereas the Legislature of the Commonwealth of Virginia, by an act, entitled "An act concerning the erection of the District of Kentucky into an independent State," passed the eighteenth day of December, one thousand seven hundred and eighty-nine, have consented that the District of Kentucky within the jurisdiction of the said Commonwealth, and according to its actual boundaries at the time of passing the act aforesaid, should be formed into a new State: and whereas a convention of delegates, chosen by the people of the said District of Kentucky, have petitioned Congress to consent that on the first day of June, one thousand seven hundred and ninety-two, the said District should be formed into a new State, and received into the Union by the name of the "State of Kentucky."

Be it enacted, &c., That the Congress doth consent that the said District of Kentucky, within the jurisdiction of the Commonwealth of Virginia, and according to its actual boundaries, on the eighteenth day of December, one thousand seven hundred and eighty-nine, shall, upon the first day of June, one thousand seven hundred and ninety-two, be formed into a new State, separate from, and independent of, the said Commonwealth of Virginia.

Sec. 2. And be it further enacted and declared, That upon the aforesaid first day of June, one thousand seven hundred and ninety-two, the said new State, by the name and style of the State of Kentucky, shall be received and admitted into this Union, as a new and entire member of the United States of America.

Approved, February 4, 1791.

An Act declaring the consent of Congress to a certain act of the State of Maryland.

Be it enacted, &c., That the consent of Congress be, and is hereby, granted and declared to the operation of an act of the General Assembly of Maryland, made and passed at a session begun and held at the city of Annapolis, on the first Monday in November last, entitled "An act to empower the wardens of the port of Baltimore, to levy and collect the duty therein mentioned," until the tenth day of January next, and from thence until the end of the then next session of Congress, and no longer.

Approved, February 9, 1791.

An Act making appropriations for the support of Government during the year one thousand seven hundred and ninety-one, and for other purposes.

Be it enacted, &c., That there be appropriated the several sums, and for the several purposes following, to wit: a sum not exceeding two hundred and ninety-nine thousand two hundred and seventy-six dollars and fifty-three cents, for defraying the expenses of the civil list, as estimated by the Secretary of the Treasury, in the statement, number one, accompanying his report to the House of Representatives of the sixth instant, including the contingencies of the

several Executive officers, and of the two Houses of Congress, which are hereby authorized and granted: a sum not exceeding fifty thousand seven hundred and fifty-six dollars and fifty-three cents, for satisfying the several objects specified in the statement, number two, accompanying the report aforesaid, all such whereof, as may not have been heretofore provided for by law, being hereby authorized; and a sum not exceeding three hundred and ninety thousand one hundred and ninety-nine dollars and fifty-four cents, for the use of the Department of War, pursuant to the statement, number three, accompanying the report aforesaid, including therein the sum of one hundred thousand dollars, for defraying the expenses of an expedition lately carried on against certain Indian tribes, and the sum of eighty-seven thousand four hundred and sixty-three dollars and sixty cents, being the amount of one year's pensions to invalids, together with the contingencies of the said Department, which are hereby authorized: which several sums shall be paid out of the funds following, namely, the sum of six hundred thousand dollars, which, by the act, entitled "An act making provision for the debt of the United States," is reserved yearly for the support of the Government of the United States and their common defence; the amount of such surpluses as may remain in the Treasury, after satisfying the purposes for which appropriations were made, by the acts respectively, entitled "An act making appropriations for the service of the present year," passed the twenty-ninth day of September, one thousand seven hundred and eighty-nine; "An act making appropriations for the support of Government for the year one thousand seven hundred and ninety," passed the twenty-sixth day of March, one thousand seven hundred and ninety; "An act making certain appropriations therein mentioned," passed the twelfth day of August, one thousand seven hundred and ninety, and the product, during the present year, of such duties as shall be laid in the present session of Congress.

Approved, February 11, 1791.

An Act for the admission of the State of Vermont into this Union.

The State of Vermont having petitioned the Congress to be admitted a member of the United States,

Be it enacted, &c., That on the fourth day of March, one thousand seven hundred and ninety-one, the said State, by the name and style of "the State of Vermont," shall be received and admitted into this Union, as a new and entire member of the United States of America."

Approved, February 18, 1791.

An Act to continue in force, for a limited time, an act passed at the first session of Congress, entitled "An act to regulate processes in the courts of the United States."

Acts of Congress.

Be it enacted, &c., That an act, passed on the twenty-ninth day of September, in the year one thousand seven hundred and eighty-nine, entitled "An act to regulate processes in the courts of the United States," shall be, and the same hereby is, continued in force, until the end of the next session of Congress, and no longer.

Approved, February 18, 1791.

An Act regulating the number of Representatives to be chosen by the States of Kentucky and Vermont.

Be it enacted, &c., That until the representatives in Congress shall be apportioned according to an actual enumeration of the inhabitants of the United States, the States of Kentucky and Vermont shall each be entitled to choose two representatives.

Approved, February 25, 1791.

An Act to incorporate the subscribers to the Bank of the United States.

Whereas it is conceived that the establishment of a bank for the United States, upon a foundation sufficiently extensive to answer the purposes intended thereby, and at the same time upon the principles which afford adequate security for an upright and prudent administration thereof, will be very conducive to the successful conducting of the national finances; will tend to give facility to the obtaining of loans, for the use of the Government, in sudden emergencies, and will be productive of considerable advantage to trade and industry in general: Therefore,

Be it enacted, &c., That a Bank of the United States shall be established; the capital stock whereof shall not exceed ten millions of dollars, divided into twenty-five thousand shares, each share being four hundred dollars; and that subscriptions towards constituting the said stock, shall, on the first Monday of April next, be opened at the city of Philadelphia, under the superintendence of such persons, not less than three, as shall be appointed for that purpose by the President of the United States, who is hereby empowered to appoint the said persons accordingly; which subscriptions shall continue open until the whole of the said stock shall have been subscribed.

Sec. 2. *And be it further enacted,* That it shall be lawful for any person, co-partnership, or body politic, to subscribe for such or so many shares as he, she, or they shall think fit, not exceeding one thousand, except as shall be hereafter directed relatively to the United States; and that the sums respectively subscribed, except on behalf of the United States, shall be payable one-fourth in gold and silver, and three-fourths in that part of the public debt, which, according to the loan proposed in the fourth and fifteenth sections of the act, entitled "An act making provision for the debt of the United States," shall bear an accruing interest,

at the time of payment of six per centum per annum, and shall also be payable in four equal parts, in the aforesaid ratio of specie to debt, at the distance of six calendar months from each other; the first whereof shall be paid at time of subscription.

Sec. 3. *And be it further enacted,* That all those who shall become subscribers to the said bank, their successors and assigns shall be, and are hereby, created and made a corporation and body politic, by the name and style of "The President, Directors, and Company of the Bank of the United States;" and shall so continue until the fourth of March, one thousand eight hundred and eleven: and by that name shall be, and are hereby, made able and capable in law, to have, purchase, receive, possess, enjoy, and retain to them and their successors, lands, rents, tenements, hereditaments, goods, chattels, and effects of what kind, nature, or quality soever, to an amount not exceeding in the whole fifteen millions of dollars, including the amount of the capital stock aforesaid; and the same to sell, grant, demise, alien, or dispose of; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of record, or any other place whatsoever; and also, to make, have, and use a common seal, and the same to break, alter, and renew at their pleasure; and also to ordain, establish, and put in execution, such by-laws, ordinances, and regulations as shall seem necessary and convenient for the government of the said corporation, not being contrary to law, or to the constitution thereof, (for which purpose general meetings of the stockholders shall and may be called by the directors, and in the manner hereinafter specified,) and generally to do and execute all and singular acts, matters, and things which to them it shall or may appertain to do; subject, nevertheless, to the rules, regulations, restrictions, limitations, and provisions hereinafter prescribed and declared.

Sec. 4. *And be it further enacted,* That for the well ordering of the affairs of the said corporation there shall be twenty-five directors; of whom there shall be an election on the first Monday of January in each year, by the stockholders or proprietors of the capital stock of the said corporation, and by plurality of the votes actually given; and those who shall be duly chosen at any election, shall be capable of serving as directors, by virtue of such choice, until the end or expiration of the Monday of January next ensuing the time of such election, and no longer.

Sec. 5. *Provided always, and be it further enacted,* That, as soon as the sum of four hundred thousand dollars, in gold and silver, shall have been actually received on account of the subscriptions to the said stock, notice thereof shall be given by the persons under whose superintendence the same shall have been made, in at least two public gazettes printed in the city of Philadelphia: and the said persons shall, at the same time, in like manner, notify a time

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and place within the said city, at the distance of ninety days from the time of such notification, for proceeding to the election of directors; and it shall be lawful for such election to be then and there made; and the persons, who shall then and there be chosen, shall be the first directors, and shall be capable of serving, by virtue of such choice, until the end or expiration of the Monday in January next ensuing the time of making the same, and shall forthwith thereafter commence the operations of the said bank, at the said city of Philadelphia. *And provided further*, That, in case it should at any time happen, that an election of directors should not be made upon any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved; but it shall be lawful, on any other day, to hold and make an election of directors in such manner as shall have been regulated by the laws and ordinances of the said corporation. *And provided lastly*, That, in case of the death, resignation, absence from the United States, or removal of a director by the stockholders, his place may be filled up by a new choice for the remainder of the year.

Sec. 6. *And be it further enacted*, That the directors for the time being shall have power to appoint such officers, clerks, and servants under them as shall be necessary for executing the business of the said corporation, and to allow them such compensation, for their services respectively, as shall be reasonable; and shall be capable of exercising such other powers and authorities, for the well governing and ordering of the affairs of the said corporation, as shall be described, fixed, and determined by the laws, regulations, and ordinances of the same.

Sec. 7. *And be it further enacted*, That the following rules, restrictions, limitations, and provisions shall form and be fundamental articles of the Constitution of the said corporation, viz:

I. The number of votes to which each stockholder shall be entitled, shall be according to the number of shares he shall hold, in the proportions following: that is to say, for one share, and not more than two shares, one vote; for every two shares above two, and not exceeding ten, one vote; for every four shares above ten, and not exceeding thirty, one vote; for every six shares above thirty, and not exceeding sixty, one vote; for every eight shares above sixty, and not exceeding one hundred, one vote; and for every ten shares above one hundred, one vote; but no person, co-partnership, or body politic shall be entitled to a greater number than thirty votes. And after the first election, no share or shares shall confer a right of suffrage, which shall not have been holden three calendar months previous to the day of election. Stockholders actually resident within the United States, and none other, may vote in elections by proxy.

II. Not more than three-fourths of the directors in office, exclusive of the president,

shall be eligible for the next succeeding year; but the director, who shall be president at the time of an election, may always be re-elected.

III. None but a stockholder, being a citizen of the United States, shall be eligible as a director.

IV. No director shall be entitled to any emolument, unless the same shall have been allowed by the stockholders at a general meeting. The stockholders shall make such compensation to the president, for his extraordinary attendance at the bank, as shall appear to them reasonable.

V. Not less than seven directors shall constitute a board for the transaction of business, of whom the president shall always be one, except in case of sickness, or necessary absence; in which case his place may be supplied by any other director, whom he, by writing under his hand, shall nominate for the purpose.

VI. Any number of stockholders, not less than sixty, who, together, shall be proprietors of two hundred shares or upwards, shall have power at any time to call a general meeting of the stockholders, for purposes relative to the institution, giving at least ten weeks' notice in two public gazettes of the place where the bank is kept, and specifying, in such notice, the object or objects of such meeting.

VII. Every cashier or treasurer, before he enters upon the duties of his office, shall be required to give bond, with two or more sureties, to the satisfaction of the directors, in a sum not less than fifty thousand dollars, with condition for his good behavior.

VIII. The lands, tenements, and hereditaments which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation in relation to the convenient transacting of its business, and such as shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts.

IX. The total amount of the debts, which the said corporation shall at any time owe, whether by bond, bill, note, or other contract, shall not exceed the sum of ten millions of dollars, over and above the moneys then actually deposited in the bank for safe-keeping, unless the contracting of any greater debt shall have been previously authorized by a law of the United States. In case of excess, the directors, under whose administration it shall happen, shall be liable for the same, in their natural and private capacities; and an action of debt may, in such case, be brought against them, or any of them, their or any of their heirs, executors, or administrators, in any court of record of the United States, or either of them, by any creditor or creditors of the said corporation, and may be prosecuted to judgment and execution; any condition, covenant, or agreement to the contrary notwithstanding. But this shall not be

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construed to exempt the said corporation, or the lands, tenements, goods, or chattels of the same, from being also liable for and chargeable with the said excess. Such of the said directors, who may have been absent when the said excess was contracted or created, or who may have dissented from the resolution or act whereby the same was so contracted or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact, and of their absence or dissent, to the President of the United States, and to the stockholders, at a general meeting, which they shall have power to call for that purpose.

X. The said corporation may sell any part of the public debt whereof its stock shall be composed, but shall not be at liberty to purchase any public debt whatsoever; nor shall directly or indirectly deal or trade in any thing, except bills of exchange, gold or silver bullion, or in the sale of goods really and truly pledged for money lent and not redeemed in due time; or of goods which shall be the produce of its lands. Neither shall the said corporation take more than at the rate of six per centum per annum, for or upon its loans or discounts.

XI. No loan shall be made by the said corporation, for the use or on account of the Government of the United States, to an amount exceeding one hundred thousand dollars, or of any particular State, to an amount exceeding fifty thousand dollars, or of any foreign prince or State, unless previously authorized by a law of the United States.

XII. The stock of the said corporation shall be assignable and transferable, according to such rules as shall be instituted in that behalf, by the laws and ordinances of the same.

XIII. The bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand or hands of such person or persons, and of his, her, or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee or assignees successively, and to enable such assignee or assignees to bring and maintain an action thereupon in his, her, or their own name or names. And bills or notes, which may be issued by order of the said corporation, signed by the president, and countersigned by the principal cashier or treasurer thereof, promising the payment of money to any person or persons, his, her, or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in the like manner, and with the like force and effect, as upon any private person or persons, if issued by him or them, in his, her, or their private or natural capacity or capacities; and shall be assignable and negotiable in like manner as if they were so issued by such private person or persons; that is to say, those which may be payable to any person or persons, his, her, or their order, shall be assignable by endorsement, in

like manner, and with the like effect, as foreign bills of exchange now are; and those which are payable to bearer shall be negotiable and assignable by delivery only.

XIV. Half-yearly dividends shall be made of so much of the profits of the bank as shall appear to the directors advisable; and once in every three years the directors shall lay before the stockholders, at a general meeting, for their information, an exact and particular statement of the debts which shall have remained unpaid after the expiration of the original credit, for a period of treble the term of that credit; and of the surplus of profit, if any, after deducting losses and dividends. If there shall be a failure in the payment of any part of any sum, subscribed by any person, co-partnership, or body politic, the party failing shall lose the benefit of any dividend which may have accrued, prior to the time for making such payment, and during the delay of the same.

XV. It shall be lawful for the directors aforesaid, to establish offices wheresoever they shall think fit within the United States, for the purposes of discount and deposite only, and upon the same terms, and in the same manner, as shall be practised at the bank; and to commit the management of the said offices, and the making of the said discounts, to such persons, under such agreements, and subject to such regulations as they shall deem proper; not being contrary to law, or to the constitution of the bank.

XVI. The officer at the head of the Treasury Department of the United States shall be furnished, from time to time, as often as he may require, not exceeding once a week, with statements of the amount of the capital stock of the said corporation, and of the debts due to the same; of the moneys deposited therein; of the notes in circulation, and of the cash in hand; and shall have a right to inspect such general accounts in the books of the bank as shall relate to the said statements. *Provided*, That this shall not be construed to imply a right of inspecting the account of any private individual or individuals with the bank.

Sec. 8. *And be it further enacted*, That if the said corporation, or any person or persons for or to the use of the same, shall deal or trade in buying or selling any goods, wares, merchandise, or commodities whatsoever, contrary to the provisions of this act, all and every person and persons by whom any order or direction for so dealing or trading shall have been given, and all and every person and persons who shall have been concerned as parties or agents therein, shall forfeit and lose treble the value of the goods, wares, merchandises, and commodities, in which such dealing and trade shall have been; one half thereof to the use of the informer, and the other half thereof to the use of the United States, to be recovered with costs of suit.

Sec. 9. *And be it further enacted*, That if the said corporation shall advance or lend any sum for the use or on account of the Govern-

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ment of the United States, to an amount exceeding one hundred thousand dollars, or of any particular State to an amount exceeding fifty thousand dollars, or of any foreign Prince or State, (unless previously authorized thereto by a law of the United States) all and every person and persons, by and with whose order, agreement, consent, approbation, or connivance, such unlawful advance or loan shall have been made, upon conviction thereof, shall forfeit and pay, for every such offence, treble the value or amount of the sum or sums which shall have been so unlawfully advanced or lent; one fifth thereof to the use of the informer, and the residue thereof to the use of the United States, to be disposed of by law and not otherwise.

Sec. 10. *And be it further enacted*, That the bills or notes of the said corporation, originally made payable, or which shall have become payable on demand, in gold and silver coin, shall be receivable in all payments to the United States.

Sec. 11. *And be it further enacted*, That it shall be lawful for the President of the United States, at any time or times, within eighteen months after the first day of April next, to cause a subscription to be made to the stock of the said corporation, as part of the aforesaid capital stock of ten millions of dollars, on behalf of the United States, to an amount not exceeding two millions of dollars, to be paid out of the moneys which shall be borrowed by virtue of either of the acts, the one entitled "An act making provision for the debt of the United States;" and the other entitled "An act making provision for the reduction of the public debt;" borrowing of the bank an equal sum, to be applied to the purposes for which the said moneys shall have been procured, reimbursable in ten years by equal annual instalments; or at any time sooner, or in any greater proportions that the Government may think fit.

Sec. 12. *And be it further enacted*, That no other bank shall be established by any future law of the United States, during the continuance of the corporation hereby created; for which the faith of the United States is hereby pledged.

Approved, February 25, 1791.

An Act supplementary to the act entitled "An act to incorporate the subscribers to the Bank of the United States."

Be it enacted, &c., That the subscriptions to the stock of the Bank of the United States, as provided by the act entitled "An act to incorporate the subscribers to the Bank of the United States," shall not be opened until the first Monday in July next.

Sec. 2. *And be it further enacted*, That so much of the first payment as by the said act is directed to be in the six per cent. certificates of the United States, may be deferred until the first Monday in January next.

Sec. 3. *And be it further enacted*, That no person, corporation, or body politic, except in behalf of the United States, shall, for the space of three months after the said first Monday in July next, subscribe in any one day for more than thirty shares.

Sec. 4. *And be it further enacted*, That every subscriber shall, at the time of subscribing, pay into the hands of the persons who may be appointed to receive the same, the specie proportion required by the said act to be then paid. And if any such subscriber shall fail to make any of the future payments, he shall forfeit the sum so by him first paid, for the use of the corporation.

Sec. 5. *And be it further enacted*, That such part of the public debt, including the assumed debt, as is funded at an interest of three per cent. may be paid to the bank in like manner with the debt funded at six per cent., computing the value of the former at one half the value of the latter, and reserving to the subscribers who shall have paid three per cent. stock, the privilege of redeeming the same with six per cent. stock, at the above rate of computation, at any time before the first day of January, one thousand seven hundred and ninety-three; unless the three per cent. stock shall have been previously disposed of by the directors.

Approved, March 2, 1791.

An Act giving effect to the laws of the United States within the State of Vermont.

Be it enacted, &c., That from and after the third day of March next, all the laws of the United States, which are not locally inapplicable, ought to have, and shall have the same force and effect within the State of Vermont, as elsewhere within the United States.

And to the end that the act, entitled "An act to establish the judicial courts of the United States," may be duly administered within the said State of Vermont.

Sec. 2. *Be it further enacted*, That the said State shall be one district, to be denominated Vermont District; and there shall be a district court therein, to consist of one judge, who shall reside within the said district, and be called a district judge, and shall hold annually four sessions; the first to commence on the first Monday in May next, and the three other sessions progressively on the like Monday of every third calendar month afterwards. The said district court shall be held alternately at the towns of Rutland and Windsor, beginning at the first.

Sec. 3. *And be it further enacted*, That the said district shall be, and the same hereby is, annexed to the eastern circuit. And there shall be held annually in the said district one circuit court; the first session shall commence on the seventeenth day of June next, and the subsequent sessions on the like day of June afterwards, except when any of the said days shall happen on a Sunday, and then the session shall commence on the day following; and the

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said sessions of the said circuit courts shall be held at the town of Bennington.

Sec. 4. *And be it further enacted*, That there shall be allowed to the judge of the said district court the yearly compensation of eight hundred dollars, to commence from the time of his appointment, and to be paid quarter-yearly at the Treasury of the United States.

Sec. 5. *And be it further enacted*, That all the regulations, provisions, directions, authorities, penalties, and other matters whatsoever, (except as herein afterwards is expressly provided) contained and expressed in and by the act entitled "An act providing for the enumeration of the inhabitants of the United States," shall have the same force and effect within the said State of Vermont, as if the same were, in relation thereto, repeated and re-enacted in and by this present act.

Sec. 6. *And be it further enacted*, That the enumeration of the inhabitants of the said State shall commence on the first Monday of April next, and shall close within five calendar months thereafter.

Sec. 7. *And be it further enacted*, That the marshal of the district of Vermont shall receive in full compensation for all the duties and services confided to, and enjoined upon, him in and by this act in taking the enumeration aforesaid, two hundred dollars.

And that the act, entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise imported into the United States, and on the tonnage of ships and vessels," may be carried into effect in the said State of Vermont:

Sec. 8. *Be it further enacted*, That for the due collection of the said duties, there shall be in the said State of Vermont one district; and a collector shall be appointed, to reside at Allburgh on Lake Champlain, which shall be the only port of entry or delivery within the said district, of any goods, wares, or merchandise, not the growth or manufacture of the United States.

Provided, nevertheless, That the exception contained in the sixty-ninth section of the act last above mentioned, relative to the district of Louisville, shall be, and is hereby, extended to the said port of Allburgh.

Approved, March 2, 1791.

An Act to explain and amend an act, entitled "An act making further provision for the payment of the debts of the United States."

Be it enacted, &c., That the duty of one cent per pound, laid by the act "making further provision for the payment of the debts of the United States," on bar and other lead, shall be deemed and taken to extend to all manufactures wholly of lead, or in which lead is the chief article, which shall hereafter be brought into the United States from any foreign port or place.

Sec. 2. *And be it further enacted*, That the duty of seven and a half per cent. ad valorem, laid by the act aforesaid on chintzes, and colored calicoes, shall be deemed and taken to extend to all printed, stained, and colored goods or manufactures of cotton or of linen, or of both, which hereafter shall be brought into the United States from any foreign port or place.

Provided always, That nothing in this act shall in any wise affect the true construction or meaning of the act aforesaid in relation to any of the above described articles brought into the United States before the passing of this act.

Approved, March 2, 1791.

An Act fixing the time for the next annual meeting of Congress.

Be it enacted, &c., That after the third day of March next, the first annual meeting of Congress shall be on the fourth Monday of October next.

Approved, March 2, 1791.

An act repealing, after the last day of June next, the duties heretofore laid on distilled spirits imported from abroad, and laying others in their stead; and also upon spirits distilled within the United States, and for appropriating the same.

Be it enacted, &c., That after the last day of June next, the duties laid upon distilled spirits by the act entitled "An act making further provision for the payment of the debts of the United States," shall cease; and that upon all distilled spirits which shall be imported into the United States after that day, from any foreign port or place, there shall be paid for their use the duties following, that is to say: for every gallon of those spirits more than ten per cent. below proof, according to Dicas's hydrometer, twenty cents; for every gallon of those spirits under five, and not more than ten per cent. below proof, according to the same hydrometer, twenty-one cents; for every gallon of those spirits of proof, and not more than five per cent. below proof, according to the same hydrometer, twenty-two cents; for every gallon of those spirits above proof, but not exceeding twenty per cent. according to the same hydrometer, twenty-five cents; for every gallon of those spirits more than twenty, and not more than forty per cent. above proof, according to the same hydrometer, thirty cents; for every gallon of those spirits more than forty per cent. above proof, according to the same hydrometer, forty cents.

Sec. 2. *And be it further enacted*, That the said duties shall be collected in the same manner, by the same persons, under the same regulations, and subject to the same forfeitures and other penalties, as those heretofore laid; the act concerning which shall be deemed to be in full force for the collection of the duties herein before imposed, except as to the alterations contained in this act.

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Sec. 3. *And be it further enacted*, That the said duties, when the amount thereof shall not exceed fifty dollars, shall be immediately paid; but when the said amount shall exceed fifty, and shall not amount to more than five hundred dollars, may, at the option of the proprietor, importer, or consignee, be either immediately paid, or secured by bond, with the condition for the payment thereof in four months; and if the amount of the said duties shall exceed five hundred dollars, the same may be immediately paid or secured by bond, with condition for the payment thereof in six months; which bond, in either case, at the like option of the proprietor, importer, or consignee, shall either include one or more sureties to the satisfaction of the collector, or person acting as such, or shall be accompanied with a deposit in the custody of the said collector, or person acting as such, of so much of the said spirits as shall, in his judgment, be a sufficient security for the amount of the duties for which the said bond shall have been given, and the charges of the safe-keeping and sale of the spirits so deposited; which deposit shall and may be accepted in lieu of the said surety or sureties, and shall be kept by the said collector, or person acting as such, with due and reasonable care at the expense and risk of the party or parties on whose account the same shall have been made; and if at the expiration of the time mentioned in the bond for payment of the duties thereby intended to be secured, the same shall not be paid, then the said deposited spirits shall be sold at public sale, and the proceeds thereof, after deducting the charges of keeping and sale, shall be applied to the payment of the whole sum of the duties for which such deposit shall have been made, rendering the overplus of the said proceeds, and the residue of the said spirits, if any there be, to the person or persons by whom such deposit shall have been made, or his, her, or their representatives.

Sec. 4. In order to a due collection of the duties imposed by this act, *Be it further enacted*, That the United States shall be divided into fourteen districts, each consisting of one State, but subject to alterations by the President of the United States, from time to time, by adding to the smaller such portion of the greater as shall in his judgment best tend to secure and facilitate the collection of the revenue; which districts it shall be lawful for the President of the United States to subdivide into surveys of inspection, and the same to alter at his discretion. That the President be authorized to appoint, with the advice and consent of the Senate, a supervisor to each district, and as many inspectors to each survey therein as he shall judge necessary, placing the latter under the direction of the former. *Provided always*, That it shall and may be lawful for the President, in his discretion to appoint, such and so many officers of the customs to be inspectors in any survey of inspection as he shall deem

advisable to employ in the execution of this act. *Provided also*, That where, in the judgment of the President, a supervisor can discharge the duties of that office, and also that of inspector, he may direct the same. *And provided further*, That if the appointment of the inspectors of surveys, or any part of them, shall not be made during the present session of Congress, the President may, and he is hereby, empowered to make such appointments during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

Sec. 5. *And be it further enacted*, That the supervisors, inspectors, and officers to be appointed by virtue of this act, and who shall be charged to take bonds for securing the payment of the duties upon spirits distilled within the United States, and with the receipt of moneys in discharge of such duties, shall keep fair and true accounts and records of their transactions in their respective offices, in such manner and form as may be directed by the proper department or officer having the superintendence of the collection of the revenue, and shall at all times submit their books, papers, and accounts to the inspection of such persons as are or may be appointed for that purpose, and shall at all times pay to the order of the officer, who is or shall be authorized to direct the payment thereof, the whole of the moneys which they may respectively receive by virtue of this act, and shall also once in every three months, or oftener if they shall be required, transmit their accounts for settlement to the officer or officers whose duty it is, or shall be, to make such settlement.

Sec. 6. *And be it further enacted*, That all officers and persons to be appointed pursuant to this act, before they enter on the duties of their respective offices, shall take an oath or affirmation diligently and faithfully to execute the duties of their said offices respectively, and to use their best endeavors to prevent and detect frauds, in relation to the duties on spirits imposed by this act, which oath or affirmation may be taken before any magistrate authorized to administer oaths within the district or survey to which he belongs, and being certified under the hand and seal of the magistrate by whom the same shall have been administered, shall within three months thereafter be transmitted to the Comptroller of the Treasury, in default of taking which oath or affirmation, the party failing shall forfeit and pay two hundred dollars for the use of the United States, to be recovered with costs of suit.

Sec. 7. *And be it further enacted*, That the supervisor of the revenue for each district shall establish one or more offices within the same, as may be necessary; and in order that the said offices may be publicly known, there shall be painted or written in large legible characters upon some conspicuous part outside and in front of each house, building, or place in which any such office shall be kept, these words, "*Office of Inspection*;" and if any person shall paint

or write, or cause to be painted or written, the said words upon any other than such house or building, he or she shall forfeit and pay for so doing one hundred dollars.

Sec. 8. *And be it further enacted*, That within forty-eight hours after any ship or vessel, having on board any distilled spirits brought in such ship or vessel from any foreign port or place, shall arrive within any port of the United States, whether the same be the first port of arrival of such ship or vessel or not, the master or person having the command or charge thereof, shall report to one of the inspectors of the port at which she shall so arrive, the place from which she last sailed, with her name and burthen, and the quantity and kinds of the said spirits on board of her, and the casks, vessels, or cases, containing them, with their marks and numbers; on pain of forfeiting the sum of five hundred dollars.

Sec. 9. *And be it further enacted*, That the collector or other officer, or person acting as collector, with whom entry shall have been made of any of the said spirits, pursuant to the act entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise imported into the United States, and on the tonnage of ships or vessels," shall forthwith after such entry certify and transmit the same, as particularly as it shall have been made with him, to the proper officer of inspection, of the port where it shall be intended to commence the delivery of the spirits so entered, or any part thereof: for which purpose every proprietor, importer, or consignee, making such entry, shall deliver two manifests of the contents, (upon one of which the said certificate shall be given,) and shall at the time thereof declare the port at which the said delivery shall be so intended to be commenced, to the collector or officer with whom the same shall be made. And every permit granted by such collector for the landing of any of the said spirits shall, previous to such landing, be produced to the said officer of inspection, who shall make a minute in some proper book of the contents thereof, and shall endorse thereupon the word "*inspected*," the time when, and his own name: after which he shall return it to the person by whom it shall have been produced; and then, and not otherwise, it shall be lawful to land the spirits therein specified; and if the said spirits shall be landed without such endorsement upon the permit for that purpose granted, the master or person having charge of the ship or vessel from which the same shall have been so landed, shall for every such offence forfeit the sum of five hundred dollars.

Sec. 10. *And be it further enacted*, That whenever it shall be intended that any ship or vessel shall proceed with the whole or any part of the spirits which shall have been brought in such ship or vessel from any foreign port or place, from one port in the United States, to another port in the said United States, whe-

ther in the same or in different districts, the master or person having the command or charge of such ship or vessel shall, previous to her departure, apply to the officer of inspection, to whom report was made, for the port from which she is about to depart, for a certificate of the quantity and particulars of such of the said spirits as shall have been certified or reported to him to have been entered as imported in such ship or vessel, and of so much thereof as shall appear to him to have been landed out of her at such port; which certificate the said officer shall forthwith grant. And the master or person having the command or charge of such ship or vessel shall, within twenty-four hours after her arrival at the port to which she shall be bound, deliver the said certificate to the proper officer of inspection of such last mentioned port. And if such ship or vessel shall proceed from one port to another within the United States, with the whole or any part of the spirits brought in her as aforesaid, without having first obtained such certificate; or if, within twenty-four hours after her arrival at such other port, the said certificate shall not be delivered to the proper officer of inspection there, the master or person having the command or charge of the said ship or vessel, shall, in either case, forfeit the sum of five hundred dollars; and the spirits on board of her at her said arrival shall be forfeited, and may be seized by any officer of inspection.

Sec. 11. *And be it further enacted*, That all spirits which shall be imported as aforesaid shall be landed under the inspection of the officer or officers of inspection for the place where the same shall be landed, and not otherwise, on pain of forfeiture thereof, for which purpose the said officer or officers shall, at all reasonable times, attend. *Provided*, That this shall not be construed to exclude the inspection of the officers of the customs as now established and practised.

Sec. 12. *And be it further enacted*, That the officers of inspection under whose survey any of the said spirits shall be landed, shall, upon landing thereof, and as soon as the casks, vessels, and cases containing the same shall be gauged or measured, brand, or otherwise mark in durable characters, the several casks, vessels, or cases containing the same, with progressive numbers; and also with the name of the ship or vessel wherein the same was or were imported, and of the port of entry, and with the proof and quantity thereof; together with such other marks, if any other shall be deemed needful, as the respective supervisors of the revenue may direct. And the said officer shall keep a book, wherein he shall enter the name of each vessel in which any of the said spirits shall be so imported, and of the port of entry and delivery, and of the master of such vessel, and of each importer, and the several casks, vessels, and cases containing the same, and the marks of each; and if such officer is not the chief inspector within the survey, he shall, as soon as

may be thereafter, make an exact transcript of each entry, and deliver the same to such chief officer, who shall keep a like book for recording the said transcript.

Sec. 13. *And be it further enacted*, That the chief officer of inspection within whose survey any of the said spirits shall be landed, shall give to the proprietor, importer, or consignee thereof, or his or her agent, a certificate to remain with him or her, of the whole quantity of the said spirits which shall have been so landed; which certificate, besides the said quantity, shall specify the name of such proprietor, importer, or consignee, and of the vessel from on board which the said spirits shall have been landed, and of the marks of each cask, vessel, or case containing the same. And the said officer shall deliver to the said proprietor, importer, or consignee, or to his or her agent, a like certificate for each cask, vessel, or case; which shall accompany the same wheresoever it shall be sent, as evidence of its being lawfully imported. And the officer granting the said certificates shall make regular and exact entries in the book to be by him kept as aforesaid, of all spirits for which the same shall be granted, as particularly as therein described. And the said proprietor, importer, or consignee, or his or her agent, upon the sale and delivery of any of the said spirits, shall deliver to the purchaser or purchasers thereof, the certificate or certificates which ought to accompany the same; on pain of forfeiting the sum of fifty dollars for each cask, vessel, or case with which such certificate shall not be delivered.

Sec. 14. *And be it further enacted*, That upon all spirits which after the said last day of June next shall be distilled within the United States, wholly or in part from molasses, sugar, or other foreign materials, there shall be paid for their use the duties following, that is to say: for every gallon of those spirits more than ten per cent. below proof, according to Dicas's hydrometer, eleven cents; for every gallon of those spirits under five, and not more than ten per cent. below proof, according to the same hydrometer, twelve cents; for every gallon of those spirits of proof, and not more than five per cent. below proof, according to the same hydrometer, thirteen cents; for every gallon of those spirits above proof, and not exceeding twenty per cent., according to the same hydrometer, fifteen cents; for every gallon of those spirits, more than twenty and not more than forty per cent. above proof, according to the same hydrometer, twenty cents; for every gallon of those spirits more than forty per cent. above proof, according to the same hydrometer, thirty cents.

Sec. 15. *And be it further enacted*, That upon all spirits which after the said last day of June next, shall be distilled within the United States, from any article of the growth or produce of the United States, in any city, town, or village, there shall be paid for their use the duties following, that is to say: for every gallon

of those spirits more than ten per cent. below proof, according to Dicas's hydrometer, nine cents; for every gallon of those spirits' under five, and not more than ten per cent. below proof, according to the same hydrometer, ten cents; for every gallon of those spirits of proof, and not more than five per cent. below proof, according to the same hydrometer, eleven cents; for every gallon of those spirits above proof, but not exceeding twenty per cent. according to the same hydrometer, thirteen cents; for every gallon of those spirits more than twenty, and not more than forty per cent. above proof, according to the same hydrometer, seventeen cents; for every gallon of those spirits more than forty per cent. above proof, according to the same hydrometer, twenty-five cents.

Sec. 16. *And be it further enacted*, That the said duties on spirits distilled within the United States, shall be collected under the management of the supervisors of the revenue.

Sec. 17. *And be it further enacted*, That the said duties on spirits distilled within the United States shall be paid or secured previous to the removal thereof from the distilleries at which they are respectively made. And it shall be at the option of the proprietor or proprietors of each distillery, or of his, her, or their agent, having the superintendence thereof, either to pay the said duties previous to such removal, with an abatement at the rate of two cents for every ten gallons, or to secure the payment of the same, by giving bond quarter-yearly, with one or more sureties, to the satisfaction of the chief officer of inspection within whose survey such distillery shall be, and in such sum as the said officer shall direct, with condition for the payment of the duties upon all such of the said spirits as shall be removed from such distillery within three months next ensuing the date of the bond, at the expiration of nine months from the said date.

Sec. 18. *And be it further enacted*, That the supervisor of each district shall appoint proper officers to have the charge and survey of the distilleries within the same, assigning to each one or more distilleries as he may think proper, who shall attend such distillery at all reasonable times for the execution of the duties by this act enjoined on him.

Sec. 19. *And be it further enacted*, That previous to the removal of the said spirits from any distillery, the officer within whose charge and survey the same may be shall brand or otherwise mark each cask containing the same, in durable characters, and with progressive numbers, and with the name of the acting owner or other manager of such distillery, and of the place where the same was situate, and with the quantity therein, to be ascertained by actual gauging, and with the proof thereof. And the duties thereupon having been first paid, or secured, as above provided, the said officer shall grant a certificate for each cask of the said spirits, to accompany the same wheresoever it

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shall be sent, purporting that the duty thereon hath been paid or secured, as the case may be, and describing each cask by its marks; and shall enter in a book for that purpose to be kept, all the spirits distilled at such distillery, and removed from the same; and the marks of each cask, and the persons for whose use, and the places to which removed, and the time of each removal, and the amount of the duties on the spirits so removed. And if any of the said spirits shall be removed from any such distillery without having been branded or marked as aforesaid, or without such certificate as aforesaid, the same, together with the cask or casks containing, and the horses or cattle, with the carriages, their harness and tacklings, and the vessel or boat, with its tackle and apparel employed in removing them, shall be forfeited, and may be seized by any officer of inspection. And the superintendent or manager of such distillery shall also forfeit the full value of the spirits so removed, to be computed at the highest price of the like spirits in the market.

Sec. 20. *And be it further enacted,* That no spirits shall be removed from any such distillery at any other times than between sun-rising and sun-setting, except by consent and in presence of the officer having the charge and survey thereof, on pain of forfeiture of such spirits, or of the value thereof at the highest price in the market, to be recovered with costs of suit from the acting owner or manager of such distillery.

Sec. 21. *And be it further enacted,* That upon stills which after the last day of June next shall be employed in distilling spirits from materials of the growth or production of the United States, in any other place than a city, town, or village, there shall be paid for the use of the United States the yearly duty of sixty cents for every gallon, English wine-measure, of the capacity or content of each and every such still, including the head thereof.

Sec. 22. *And be it further enacted,* That the evidence of the employment of the said still shall be, their being erected in stone, brick, or some other manner whereby they shall be in a condition to be worked.

Sec. 23. *And be it further enacted,* That the said duties on stills shall be collected under the management of the supervisor in each district, who shall appoint and assign proper officers for the surveys of the said stills and the admeasurement thereof, and the collection of the duties thereupon; and the said duties shall be paid half-yearly, within the first fifteen days of January and July, on demand of the proprietor or proprietors of each still, at his, her, or their dwelling, by the proper officer charged with the survey thereof; and in case of refusal or neglect to pay, the amount of the duties so refused or neglected to be paid, may either be recovered with costs of suit in an action of debt in the name of the supervisor of the district, within which such refusal shall happen, for the use of the United States, or may be levied by distress and sale of goods of the person or per-

sons refusing or neglecting to pay, rendering the overplus (if any there be, after payment of the said amount and the charges of distress and sale) to the said person or persons.

Sec. 24. *And be it further enacted,* That if the proprietor of any such still, finding himself or herself aggrieved by the said rates, shall enter or cause to be entered in a book to be kept for that purpose, from day to day when such still shall be employed, the quantity of spirits distilled therefrom, and the quantity from time to time sold or otherwise disposed of, and to whom and when, and shall produce the said book to the officer of inspection within whose survey such still shall be, and shall make oath or affirmation that the same doth contain, to the best of his or her knowledge and belief, true entries made at their respective dates, of all the spirits distilled within the time to which such entries shall relate, from such still, and of the disposition thereof; and shall also declare upon such oath or affirmation, the quantity of such spirits then remaining on hand, it shall be lawful in every such case for the said officer to whom the said book shall be produced, and he is hereby required to estimate the duties upon such still, according to the quantity so stated to have been actually made therefrom at the rate of nine cents per gallon, which, and no more, shall be paid for the same. *Provided,* That if the said entries shall be made by any person other than the said proprietor, a like oath or affirmation shall be made by such person.

And the more effectually to prevent the evasion of the duties hereby imposed on spirits distilled within the United States,

Sec. 25. *Be it further enacted,* That every person who shall be a maker or distiller of spirits from molasses, sugar, or other foreign materials, or from materials the growth and production of the United States, shall write or paint, or cause to be written or painted upon some conspicuous part outside and in front of each house or other building or place made use of, or intended to be made use of by him or her for the distillation or keeping of spirituous liquors, and upon the door or usual entrance of each vault, cellar, or apartment within the same, in which any of the said liquors shall be at any time by him or her distilled, deposited or kept, or intended so to be, the words "Distiller of Spirits;" and every such distiller shall, within three days before he or she shall begin to distil therein, make a particular entry in writing, at the nearest office of inspection, if within ten miles thereof, of every such house, building, or place, and of each vault, cellar, and apartment within the same, in which he or she shall intend to carry on the business of distilling, or to keep any spirits by him or her distilled. And if any such distiller shall omit to paint or write, or cause to be painted or written the words aforesaid, in manner aforesaid, upon any such house or other building or place, or vault, cellar, or apartment thereof, or shall, in case the same be situate within the said distance of ten

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miles of any office of inspection, omit to make entry thereof as aforesaid, such distiller shall, for every such omission or neglect, forfeit one hundred dollars, and all the spirits which he or she shall keep therein, or the value thereof, to be computed at the highest price of such spirits in the market; to be recovered by action, with costs of suit, in any court proper to try the same, in the name of the supervisor of the district within which such omission or neglect shall be, for the use of the United States: *Provided always, and be it further enacted*, That the said entry to be made by persons who shall be distillers of spirits, on the first day of July next, shall be made on that day, or within three days thereafter, accompanied (except where the duties hereby imposed are charged on the still) with a true and particular account or inventory of the spirits, on that day and at the time, in every or any house, building or place by him or her entered, and of the casks, cases, and vessels, containing the same, with their marks and numbers, and the quantities and qualities of the spirits therein contained, on pain of forfeiting for neglect to make such entry, or to deliver such account, the sum of one hundred dollars, and all the spirits by him or her had or kept in any such house, building, or place, to be recovered as aforesaid.

Sec. 26. *And be it further enacted*, That the supervisor of the revenue for the district wherein any house, building, or place shall be situate, whereof entry shall be made as last aforesaid, shall as soon as may be thereafter, visit and inspect, or cause to be visited and inspected by some proper officer or officers of inspection, every such house or other building or place within his district, and shall take or cause to be taken, an exact account of the spirits therein respectively contained, and shall mark or cause to be marked in durable characters, the several casks, cases, or vessels containing the same, with progressive numbers, and also with the name of each distiller to whom the same may belong, or in whose custody the same may be, and the quantities, kinds, and proofs of spirits therein contained, and these words, "old stock." And the inspector of each survey shall keep a book, wherein he shall enter the name of every distiller, and the particulars of such old stock in the possession of each, designating the several casks, cases, and vessels containing the same and their respective quantities, kinds, proofs, and marks, and shall also give a certificate to every such distiller of the quantity and particulars of such old stock in his or her possession, and a separate certificate for each cask, case, or vessel, describing the same, which certificate shall accompany the same wheresoever it shall be sent, and such distiller, his or her agent or manager, upon the sale and delivery of any of the said spirits, shall deliver to the purchaser or purchasers thereof, the certificate or certificates that ought to accompany the same, on pain of forfeiting fifty dollars for each cask,

case, or vessel, with which such certificate shall not be delivered.

Sec. 27. *And be it further enacted*, That every importer of distilled spirits, who, on the first day of July next, shall have in his or her possession any distilled spirits, shall, within three days thereafter, make due entry thereof with the officer of inspection within whose survey the same shall then be; who shall mark the casks, vessels, or cases, containing such spirits, in like manner as is herein before directed touching such spirits as shall be in the possession of distillers on the first day of July next, and shall grant the like certificates therefor, as for such spirits, which certificates shall accompany the respective casks, cases, and vessels, to which they shall relate, wheresoever they shall be sent, and such importer, his, or her agent, upon the sale and delivery of any of the said spirits, shall deliver to the purchaser or purchasers thereof the certificate or certificates which ought to accompany the same, on pain of forfeiting fifty dollars for each cask, case, or vessel, with which such certificates shall not be delivered. And if any such importer, or importers, shall refuse or neglect to make such entry at the time, and in the manner herein directed, all such spirits as shall not be so entered shall be forfeited, and the importer, or importers, in whose custody the same shall be found, shall, moreover, forfeit the sum equal to the full value thereof, according to the highest price of such spirits in the market.

Sec. 28. *And be it further enacted*, That if any cask, case, or vessel, containing distilled spirits, which, by the foregoing provisions of this act, ought to be marked and accompanied with a certificate, shall be found in the possession of any person unaccompanied with such marks and certificate, it shall be presumptive evidence that the same are liable to forfeiture, and it shall be lawful for any officer of inspection to seize them as forfeited; and if, upon the trial, in consequence of such seizure, the owner or claimant of the spirits seized, shall not prove that the same were imported into the United States according to law, or were distilled, as mentioned in the thirteenth and fourteenth sections of this act, and the duties thereupon paid, or were distilled at one of the stills mentioned in the twentieth section of this act, they shall be adjudged to be forfeited.

Sec. 29. *And be it further enacted*, That it shall be lawful for the officers of inspection of each survey, at all times in the day time, upon request, to enter into all and every the houses, storehouses, warehouses, buildings and places, which shall have been entered in manner aforesaid, and by tasting, gauging, or otherwise, to take an account of the quantity, kinds, and proofs, of the said spirits therein contained; and also to take samples thereof, paying for the same the usual price.

Sec. 30. *And be it further enacted*, That if any person or persons shall rub out or deface any of the marks set upon any cask, vessel, or

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case, pursuant to the directions of this act, such person or persons shall, for every such offence, forfeit and pay the sum of one hundred dollars.

Sec. 31. *And be it further enacted*, That no cask, barrel, keg, vessel, or case, marked as "old stock," shall be made use of by any distiller of spirits, for putting or keeping therein any spirits, other than those which were contained therein when so marked, on pain of forfeiting the sum of one hundred dollars for every cask, barrel, keg, vessel, or case, wherein any such spirits shall be so put or kept; neither shall any such distiller have or keep any distilled spirits in any such cask, barrel, keg, vessel, or case, longer than for the space of one year from the said last day of June next, on pain of forfeiting the said spirits: *Provided*, That nothing in this section contained shall be construed to extend to casks or vessels, capable of containing two hundred gallons and upward, and which are not intended to be removed.

Sec. 32. *And be it further enacted*, That in case any of the said spirits shall be fraudulently deposited, hid, or concealed, in any place whatsoever, with intent to evade the duties thereby imposed upon them, they shall be forfeited. And for the better discovery of any such spirits so fraudulently deposited, hid, or concealed, it shall be lawful for any judge of any court of the United States, or either of them, or for any justice of the peace, upon reasonable cause of suspicion, to be made out to the satisfaction of such judge or justice by the oath or affirmation of any person or persons, by special warrant, or warrants, under their respective hands and seals, to authorize any of the officers of inspection, by day, in the presence of a constable, or other officer of the peace, to enter into all and every such place or places, in which any of the said spirits shall be suspected to be so fraudulently deposited, hid, or concealed, and to seize and carry away any of the said spirits which shall be there found so fraudulently deposited, hid, or concealed, as forfeited.

Sec. 33. *And be it further enacted*, That after the last day of June next, no spirituous liquors, except gin or cordials in cases, jugs, or bottles, shall be brought from any foreign port or place, in casks of less capacity than fifty gallons, at the least, on pain of forfeiting of the said spirits, and of the ship or vessel in which they shall be brought: *Provided always*, That nothing in this act contained shall be construed to forfeit any spirits for being imported, or brought into the United States, in other casks or vessels than as aforesaid, or the ship or vessel in which they shall be brought, if such spirits shall be for the use of the seamen on board such ship or vessel, and shall not exceed the quantity of four gallons for each seaman.

Sec. 34. *And be it further enacted*, That in every case in which any of the said spirits shall be forfeited by virtue of this act, the casks, ves-

sels, and cases, containing the same, shall also be forfeited.

Sec. 35. *And be it further enacted*, That every distiller of spirits, on which the duty is hereby charged by the gallon, shall keep, or cause to be kept, an exact account of the said spirits, which he or she shall sell, send out, or distil, distinguishing their several kinds and proofs; and shall, every day, make a just and true entry in a book, to be kept for that purpose, of the quantities and particulars of the said spirits by him or her sold, sent out or distilled on the preceding day; specifying the marks of the several casks in which they shall be so sold or sent out, and the persons to whom, and for whose use, they shall be so sold or sent out: which said books shall be prepared for the making such entries, and shall be delivered, upon demand, to the said distillers, by the supervisors of the revenue of the several districts, or by such person or persons as they shall, respectively, for that purpose, appoint, and shall be severally returned or delivered at the end of each year, or when the same shall be respectively filled up, (which shall first happen,) to the proper officers of inspection; and the truth of the entries made therein shall be verified, upon the oath or affirmation of the person by whom those entries shall have been made, and as often as the said books shall be furnished, upon like demand, by the proper officers of inspection, to the said distillers, respectively. And the said books shall, from time to time, while in the possession of the said distillers, lie open for the inspection of, and, upon request, shall be shown to, the proper officers of inspection, under whose survey the said distillers shall respectively be, who may take such minutes, memorandums, or transcripts thereof, as they may think fit. And if any such distiller shall neglect, or refuse, to keep such book or books, or to make such entries therein, or to show the same, upon request, to the proper officer of inspection, or not return the same, according to the directions of this act, he or she shall forfeit for every such refusal or neglect, the sum of one hundred dollars.

Sec. 36. *And be it further enacted*, That the penalties by this act imposed on distillers, for neglecting to make report to the inspectors, of their intentions of distilling spirits, or for neglecting to mark the houses, apartments, or vessels to be employed, or for neglecting to enter in books the quantity of spirits distilled, shall not extend to any person who shall employ one still only, and that of a capacity not exceeding fifty gallons, including the still head.

Sec. 37. *And be it further enacted*, That the several kinds of proof hereinbefore specified, shall, in marking the casks, vessels, and cases, containing any distilled spirits, be distinguished, corresponding with the order in which they are mentioned, by the words "First Proof," "Second Proof," "Third Proof," "Fourth Proof," "Fifth Proof," "Sixth Proof." And that it be the duty of the Secretary of the

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Treasury to provide and furnish to the officers of inspection and of the customs, proper instruments for ascertaining the said several proofs.

Sec. 38. *And be it further enacted*, That in any prosecution or action, which may be brought against any supervisor or other officer of inspection, for any seizure by him made, it shall be necessary for such supervisor or officer, to justify himself, by making it appear that there was probable cause for making the said seizure; upon which, and not otherwise, a verdict shall pass in his favor. And in any such action or prosecution, or in any action or prosecution which may be brought against such supervisor or other officer, for irregular or improper conduct in the execution of his duty, the trial shall be by jury. And in any action for a seizure, in which a verdict shall pass for such officer, the jury shall, nevertheless, assess reasonable damages for any prejudice or waste (according to the true amount in value thereof) which shall be shown, by good proof, to have happened to the spirits seized, in consequence of such seizure; and also for the detention of the same, at the rate of six per cent. per annum, on the true value of the said spirits at the time of such seizure, from that time to the time of restoration thereof; which shall be paid out of the treasury of the United States: *Provided*, That no damages shall be assessed when the seizure was made for want of the proper certificate or certificates, or by reason of a refusal to show any officer of inspection, upon his request, the spirits in any entered house, building, or place: *And provided also*, That if it shall appear from the verdict of the jury, that any such prejudice or waste was sustained by the negligence of the officer, he shall be responsible therefor to the United States.

Sec. 39. *And be it further enacted*, That if any supervisor, or other officer of inspection, in any criminal prosecution against him, shall be convicted of oppression or extortion in the execution of his office, he shall be fined not exceeding five hundred dollars, or imprisoned not exceeding six months, or both, at the discretion of the court; and shall also forfeit his office.

Sec. 40. *And be it further enacted*, That no fee shall be taken for any certificate to be issued or granted pursuant to this act.

Sec. 41. *And be it further enacted*, That if any of the said supervisors, or other officers of inspection, shall neglect to perform any of the duties hereby enjoined upon them, respectively, according to the true intent and meaning of this act, whereby any person or persons shall be injured or suffer damage, such person or persons shall and may have an action, founded upon this act, against such supervisors, or other officers, and shall recover full damages for the same, together with costs of suit.

Sec. 42. *And be it further enacted*, That any action or suit to be brought against any person or persons, for any thing by him or them done

in pursuance of this act, shall be commenced within three months next after the matter or thing done, and, unless brought in a court of the United States, shall be laid in the county in which the cause of action shall have arisen; and the defendant or defendants in any such action or suit, may plead the general issue, and, on the trial thereof, give this act and the special matter in evidence; and if a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs become nonsuited, or discontinue his, her, or their action or prosecution, or judgment shall be given against such plaintiff or plaintiffs, upon demurrer or otherwise, then such defendant or defendants shall have costs awarded to him, her, or them, against such plaintiff or plaintiffs.

And in order that persons who may have incurred any of the penalties of this act, without wilful negligence, or intention of fraud, may be relieved from such penalties,

Sec. 43. *Be it further enacted*, That it shall be lawful for the judge of the district within which such penalty or forfeiture shall have been incurred, at any time within one year after the last day of June next, upon petition of the party who shall have incurred the same, to inquire, in a summary way, into the circumstances of the case, first causing reasonable notice to be given to the person or persons claiming such penalty or forfeiture, and to the attorney of such district; to the end that each may have an opportunity of showing cause against the mitigation or remission thereof; and shall cause the facts, which shall appear upon such inquiry, to be stated and annexed to the petition, and direct their transmission to the Secretary of the Treasury of the United States, who shall thereupon have power to mitigate or remit such penalty or forfeiture, if it shall appear to him that such penalty or forfeiture was incurred without wilful negligence, or any design or intention of fraud, and to cause any spirits which may have been seized, to be restored to the proprietor or proprietors, upon such terms and conditions as shall appear to him reasonable.

Sec. 44. *And be it further enacted*, That the one half of all penalties and forfeitures incurred by virtue of this act, except as above provided, shall be for the benefit of the person or persons who shall make a seizure, or who shall first discover the matter or thing whereby the same shall have been incurred, and the other half to the use of the United States. And such penalty and forfeiture shall be recoverable, with costs of suit, by action of debt, in the name of the person or persons entitled thereto, or by information, in the name of the United States of America; and it shall be the duty of the attorney of the district wherein any such penalty or forfeiture may have been incurred, upon application to him, to institute or bring such information accordingly: *Provided always*, That no officer of inspection other than chief officer or officers of a survey, shall be entitled to the

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benefit of any forfeiture, unless notice of the seizure by him made, shall be by him given, within forty-eight hours next after such seizure to the said chief officer or officers; but, in such case the United States shall have the entire benefit of such forfeiture.

Sec. 45. *And be it further enacted*, That if any person or persons shall counterfeit or forge, or cause to be counterfeited or forged, any of the certificates hereinbefore directed to be given, or shall knowingly or willingly accept or receive any false or untrue certificate, with any of the said spirits, or shall fraudulently alter or erase any such certificate after the same shall be given, or knowingly or willingly publish or make use of such certificate so counterfeited, forged, false, untrue, altered, or erased, every person so offending, shall, for each and every offence, forfeit and pay the sum of five hundred dollars.

Sec. 46. *And be it further enacted*, That any person or persons that shall be convicted of wilfully taking a false oath or affirmation, in any of the cases in which oaths or affirmations are required to be taken by virtue of this act, shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury.

Sec. 47. *And be it further enacted*, That if any person or persons shall give, or offer to give, any bribe, recompense or reward whatsoever, to any supervisor, or other officer of inspection of the revenue, in order to corrupt, persuade, or prevail upon, such officer, either to do any act or acts contrary to his duty in the execution of this act, or to neglect or omit to do any act or thing which he ought to do in the execution of this act, or to connive at, or to conceal, any fraud or frauds relating to the duties hereby imposed on any of the said spirits, or not to discover the same, every such person or persons shall, for such offence, whether the same offer or proposal be accepted or not, forfeit and pay a sum not exceeding five hundred dollars.

Sec. 48. *And be it further enacted*, That if any person or persons shall forcibly obstruct or hinder any supervisor, or other officer of inspection, in the execution of this act, or of any of the powers or authorities hereby vested in him, or shall forcibly rescue, or cause to be rescued, any of the said spirits, after the same shall have been seized by any such supervisor, or other officer, or shall attempt or endeavor so to do, all and every person and persons so offending, shall, for every such offence, for which no other penalty is particularly provided by this act, forfeit and pay a sum not exceeding two hundred dollars.

Sec. 49. *And be it further enacted*, That if any such supervisor, or other officer, shall enter into any collusion with any person or persons, for violating or evading any of the provisions of this act, or the duties hereby imposed, or shall fraudulently concur in the delivery of any of the said spirits, out of any house, build-

ing or place, wherein the same are deposited, without payment, or security for the payment, of the duties thereupon, or shall falsely or fraudulently mark any cask, case, or vessel, contrary to any of the said provisions, or shall embezzle the public money, or otherwise be guilty of fraud in his office, such supervisor, or other officer, shall, for every such offence, forfeit the sum of one thousand dollars, and, upon conviction of any of the said offences, shall forfeit his office, and shall be disqualified for holding any other office under the United States.

Sec. 50. *And be it further enacted*, That in every case in which an oath or affirmation is required by virtue of this act, it shall be lawful for the supervisors of the revenue, or any of them, or their lawful deputy, or the lawful deputy of one of them, where not more than one in a district, to administer and take such oath or affirmation. And that wherever there are more than one supervisor for one district, a majority of them may execute all and any of the powers and authorities hereby vested in the supervisors of the revenue: *Provided*, That this shall not be construed to make a majority necessary in any case in which, according to the nature of the appointment or service, and the true intent of this act, the authority is or ought to be several.

And for the encouragement of the export trade of the United States:

Sec. 51. *Be it further enacted*, That if any of the said spirits (whereupon any of the duties imposed by this act shall have been paid or secured to be paid) shall, after the last day of June next, be exported from the United States, to any foreign port or place, there shall be an allowance to the exporter or exporters thereof, by way of drawback, equal to the duties thereupon, according to the rates in each case by this act imposed, deducting therefrom half a cent per gallon, and adding to the allowance upon spirits distilled within the United States from molasses, which shall be so exported, three cents per gallon, as an equivalent for the duty laid upon molasses by the said act making further provision for the payment of the debts of the United States: *Provided always*, That the said allowance shall not be made, unless the said exporter or exporters shall observe the regulations hereinafter prescribed: *And provided further*, That nothing herein contained shall be construed to alter the provisions in the said former act, concerning drawbacks or allowances in nature thereof, upon spirits imported prior to the first day of July next.

Sec. 52. *And be it further enacted*, That in order to entitle the said exporter or exporters to the benefit of the said allowances, he, she, or they, shall, previous to putting or lading any of the said spirits on board of any ship or vessel for exportation, give twenty-four hours' notice at the least, to the proper officer of inspection of the port from which the said spirits shall be intended to be exported, of his, her, or

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their, intention to export the same, and of the number of casks, vessels, and cases, or either of them, containing the said spirits so intended to be exported, and of the respective marks thereof, and of the place or places where the said spirits shall be then deposited, and of the place to which, and ship or vessel in which they shall be so intended to be exported; whereupon it shall be the duty of the said officer to inspect, by himself or deputy, the casks, vessels, and cases, so noticed for exportation, and the quantities, kinds, and proofs, of the spirits therein, together with the certificates which ought to accompany the same, according to the directions of this act, which shall be produced to him for that purpose; and if he shall find that the said casks, vessels, and cases, have the proper marks, according to the directions of this act, and that the spirits therein correspond with the said certificates, he shall thereupon brand each cask, vessel, or case, with the word "exportation;" and that the said spirits shall, after such inspection, be laden on board the same ship or vessel, of which notice shall have been given, and in the presence of the same officer who shall have examined the same, and whose duty it shall be to attend for that purpose. And after the said spirits shall be laden on board such ship or vessel, the certificates aforesaid shall be delivered to the said officer, who shall certify, to the collector of the said district, the amount and particulars of the spirits so exported, and shall also deliver the said certificates, which shall have been by him received, to the said collector, which shall be a voucher to him for payment of the said allowance.

Sec. 53. *Provided nevertheless, and be it further enacted*, That the said allowance shall not be made, unless the said exporter or exporters shall make oath, or affirmation, that the said spirits so noticed for exportation, and laden on board such ship or vessel, are truly intended to be exported to the place whereof notice shall have been given, and are not intended to be re-landed within the United States; and that he or she doth verily believe that the duties thereupon charged by this act, have been duly paid, or secured to be paid; and shall also give bond to the collector, with two sureties, one of whom shall be the master, or other person having the command or charge of the ship or vessel, in which the said spirits shall be intended to be exported; the other, such sufficient person as shall be approved by the said collector, in the full value, in the judgment of the said collector, of the said spirits so intended to be exported, with the condition that the said spirits, (the dangers of the seas and enemies excepted) shall be really and truly exported to, and landed in, some port or place without the limits of the United States, and that the said spirits shall not be unshipped from on board of the said ship or vessel, whereupon the same shall have been laden for exportation, within the said limits, or any ports or harbors of the United

States, or re-landed in any other part of the same, (shipwreck or other unavoidable accident excepted.)

Sec. 54. *Provided also, and be it further enacted*, That the said allowance shall not be paid until six months after the said spirits shall have been so exported: *And provided also*, That whenever the owner of any ship or vessel, on board of which any such spirits are laden for exportation, shall make known to the collector, previous to the departure of such ship or vessel from the port where such spirits are laden, that such ship or vessel is not going to proceed the voyage intended, or the voyage is altered, it shall be lawful for the collector to grant a permit for the re-landing the same.

Sec. 55. *And be it further enacted*, That if any of the said spirits, after the same shall have been shipped for exportation, shall be unshipped for any purpose whatever, either within the limits of any part of the United States, or within four leagues of the coast thereof, or shall be re-landed within the United States, from on board the ship or vessel wherein the same shall have been laden for exportation, unless the voyage shall not be proceeded on, or shall be altered as aforesaid, or unless, in case of necessity or distress, to save the ship and goods from perishing, which shall be immediately made known to the principal officer of the customs, residing at the port nearest to which such ship or vessel shall be at the time such necessity or distress shall arise, then, not only the spirits so unshipped, together with the casks, vessels, and cases, containing the same, but also the ship or vessel in or on board which the same shall have been so shipped or laden, together with her guns, furniture, ammunition, tackle, and apparel; and also the ship, vessel, or boat, into which the said spirits shall be unshipped or put, after the unshipping thereof, together with her guns, furniture, ammunition, tackle, and apparel, shall be forfeited, and may be seized by any officer of the customs, or of inspection.

Sec. 56. *And be it further enacted*, That the said allowance shall not be made when the said spirits shall be exported in any other than a ship or vessel of the burthen of thirty tons and upwards, to be ascertained to the satisfaction of the collector of the district from which the same shall be intended to be exported.

Sec. 57. *And be it further enacted*, That the bonds to be given as aforesaid, shall and may be discharged by producing, within one year from the respective dates thereof, (if the same be shipped to any part of Europe or America, and within two years if shipped to any part of Asia or Africa, and if the delivery of the spirits in respect to which the same shall have been given, be at any place where a consul or other agent of the United States resides) a certificate of such consul or agent, or if there be no such consul or agent, then a certificate of any two known and reputable American merchants, residing at the said place; and if there

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be not two such merchants residing at the said place, then a certificate of any other two reputable merchants, testifying the delivery of the said spirits at the said place. Which certificate shall, in each case, be confirmed by the oath or affirmation of the master and mate, or other like officer, of the vessel in which the said spirits shall have been exported; and when such certificate shall be from any other than a consul or agent, or merchants of the United States, it shall be a part of the said oath or affirmation, that there were not, upon diligent inquiry, to be found, two merchants of the United States at the said place: *Provided always*, That in the case of death, the oath or affirmation of the party dying shall not be deemed necessary: *And provided further*, That the said oath or affirmation, taken before the chief civil magistrate of the place of the said delivery, and certified under his hand and seal, shall be of the same validity as if taken before a person qualified to administer oaths within the United States; or such bonds shall and may be discharged upon proof that the spirits so exported, were taken by enemies, or perished in the sea, or destroyed by fire; the examination and proof of the same being left to the judgment of the collector of the customs, naval officer, and chief officer of inspection, or any two of them, of the place from which such spirits shall have been exported. And in cases where the certificates herein directed cannot be obtained, the exporter or exporters of such spirits shall, nevertheless, be permitted to offer such other proof, as to the delivery of the said spirits without the limits of the United States, as he or they may have; and if the same shall be deemed sufficient by the said collector, he shall allow the same, except when the drawback to be allowed shall amount to one hundred dollars or upwards; in all which cases the proofs aforesaid shall be referred to the Comptroller of the Treasury, whose decision thereon shall be final.

Sec. 58. *And be it further enacted*, That it shall and may be lawful for the President of the United States, from time to time, to make such allowances to the said supervisors, inspectors, and to the deputies and officers by them to be appointed and employed, for their respective services in the execution of this act, to be paid out of the product of the said duties, as he shall deem reasonable and proper: *Provided always*, That the aggregate amount of the allowances to all the said supervisors, inspectors, and other officers, shall not exceed seven per cent. of the whole product of the duties arising from the spirits distilled within the United States: *And provided also*, That such allowance shall not exceed the annual amount of forty-five thousand dollars, until the same shall be further ascertained by law.

Sec. 59. *And be it further enacted*, That this act shall commence and take effect as to all matters therein contained, in respect to which no special commencement is hereby pro-

vided, (except as to the appointment of officers, and regulation of the districts and surveys) from and immediately after the last day of June next.

Sec. 60. *And be it further enacted*, That the nett product of the duties hereinbefore specified, which shall be raised, levied, and collected, by virtue of this act, or so much thereof as may be necessary, shall be, and is hereby, pledged and appropriated for the payment of the interest of the several and respective loans which had been made, in foreign countries, prior to the fourth day of August last; and also, upon all and every the loan and loans which have been and shall be made and obtained pursuant to the act, entitled "An act making provision for the debt of the United States;" and according to the true intent and meaning of the said act, and of the several provisions and engagements therein contained and expressed, and subject to the like priorities and reservations as are made and contained in and by the said act, in respect to the moneys therein appropriated, and subject to this further reservation, that is to say: of the nett amount or product, during the present year, of the duties laid by this act, in addition to those heretofore laid upon spirits imported into the United States from any foreign port or place, and of the duties laid by this act, on spirits distilled within the United States, and on stills; to be disposed of towards such purposes for which appropriations shall be made during the present session. And to the end that the said moneys may be inviolably applied in conformity to the appropriation hereby made, and may never be diverted to any other purpose, until the final redemption or reimbursement of the loans or sums for the payment of the interest whereof they are appropriated; an account shall be kept of the receipts and disposition thereof, separate and distinct from the product of any other duties, impost, excise, and taxes, whatsoever, except those heretofore laid and appropriated to the same purposes.

Sec. 61. *And be it further enacted*, That the unappropriated surplus, if any there shall be, of the revenue arising under this act, at the end of this and every succeeding year, shall be applied to the reduction of the public debt, in like manner as is directed by the act, entitled "An act making provision for the reduction of the public debt;" and provided by the act, entitled "An act making provision for the debt of the United States;" unless the said surplus, or any part thereof, shall be required for the public exigencies of the United States, and shall, by special acts of Congress, be appropriated thereto.

Sec. 62. *And be it further enacted*, That the several duties imposed by this act shall continue to be collected and paid, until the debts and purposes for which they are pledged and appropriated shall be fully discharged and satisfied, and no longer: *Provided always*, That nothing herein contained shall be construed to

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prevent the Legislature of the United States from substituting other duties or taxes, of equal value to all or any of the said duties and imposts.

Approved, March 3, 1791.

An Act making an appropriation for the purpose therein mentioned.

Be it enacted, &c., That for the purpose of effecting a recognition of the treaty of the United States, with the new Emperor of Morocco, there be, and hereby is, appropriated, a sum not exceeding twenty thousand dollars, to be paid out of the moneys which, prior to the first day of January next, shall arise from the duties imposed upon spirits distilled within the United States, and from stills, by the act entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the same," together with the excess of duties which may arise from the duties imposed by the said act on imported spirits, beyond those which would have arisen by the act, entitled "An act making further provision for the payment of the debts of the United States." And the President is hereby authorized to take on loan, the whole sum by this act appropriated, or so much thereof as he may judge requisite, at an interest not exceeding six per cent. per annum, and the fund established for the above mentioned appropriation is hereby pledged for the re-payment of the principal and interest of any loan to be obtained in manner aforesaid, and in case of any deficiency in the said fund, the faith of the United States is hereby also pledged to make good such deficiency.

Approved, March 3, 1791.

An Act to amend "An act for establishing the temporary and permanent seat of the Government of the United States."

Be it enacted, &c., That so much of the act, entitled "An act for establishing the temporary and permanent seat of the Government of the United States," as requires that the whole of the district of territory, not exceeding ten miles square, to be located on the river Potomac, for the permanent seat of the Government of the United States, shall be located above the mouth of the Eastern Branch, be, and is hereby, repealed; and that it shall be lawful for the President to make any part of the territory below the said limit, and above the mouth of Hunting creek, a part of the said district, so as to include a convenient part of the Eastern Branch, and of the lands lying on the lower side thereof, and also the town of Alexandria; and the territory so to be included shall form a part of the district not exceeding ten miles square, for the permanent seat of the Government of the United States, in like manner, and

to all intents and purposes, as if the same had been within the purview of the above recited act: *Provided,* That nothing herein contained shall authorize the erection of the public buildings otherwise than on the Maryland side of the river Potomac, as required by the aforesaid act.

Approved, March 3, 1791.

An Act supplemental to the "Act establishing the Treasury Department," and for a further compensation to certain officers.

Be it enacted, &c., That the eighth section of the act, entitled "An act to establish the Treasury Department," passed the second day of September, one thousand seven hundred and eighty-nine, shall be, and the same is hereby, extended to all and every of the clerks employed in the Treasury Department, as fully and effectually as if they, and every of them, were specially named therein, except as to the penalty in such section mentioned, which, in case of any such clerk offending against the provisions of the said section, shall be five hundred dollars, and removal from office.

Sec. 2. *And be it further enacted,* That each and every clerk, and other officer already appointed in any of the departments of the United States, (and who have not, since their appointment, taken the oath or affirmation hereafter mentioned,) shall, within fifteen days after the passing of this act, and those who shall hereafter be appointed, shall, before they enter upon the duties of such appointment, take an oath or affirmation, before one of the justices of the Supreme Court, or one of the judges of a district court of the United States, to support the constitution of the United States, and also an oath or affirmation, well and faithfully to execute the trust committed to him, which oaths or affirmations, subscribed by such clerk, and certified by the person administering the same, shall be filed in the office of the person employing such clerk.

Sec. 3. *And be it further enacted,* That it shall and may be lawful for the principal in any of the offices of the United States, who is authorized by law to appoint clerks under him; to allow to each clerk such compensation for his services as he shall, in the opinion of such officer, deserve for the same: *Provided,* That the whole sum to be expended for clerks in any such office (except the chief clerk) shall not exceed a sum equal to five hundred dollars per annum for every clerk employed therein.

Sec. 4. *And be it further enacted by the authority aforesaid,* That there shall be allowed for one year, commencing with the passing of this act, to the register, two hundred and fifty dollars; and to the auditor, the comptroller of the Treasury, and the attorney general, four hundred dollars each, in addition to their respective salaries, and to be paid in the same manner.

Approved, March 3, 1791.

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An Act relative to the rix dollar of Denmark.

Be it enacted, &c., That so much of an act, entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels," as hath rated the rix dollar of Denmark at one hundred cents, be, and the same is hereby, repealed; and that this repeal shall be deemed to operate in respect to all duties which have already arisen or accrued, as well as to such as shall hereafter arise or accrue.

Approved, March 3, 1791.

An Act in addition to an act, entitled "An act for establishing the salaries of the executive officers of Government, with their assistants and clerks."

Be it enacted, &c., That from and after the passing of this act, there shall be allowed to the chief clerk of the auditor, the annual sum of two hundred dollars, in addition to the salary allowed to him by the act, entitled "An act establishing the salaries of the executive officers of Government, with their assistants and clerks," to be paid at the Treasury of the United States, in quarterly payments, and from like appropriations as may be assigned for the payment of the other salaries mentioned in the above recited act.

Sec. 2. And be it further enacted, That there be allowed to the clerks employed in the several offices attached to the seat of Government, in addition to their respective salaries, their reasonable and necessary expenses, incurred by the removal of Congress from the city of New York to the city of Philadelphia.

Sec. 3. And be it further enacted, That there be allowed to the assistant Secretary of the Treasury, in addition to his salary for one year, commencing with the passing of this act, four hundred dollars, to be paid in the same manner as his salary.

Approved, March 3, 1791.

An Act for making compensation to the commissioners of loans, for extraordinary expenses.

Be it enacted, &c., That the commissioners of loans in the several States, shall be allowed, in the settlement of their accounts, such sums as shall appear to have been necessarily expended by them in the purchase of stationery for the use of their several offices, from the commencement of the same to the first day of October next.

Sec. 2. And be it further enacted, That the commissioners of loans in the several States shall be allowed, in the settlement of their several accounts, such sums as they shall have necessarily expended for the hire of clerks to assist in executing the duties of their several offices, from the commencement of the same to the first day of October next.

Approved, March 3, 1791.

An Act providing compensations for the officers of the judicial courts of the United States, and for jurors and witnesses, and for other purposes.

Be it enacted, &c., That there be allowed to the several officers following, in addition to the fees (except mileage to the marshals) to which they are otherwise by law entitled, and also to jurors and witnesses, in the courts of the United States, the following respective compensations, that is to say: To the attorney of the United States for the district, for his expenses and time in travelling from the place of his abode to any court of the United States, on which his attendance shall be requisite, at the rate of ten cents per mile going, and the same allowance for returning; to the clerk of the district court, for attending in the district or circuit court, five dollars per day, and the like compensation for travelling as is above allowed to the attorney for the district; to the clerk of the supreme court, for attending in court, eight dollars per day; to the marshal of the district, for attending the supreme, circuit, or district courts, five dollars per day; for summoning a grand jury, three dollars; and for summoning a petit jury, two dollars; and for serving and returning a writ, five cents per mile for his necessary travel; to the grand and petit jurors, each, fifty cents per day for attending in court, and for travelling, at the rate of fifty cents for every ten miles from their respective places of abode to the place where the court is held, and the like allowance for returning; to witnesses, summoned on the part of the United States, or in behalf of any prisoner to be tried for any capital offence in any of the courts thereof, the same compensation as is above allowed to grand and petit jurors. That the several officers above specified shall be deemed to have been entitled to the above respective compensations, from the time of their respective appointments; and that the grand and petit jurors and witnesses, who have heretofore attended, shall also be deemed entitled to the above compensation, in like manner as those who shall hereafter attend. That there shall also be paid to the marshal the amount of the expense for fuel, candles, and other reasonable contingencies for holding a court, as hath accrued, or shall accrue; and the compensations to the grand and petit jurors, and witnesses, shall be included in the account of, and paid to, the marshal, to the use of, and be by him accordingly paid over to, the several persons entitled to the same: and the accounts of the several officers for the compensations aforesaid, (except mileage to the marshal for the service of writs in civil causes,) having been previously examined and certified by the judge of the district, shall be passed in the usual manner at, and the amount thereof paid out of, the Treasury of the United States. And a sum, arising from the fines and forfeitures to the United States, and equal to the amount thereof, is hereby appropriated for the payment of the above accounts.

Sec. 2. And be it further enacted, That in-

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stead of the provisions in that respect heretofore made, the first session of the circuit courts in the eastern circuit, after the passing of this act, shall commence at the times following, that is to say: In New York district on the fifth, and in Connecticut district on the twenty-fifth, days of April next; in Massachusetts district on the twelfth, and in New Hampshire district on the twenty-fourth, days of May next; and in Rhode Island district on the seventh day of June next; and the subsequent sessions in the respective districts, on the like days of every sixth calendar month thereafter, except when any of those days shall happen on a Sunday, and then the sessions shall commence on the next day following. And the sessions of the said circuit court shall be held in New Hampshire district, at Portsmouth and Exeter, alternately, beginning at the first, in Massachusetts district, at Boston; in Rhode Island district, at Newport and Providence, alternately, beginning, at the first, in Connecticut district, at Hartford and New Haven, alternately, beginning at the last; and in New York district, at the city of New York only.

Sec. 3. *And be it further enacted*, That from and after the passing of this act, instead of the provisions in the act for that purpose, the sessions of the circuit court for the district of Virginia shall be holden in the city of Richmond only.

Sec. 4. *And be it further enacted*, That this act shall continue in force until the end of the next session of Congress, and no longer.

Approved, March 3, 1791.

An Act to continue in force, for a limited time, an act, entitled "An act for the temporary establishment of the Post-office."

Be it enacted, &c., That the act passed the first session of Congress, entitled "An act for the temporary establishment of the Post-office," be, and the same is hereby continued in full force until the end of the next session of Congress, and no longer.

Sec. 2. *And be it further enacted*, That all letters to and from the treasurer, comptroller, and auditor, of the treasury, and the assistant to the Secretary of the Treasury, on public service, shall be received and conveyed by the post, free of postage.

Sec. 3. *And be it further enacted*, That the Postmaster General shall be, and he is hereby, authorized to extend the carrying the mail from Albany, in the State of New York, to Bennington, in the State of Vermont.

Approved, March 3, 1791.

An Act to continue in force the act therein mentioned, and to make further provision for the payment of pensions to invalids, and for the support of light-houses, beacons, buoys, and public piers.

Be it enacted, &c., That the act, entitled "An act to provide for mitigating or remitting

the forfeitures and penalties, accruing under the revenue laws, in certain cases therein mentioned," shall be, and is hereby, continued in force until the end of the next session of Congress, and no longer.

Sec. 2. *And be it further enacted*, That the yearly pensions which have been allowed by or in pursuance of any act or law of the United States, to persons who were wounded and disabled during the late war, shall, for the space of one year from the fourth day of March next, be paid out of the Treasury of the United States, under such regulations as the President of the United States may direct.

Sec. 3. *And be it further enacted*, That all expenses which shall accrue from the first day of July next, inclusively, for the necessary support, maintenance, and repairs of all light-houses, beacons, buoys, and public piers, shall continue to be defrayed by the United States, until the first day of July, in the year one thousand seven hundred and ninety-two, notwithstanding such light-houses, beacons, buoys, or public piers, with the lands and tenements thereunto belonging, and the jurisdiction of the same, shall not, in the mean time, be ceded to or vested in the United States, by the State or States, respectively, in which the same may be, and that the said time be further allowed to the States, respectively, to make such cession: *Provided*, That nothing in the said act shall be construed to limit or restrain the power of the President of the United States, to grant pardons for offences against the United States.

Approved, March 3, 1791.

An act supplementary to the act making provision for the reduction of the public debt.

Whereas it hath been made known to Congress that the President of the United States, in consequence of "An act making provision for the reduction of the public debt," hath caused a certain loan to be made in Holland, on account of the United States, to the amount of three millions of florins, bearing an interest of five per centum per annum, and reimbursable in six yearly instalments, commencing in the year one thousand eight hundred, and ending in the year one thousand eight hundred and six, or at any time sooner, in whole or in part, at the option of the United States:

And whereas it hath been also stated to Congress, that the charges upon the said loan have amounted to four and a half per centum, whereby a doubt hath arisen, whether the said loan be within the meaning of the said last mentioned act, which limits the rate of interest to five per centum per annum:

And whereas it is expedient that the said doubt be removed:

Be it enacted, &c., That the loan aforesaid shall be deemed and construed to be within the true intent and meaning of the said act, entitled "An act making provision for the reduction of the public debt," and that any further

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loan, to the extent of the principal sum authorized to be borrowed by the said act, the interest whereof shall be five per centum per annum, and the charges whereof shall not exceed the said rate of four and a half per centum, shall, in like manner, be deemed and construed to be within the true intent and meaning of the said act.

Approved, March 3, 1791.

An Act making further provision for the collection of the duties by law imposed on teas, and to prolong the term for the payment of the duties on wines.

Whereas it is conceived that the following regulations concerning teas may be conducive both to the accommodation of the importers thereof, and to the security of the revenue:

Be it enacted, &c., That in addition to the provisions contained in the fortieth and forty-first sections of the act, entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels," as they regard the payment, or securing the payment, of the duties on teas, it shall be lawful for every importer of teas, if he or she shall elect so to do, to give his or her bond to the collector of the district in which any of the said teas shall be landed, in double the amount of the duties thereupon, with condition for the payment of the said duties in two years from the date of such bond; which bond shall be accepted by such collector, without surety, upon the terms following: that is to say, the teas, for the duties whereof the said bond shall be accepted, shall be deposited at the expense and risk of the said importer, in one or more storehouse or storehouses, as the case may require to be agreed upon between the said importer and the inspector, or other officer of inspection of the revenue, for the port where the said teas shall be landed; and upon every such storehouse the said inspector or officer of inspection shall cause to be affixed two locks, the key of one of which locks shall be kept by such importer, his or her agent, and the key of the other of which locks shall be kept by the said inspector, or by such other person as he shall depute and appoint in that behalf, whose duty it shall be to attend, at all reasonable times, for the purpose of delivering the said teas out of the said storehouse or storehouses; but no delivery shall be made of any of the said teas without a permit in writing, under the hand of the said inspector or officer of inspection. And in order to the obtaining of such permit, it shall be necessary that the duties upon the teas, for which the same shall be required, be first paid, or, at the option of the party or parties applying for the same, secured to be paid in manner following: that is to say, the said party or parties shall give bond, with one or more surety or sureties, to the sa-

tisfaction of the said inspector, in double the amount of the duties upon the quantity of teas in each case to be delivered, with condition for the payment of the said duties, if the same shall not exceed one hundred dollars in four months; or, if the same shall exceed one hundred dollars, and shall not exceed five hundred dollars, in eight months; or, if the same shall exceed five hundred dollars, in twelve months. *Provided always,* That the time to be allowed for the payment of the duties upon any parcel of teas to be delivered, shall not be such as to extend the credit for such duties beyond the term of two years, originally allowed upon the depositing of the said teas.

Sec. 2. *And be it further enacted,* That if the duties on any parcel of teas which shall have been deposited as aforesaid, shall not have been paid, or secured to be paid, in manner last specified, within the term of two years, according to the condition of the obligation to be given to the collector of the district within which the same shall have been landed, it shall be the duty of the said collector to cause so much of the said teas as may be necessary, to be sold at public auction, and retaining the sum which shall not have been so paid or secured of the said duties, together with the expenses of safe-keeping and sale of the said teas, shall return the overplus, if any, to the owner or owners thereof, his, her, or their agent, or lawful representative.

Sec. 3. *And be it further enacted,* That the bonds which have been or shall be directed to be given, by this or any other act, for moneys or duties to be paid or performed to the United States, shall be taken in the name of the United States of America, unless special direction shall have been given to take them in some other name. And the bonds to be taken as aforesaid, by any inspector of the revenue, shall be delivered by him forthwith to the collector of the district within which the teas, to which they may relate, shall have been landed, in order to the collection of the moneys therein specified. And the permits which shall have been granted by such inspector, for the delivery of any teas out of any storehouse wherein they shall have been deposited, shall be received by such collector towards satisfying any bond which shall have been, in the first instance, taken by the said collector, touching the said teas; which permits shall, therefore, specify the amount of the duties which shall have been paid or secured upon the teas to be delivered in virtue thereof, and the name of the ship or vessel in which they shall have been imported, and of the importer or importers thereof.

Sec. 4. *And be it further enacted,* That all teas, which, after the first day of April next, shall be imported into the United States from any foreign port or place, shall be landed under the care of the inspectors of the revenue for the ports where the same shall be respectively landed; and, for that purpose, every permit which shall be granted by any collector for land-

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ing the same, shall, prior to such landing, be produced to the said inspector, who, by an endorsement thereupon under his own hand, shall signify the production thereof to him, and the time when; after which, and not otherwise, it shall be lawful to land the teas mentioned in such permit. And the said inspector shall make an entry of all such permits, and of the contents thereof; and each chest, box, or package, containing any teas, shall be marked by the officer under whose immediate inspection the same shall be landed, in legible and durable characters, with progressive numbers, and with the name of the vessel in which the same shall have been imported. And the said officer shall grant a certificate for each such chest, box, or package, specifying therein the name or names of the importer or importers, the ship or vessel in which the same shall have been imported, and the number thereof, to accompany the same wheresoever it shall be sent.

And whereas, for the payment of the duties accruing on Madeira wines, and which may be secured by bond, the term of twelve months is allowed; and it is proper to extend, in like manner, the payment of the duties accruing on other wines;

Sec. 5. Therefore, *Be it enacted*, That, for the payment of the duties on other than Madeira wines, and which shall be secured by bond, such bond shall be taken with condition for the payment of the duties in twelve months, in like manner as by law is directed for the payment of the duties on Madeira wines.

Approved, March 3, 1791.

An Act for granting lands to the inhabitants and settlers at Vincennes, and the Illinois country, in the territory northwest of the Ohio, and for confirming them in their possessions.

Be it enacted, &c., That four hundred acres of land be given to each of those persons, who, in the year one thousand seven hundred and eighty-three, were heads of families at Vincennes, or in the Illinois country, on the Mississippi, and who, since that time, have removed from one of the said places to the other. And the Governor of the territory northwest of the Ohio is hereby directed to cause the same to be laid out for them, at their own expense, either at Vincennes or in the Illinois country, as they shall severally elect.

Sec. 2. *And be it further enacted and declared*, That the heads of families at Vincennes, or in the Illinois country, in the year one thousand seven hundred and eighty-three, who afterwards removed without the limits of the said territory, are, notwithstanding, entitled to the donation of four hundred acres of land made by the resolve of Congress of the twenty-ninth of August, one thousand seven hundred and eighty-eight; and the Governor of the said territory; upon application to him for that purpose, is hereby directed to cause the same to be laid out for such heads of families, or their heirs;

and shall also cause to be laid off and confirmed to such persons, the several tracts of land which they may have possessed, and which, before the year one thousand seven hundred and eighty-three, may have been allotted to them according to the laws and usages of the Government under which they had respectively settled: *Provided, nevertheless*, That if such persons, or their heirs, do not return and occupy the said lands within five years, such lands shall be considered as forfeited to the United States.

Sec. 3. *And be it further enacted*, That one hundred and fifty acres of land, heretofore in possession of the Piankeshaw Indians, and now under actual improvement, and constituting a part of the village of Vincennes, be given to the persons who are severally in possession of the said land.

Sec. 4. *And be it further enacted*, That where lands have been actually improved and cultivated at Vincennes, or in the Illinois country, under a supposed grant of the same, by any commandant or court claiming authority to make such grant, the Governor of the said territory be, and he hereby is, empowered to confirm to the persons who made such improvements, their heirs or assigns, the lands supposed to have been granted as aforesaid, or such parts thereof as he, in his discretion, may judge reasonable, not exceeding to any one person four hundred acres.

Sec. 5. *And be it further enacted*, That a tract of land, containing about five thousand four hundred acres, which, for many years, has been fenced and used by the inhabitants of Vincennes as a common, also a tract of land including the villages of Cohos and Prairie du Pont, and heretofore used by the inhabitants of the said village as a common, be, and the same are hereby, appropriated to the use of the inhabitants of Vincennes, and of the said village, respectively, to be used by them as a common, until otherwise disposed of by law.

Sec. 6. *And be it further enacted*, That the governor of the said territory be authorized to make a grant of land, not exceeding one hundred acres, to each person who hath not obtained any donation of land from the United States, and who, on the first day of August, one thousand seven hundred and ninety, was enrolled in the militia at Vincennes, or in the Illinois country, and has done militia duty, the said land to be laid out at the expense of the grantees, and in such form and place as the said Governor shall direct: *Provided, nevertheless*, That no claim founded upon purchase or otherwise, shall be admitted within a tract of land heretofore occupied by the Kaskaskia nation of Indians, and including their village, which is hereby appropriated to the use of the said Indians.

Sec. 7. *And be it further enacted*, That two lots of land, heretofore in the occupation of the priests at Cahokia, and situated near that village, be, and the same is hereby, granted in fee

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to P. Gibault; and that a tract of land at Kaskaskia, formerly occupied by the Jesuits, be laid off and confirmed to St. Jam Beauvais, who claims the same in virtue of a purchase thereof.

Sec. 8. *And be it further enacted*, That so much of the act of Congress of the twenty-eighth of August, one thousand seven hundred and eighty-eight, as refers to the locations of certain tracts of land directed to be run out and reserved for donations, to the ancient settlers in the Illinois country, be, and the same is hereby, repealed, and the Governor of the said territory is directed to lay out the same, agreeably to the act of Congress of the twentieth of June, one thousand seven hundred and eighty-eight.

Approved, March 3, 1791.

An Act for raising and adding another regiment to the military establishment of the United States, and for making further provision for the protection of the frontiers.

Be it enacted, &c., That there shall be raised an additional regiment of infantry, which, exclusive of the commissioned officers, shall consist of nine hundred and twelve non-commissioned officers, privates, and musicians.

Sec. 2. *And be it further enacted*, That the said regiment shall be organized in the same manner as the regiment of infantry described in the act, entitled "An act for regulating the military establishment of the United States."

Sec. 3. *And be it further enacted*, That the troops aforesaid, by this act to be raised, including the officers, shall receive the same pay and allowances, be subject to the same rules and regulations, and be engaged for the like term, and upon the same conditions, in all respects, excepting the bounty hereinafter mentioned, as are stipulated for the troops of the United States, in the beforementioned act.

Sec. 4. *And be it further enacted*, That each non-commissioned officer, private, and musician, who has enlisted, or shall enlist, pursuant to the act aforesaid, or who shall enlist pursuant to this act, shall be entitled to receive six dollars as a bounty.

Sec. 5. *And be it further enacted*, That in case the President of the United States should deem the employment of a major general, brigadier general, a quartermaster, and chaplain, or either of them, essential to the public interest, that he be, and he hereby is, empowered, by and with the advice and consent of the Senate, to appoint the same accordingly. And a major general, so appointed, may choose his aid-de-camp, and a brigadier general his brigade major, from the captains or subalterns of the line: *Provided always*, That the major general and brigadier general so to be appointed, shall, respectively, continue in pay during such term only, as the President of the United States, in his discretion, shall deem it requisite for the public service.

Sec. 6. *And be it further enacted*, That in

case a major general, brigadier general, quartermaster, aid-de-camp, brigade major, and chaplain, should be appointed, their pay and allowances shall be, respectively, as herein mentioned. The major general shall be entitled to one hundred and twenty-five dollars, monthly pay, twenty dollars allowance for forage, monthly, and for daily subsistence fifteen rations, or money in lieu thereof, at the contract price; the brigadier general shall be entitled to ninety-four dollars, monthly pay, with sixteen dollars allowance for forage, monthly, and for daily subsistence twelve rations, or money in lieu thereof, at the contract price; that the quartermaster shall be entitled to the same pay, rations, and forage, as the lieutenant colonel commandant of a regiment; that the aid-de-camp be entitled, including all allowances, to the same pay, rations, and forage, as a major of a regiment; that the brigade major be entitled, including all allowances, to the same pay, rations, and forage, as a major of a regiment; that the chaplain be entitled to fifty dollars per month, including pay, rations, and forage.

Sec. 7. *And be it further enacted*, That if, in the opinion of the President, it shall be conducive to the good of the service, to engage a body of militia to serve as cavalry, they furnishing their own horses, arms, and provisions, it shall be lawful for him to offer such allowances, to encourage their engaging in the service, for such time, and on such terms, as he shall deem it expedient to prescribe.

Sec. 8. *And be it further enacted*, That if the President should be of opinion that it will be conducive to the public service to employ troops enlisted under the denomination of levies, in addition to, or in place of, the militia which, in virtue of the powers vested in him by law, he is authorized to call into the service of the United States, it shall be lawful for him to raise, for a term not exceeding six months, (to be discharged sooner if the public service will permit,) a corps, not exceeding two thousand non-commissioned officers, privates, and musicians, with a suitable number of commissioned officers. And in case it shall appear probable to the President that the regiment directed to be raised by the aforesaid act, and by this act, will not be completed in time to prosecute such military operations as exigencies may require, it shall be lawful for the President to make a substitute for the deficiency, by raising such further number of levies, or by calling into the service of the United States such a body of militia as shall be equal thereto.

Sec. 9. *And be it further enacted*, That the President be, and he hereby is, empowered to organize the said levies, and alone to appoint the commissioned officers thereof, in the manner he may judge proper.

Sec. 10. *And be it further enacted*, That the commissioned and non-commissioned officers, privates, and musicians, of the militia, or said corps of levies, shall, during the time of their service, be subject to the rules and articles

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of war; and they shall be entitled to the same pay, rations, and forage, and in case of wounds or disability in the line of their duty, to the same compensation as the troops of the United States.

Sec. 11. *And be it further enacted*, That the non-commissioned officers, privates, and musicians, of the said corps of levies, shall be entitled to receive such proportional quantity of clothing, as their time of service shall bear to the annual allowance of clothing to the troops of the United States, subject, however, to a proportional deduction from their pay.

Sec. 12. *And be it further enacted*, That each of the non-commissioned officers, privates, and musicians, of the said levies, shall be entitled to receive three dollars as a bounty.

Sec. 13. *And be it further enacted*, That in case the nature of the service upon which the troops of the United States may be employed, should require a greater number of surgeon's mates than are provided for in the beforementioned act, the President of the United States may engage, from time to time, such additional number of surgeon's mates as he shall judge necessary.

Sec. 14. *And be it further enacted*, That the commissioned officers, who shall be employed to recruit men for the said regiments, shall be entitled to receive, for every recruit who shall be duly enlisted and mustered, the sum of two dollars.

Sec. 15. *And be it further enacted*, That for defraying the expense, for one year, of the additional regiment to be raised by virtue of this act; for defraying the expense, for a like term, of the officers mentioned in the seventh section of this act; for defraying the expense of the said militia horse, militia foot, and levies, which may be called into, or engaged for, the service of the United States, pursuant to this act; for defraying the expense of such surgeon's mates as may be appointed pursuant to the fifteenth section of this act; for defraying the expense of recruiting the said two regiments; and for defraying the expense of any military posts which the President shall judge expedient and proper to establish, there be, and hereby is, appropriated, a sum not exceeding three hundred and twelve thousand six hundred and eighty-six dollars and twenty cents, to be paid out of the moneys which, prior to the first day of January next, shall arise from the duties im-

posed upon spirits distilled within the United States, and from stills, by the act, entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also upon spirits distilled within the United States, and for appropriating the same;" together with the excess of duties which may arise from the duties imposed by the said act on imported spirits, beyond those which would have arisen by the act, entitled "An act making farther provision for the payment of the debts of the United States."

And to the end that the public service may not be impeded for want of necessary means:

Sec. 16. *Be it further enacted*, That it shall be lawful for the President to take on loan the whole sum by this act appropriated, or so much thereof as he may judge requisite, at an interest not exceeding six per centum per annum; and the fund established for the abovementioned appropriation is hereby pledged for the repayment of the principal and interest of any loan to be obtained in manner aforesaid; and in case of any deficiency in the said fund, the faith of the United States is hereby also pledged to make good such deficiency.

Approved, March 3, 1791.

Whereas Congress did, by a resolution of the twenty-third day of September, one thousand seven hundred and eighty-nine, recommend to the several States to pass laws, making it expressly the duty of the keepers of their jails, to receive and safe keep therein, all prisoners committed under the authority of the United States, in order, therefore, to ensure the administration of justice.

Resolved, &c., That in case any State shall not have complied with the said recommendation, the marshal in such State, under the direction of the judge of the district, be authorized to hire a convenient place to serve as a temporary jail, and to make the necessary provision for the safe keeping of prisoners committed under the authority of the United States, until permanent provision shall be made by law for that purpose; and the said marshal shall be allowed his reasonable expenses incurred for the above purposes, to be paid out of the Treasury of the United States.

Approved, March 3, 1791.