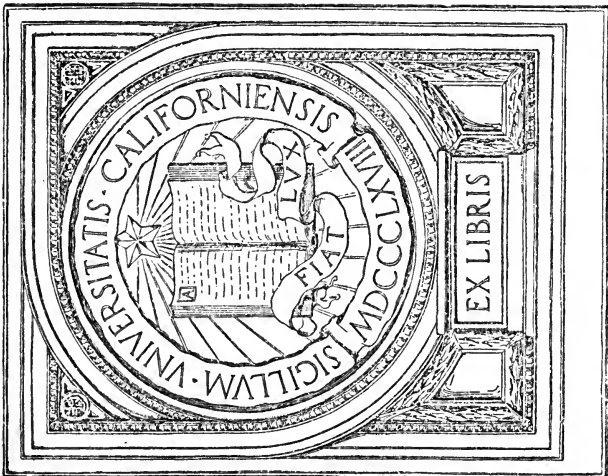




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THE

L A W S

OF THE

UNITED STATES

OF

AMERICA.

IN THREE VOLUMES.

VOL. I.

PUBLISHED BY AUTHORITY.

PHILADELPHIA:

PRINTED BY RICHARD FOLWELL,

No. 33, MULBERRY-STREET.

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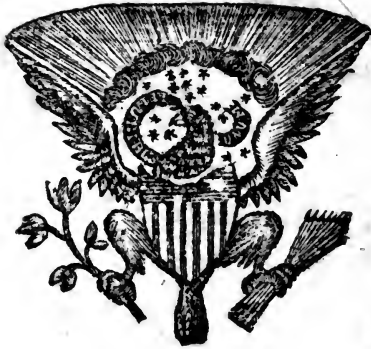
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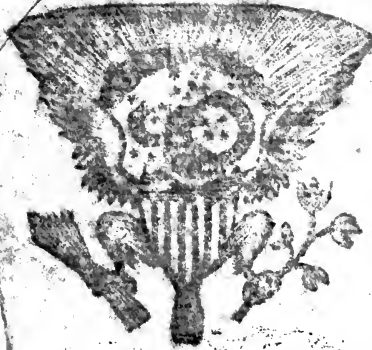
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THE
CONSTITUTION
OF THE
United States of America.



THE
CONSTITUTION
OF THE
United States of America.

CONSTITUTION

OF THE

UNITED STATES.

WE, The People of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common Defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, DO ORDAIN AND ESTABLISH this CONSTITUTION for the UNITED STATES OF AMERICA.

ARTICLE I.

Sec't. 1. ALL legislative powers herein granted, shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Sec't. 2. The House of Representatives shall be composed of members chosen every second year by the people of the several states; and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

Representatives and direct taxes shall be apportion-

ed among the several states which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each state shall have at least one Representative; and until such enumeration shall be made, the state of New-Hampshire shall be entitled to chuse three; Massachusetts, eight; Rhode-Island and Providence Plantations, one; Connecticut, five; New-York, six; New-Jersey, four; Pennsylvania, eight; Delaware, one; Maryland, six; Virginia, ten; North-Carolina, five; South-Carolina, five; and Georgia, three.

When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall chuse their Speaker and other officers; and shall have the sole power of impeachment.

Sec. 3. The Senate of the United States shall be composed of two Senators from each state, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

Immediately after they shall be assembled, in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary

appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not when elected, be an inhabitant of that state for which he shall be chosen.

The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall chuse their other officers, and also a President *Pro Tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment according to law.

Sect. 4. The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each state by the legislature thereof: But the Congress may at any time by law make or alter such regulations, except as to the places of chusing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Sect. 5. Each House shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance

of absent members, in such manner, and under such penalties, as each House may provide.

Each House may determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, expel a member.

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Sect. 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to or returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either House during his continuance in office.

Sect. 7. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States: If he approve he shall sign it; but if not he shall return it, with his objections, to that House in which it shall

have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases, the votes of both Houses shall be determined by yeas and nays; and the names of the persons voting for and against the bill, shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Sec. 8. The Congress shall have power—

To lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises, shall be uniform throughout the United States :

To borrow money on the credit of the United States :

To regulate commerce with foreign nations, and among the several states, and with the Indian tribes :

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States :

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures :

To provide for the punishment of counterfeiting the securities and current coin of the United States :

To establish post-offices and post-roads :

To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries :

To constitute tribunals inferior to the supreme court :

To define and punish piracies and felonies committed on the high seas, and offences against the law of nations :

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water :

To raise and support armies ; but no appropriation of money to that use shall be for a longer term than two years :

To provide and maintain a navy :

To make rules for the government and regulation of the land and naval forces :

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions :

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 :

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of

forts, magazines, arsenals, dock-yards, and other needful buildings :—And

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

Sec. 9. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight ; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or *ex post facto* law shall be passed.

No capitation, or other direct tax shall be laid, unless in proportion to the *census* or enumeration herein before directed to be taken.

No tax or duty shall be laid on articles exported from any state. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another : Nor shall vessels bound to, or from, one state be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law ; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States : and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince or foreign state.

Sec. 10. No state shall enter into any treaty, alliance

or confederation ; grant letters of marque and reprisal ; coin money ; emit bills of credit ; make any thing but gold and silver coin a tender in payment of debts ; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws ; and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States ; and all such laws shall be subject to the revision and controul of the Congress. No state shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

A R T I C L E II.

Sec't. 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows :

Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the state may be entitled in the Congress ; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each ; which list they shall sign and certify, and transmit, sealed, to

the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately chuse by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner chuse the President. But in chusing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall chuse from them by ballot the Vice-President.

The Congress may determine the time of chusing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President; and the Congress may by

law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President; and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected; and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation:

“ I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States; and will, to the best of my ability, preserve, protect and defend the Constitution of the United States.”

Sec. 2. The President shall be commander in chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

Sec't. 3. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient: He may, on extraordinary occasions, convene both Houses, or either of them; and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper: He shall receive ambassadors and other public ministers: He shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Sec't. 4. The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

A R T I C L E III.

Sec't. 1. The judicial power of the United States, shall be vested in one supreme court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior court, shall hold their offices during good behaviour; and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

Sec't. 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be party; to controversies between two or more states,

between a state and citizens of another state, between citizens of different states, between citizens of the same state, claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens, or subjects.

In all cases, affecting ambassadors, other public ministers, and consuls, and those in which a state shall be party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury: and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places, as the Congress may by law have directed.

Seçt. 3. Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason: but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

A R T I C L E IV.

Seçt. 1. Full faith and credit shall be given, in each state, to the public acts, records, and judicial proceedings of every other state. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Seçt. 2. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

No person, held to service or labour in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour; but shall be delivered up on claim of the party to whom such service or labour may be due.

Seçt. 3. New states may be admitted by the Congress into this union; but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned, as well as of the Congress.

The Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States: and nothing in this constitution shall be so construed, as to prejudice any claims of the United States, or of any particular state.

Seçt. 4. The United States shall guarantee to every state in this union, a republican form of government; and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

A R T I C L E V.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid, to all intents and purposes, as part

of this 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 the Congress; provided, that no amendment, which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the senate.

A R T I C L E VI.

All debts contracted, and engagements entered into, before the adoption of this constitution, shall be as valid against the United States, under this constitution, as under the confederation.

This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land: and the judges, in every state, shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound, by oath or affirmation, to support this constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

A R T I C L E VII.

The ratification of the conventions of nine states, shall be sufficient for the establishment of this constitution between the states so ratifying the same.

Done in convention, by the unanimous consent of the states present, the seventeenth day of September, in the year of

our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON,
President, and Deputy from Virginia.

<i>New-Hampshire,</i>	{ John Langdon, Nicholas Gilman.
<i>Massachusetts,</i>	{ Nathaniel Gorham, Rufus King.
<i>Connecticut,</i>	{ William Samuel Johnson, Roger Sherman.
<i>New-York,</i>	{ Alexander Hamilton.
<i>New-Jersey,</i>	{ William Livingston, David Brearley, William Paterfon, Jonathan Dayton.
<i>Pennsylvania,</i>	{ Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas Fitzsimons, Jared Ingersol, James Wilson, Gouverneur Morris.
<i>Delaware,</i>	{ George Reed, Gunning Bedford, junior, John Dickinson, Richard Bassett, Jacob Broom.
<i>Maryland,</i>	{ James M ^c Henry, Daniel of St. Thomas Jenifer, Daniel Carroll.
<i>Virginia,</i>	{ John Blair, James Madifon, junior.

North-Carolina,

{ William Blount,
Richard Dobbs Spaight,
Hugh Williamfon.

South-Carolina,

{ John Rutledge,
Charles Cotesworth Pinckney,
Charles Pinckney,
Pierce Butler.

Georgia,

{ William Few,
Abraham Baldwin.

*Attest :*WILLIAM JACKSON, *Secretary.*

I N C O N V E N T I O N,

Monday, September 17, 1787.

P R E S E N T,

THE STATES OF NEW-HAMPSHIRE, MASSACHUSETTS,
CONNECTICUT, MR. HAMILTON, FROM NEW YORK,
NEW-JERSEY, PENNSYLVANIA, DELAWARE, MARY-
LAND, VIRGINIA, NORTH-CAROLINA, SOUTH-CA-
ROLINA, AND GEORGIA :

RESOLVED,

THAT the preceding constitution be laid before
the United States in Congress assembled, and that
it is the opinion of this convention, that it should after-
wards be submitted to a convention of Delegates, cho-
sen in each state by the people thereof, under the re-
commendation of its legislature, for their assent and
ratification; and that each convention assenting to, and
ratifying the same, should give notice thereof to the Uni-
ted States in Congress assembled.

Resolved, That it is the opinion of this convention,
that as soon as the conventions of nine states shall have
ratified this constitution, the United States in Congress
assembled should fix a day on which electors should be
appointed by the states which shall have ratified the
same, and a day on which the electors should assemble
to vote for the President, and the time and place for

commencing proceedings under this constitution. That after such publication, the electors should be appointed, and the Senators and Representatives elected. That the electors should meet on the day fixed for the election of the President, and should transmit their votes, certified, signed, sealed and directed, as the constitution requires, to the Secretary of the United States in Congress assembled. That the Senators and Representatives should convene at the time and place assigned. That the Senators should appoint a President of the Senate, for the sole purpose of receiving, opening and counting the votes for President; and, that after he shall be chosen, the Congress, together with the President, should, without delay, proceed to execute this constitution.

By the Unanimous Order of the Convention:

GEORGE WASHINGTON, *President.*

WILLIAM JACKSON, *Secretary.*

I N C O N V E N T I O N,

September, 17, 1787.

S I R,

WE have now the honor to submit to the consideration of the United States in Congress assembled, that constitution which has appeared to us the most advisable.

The friends of our country have long seen and desired, that the power of making war, peace and treaties; that of levying money and regulating commerce, and the correspondent executive and judicial authorities, should be fully and effectually vested in the general government of the Union: But the impropriety of delegating such extensive trust to one body of men is evident—Hence results the necessity of a different organization.

It is obviously impracticable in the federal government of these states, to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all: Individuals entering into society, must

give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstance, as on the object to be obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered, and those which may be reserved; and on the present occasion, this difficulty was increased by a difference among the several states as to their situation, extent, habits, and particular interests.

In all our deliberations on this subject we kept steadily in our view, that which appears to us the greatest interest of every true American, the consolidation of our Union, in which is involved our prosperity, felicity, safety, perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each state in the convention to be less rigid on points of inferior magnitude, than might have been otherwise expected; and thus the constitution, which we now present, is the result of a spirit of amity, and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable.

That it will meet the full and entire approbation of every state, is not perhaps to be expected; but each will doubtless consider, that had her interest been alone consulted, the consequences might have been particularly disagreeable or injurious to others; that it is liable to as few exceptions as could reasonably have been expected, we hope and believe; that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish.

With great respect,

We have the Honor to be,

S I R,

Your Excellency's most

Obedient and humble Servants :

GEORGE WASHINGTON, *President.*

By unanimous Order of the Convention.

His Excellency

THE PRESIDENT OF CONGRESS.

A C T S

PASSED AT THE

FIRST SESSION

OF THE

FIRST CONGRESS

OF THE

United States of America,

BEGUN AND HELD AT THE CITY OF NEW-YORK,

On Wednesday the Fourth of March,

IN THE YEAR M,DCC,LXXXIX:

AND OF THE

Independence of the United States

THE THIRTEENTH.



A C T S

O F

C O N G R E S S .

C H A P T E R I.

An Act to regulate the Time and Manner of administering certain Oaths.

Section 1. **B**E it enacted by the Senate and Representatives of the United States of America in Congress assembled, That the oath or affirmation required by the sixth article of the Constitution of the United States, shall be administered in the form following, 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." The said oath or affirmation shall be administered within three days after the passing of this act, by any one member of the Senate, to the President of the Senate, and by him to all the members and to the Secretary; and by the Speaker of the House of Representatives, to all the members who have not taken a similar oath, by virtue of a particular resolution of the said House, and to the Clerk: And in case of the absence of any member from the service of either House, at the time prescribed for taking the said oath or affirmation, the same shall be administered to such member, when he shall appear to take his seat.

Oath to support the constitution. the form of. To be administered to the president, members and secretary of senate, and to members and clerk of the house of representatives.

Sec. 2. *And be it further enacted, That at the first session of Congress after every general election of Representatives, the oath or affirmation*

To mem-
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nate and
house of re-
presenta-
tives here-
after elect-
ed & when.

aforefaid, shall be administered by any one member of the House of Representatives to the Speaker; and by him to all the members present, and to the Clerk, previous to entering on any other business; and to the members who shall afterwards appear, previous to taking their seats. The President of the Senate for the time being, shall also administer the said oath or affirmation to each Senator who shall hereafter be elected, previous to his taking his seat: And in any future case of a President of the Senate, who shall not have taken the said oath or affirmation, the same shall be administered to him by any one of the members of the Senate.

To mem-
bers of state
legislatures,
and to all
executive &
judicial offi-
cers of the
several
states.

Sec. 3. *And be it further enacted,* That the members of the several state legislatures, at the next sessions of the said legislatures respectively, and all executive and judicial officers of the several states, who have been heretofore chosen or appointed, or who shall be chosen or appointed before the first day of August next, and who shall then be in office, shall, within one month thereafter, take the same oath or affirmation, except where they shall have taken it before; which may be administered by any person authorized by the law of the state, in which such office shall be holden, to administer oaths. And the members of the several state legislatures, and all executive and judicial officers of the several states, who shall be chosen or appointed after the said first day of August, shall, before they proceed to execute the duties of their respective offices, take the foregoing oath or affirmation, which shall be administered by the person or persons, who by the law of the state shall be authorized to administer the oath of office; and the person or persons so administering the oath hereby required to be taken,

and when.

shall cause a record or certificate thereof to be made, in the same manner, as by the law of the state, he or they, shall be directed to record or certify the oath of office.

Sec. 4. *And be it further enacted*, That all officers appointed, or hereafter to be appointed under the authority of the United States, shall, before they act in their respective offices, take the same oath or affirmation, which shall be administered by the person or persons who shall be authorized by law to administer to such officers their respective oaths of office; and such officers shall incur the same penalties in case of failure, as shall be imposed by law in case of failure in taking their respective oaths of office.

To all officers of the U. States, appointed or to be appointed before they act.

Sec. 5. *And be it further enacted*, That the Secretary of the Senate, and the Clerk of the House of Representatives for the time being, shall, at the time of taking the oath or affirmation aforesaid, each take an oath or affirmation in the words following, to wit; "I, A. B. Secretary of the Senate, or Clerk of the House of Representatives (as the case may be) of the 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.

Oath of office, secret'y of senate & clerk of the house of representatives.

FREDERICK AUGUSTUS 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.

CHAPTER II.

An Act for laying a Duty on Goods, Wares, and Merchandizes imported into the United States.

(REPEALED.)

CHAPTER III.

An Act imposing Duties on Tonnage.

(REPEALED.)

CHAPTER IV.

An Act for establishing an Executive Department, to be denominated the Department of Foreign Affairs.

(REPEALED.)

CHAPTER V.

An Act to regulate the Collection of the Duties imposed by Law on the Tonnage of Ships or Vessels, and on Goods, Wares, and Merchandizes imported into the United States.

(REPEALED.)

CHAPTER VI.

An Act for settling the Accounts between the United States and individual States.

Section 1. **B**E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he hereby is empowered to nominate, and by and with the advice and consent of the Senate, to appoint such person or persons as he may think proper for supplying any vacancy that now is, or may hereafter take place in the Board of Commissioners, established by an ordinance of the late Congress, of the seventh of May, one thousand seven hundred and eighty-seven, to carry into effect the said ordinance and resolutions of Congress, for the settlement of accounts between the United States and individual states.

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

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

Clerks to be appointed.

their salaries,

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, August the 5th, 1789 :

GEORGE WASHINGTON,
President of the United States.

CHAPTER VII.

An Act to establish an Executive Department; to be denominated the Department of War.

Section 1. **B**E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, 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'y for
the depart-
ment of
war, his
duty.

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

Principal
clerk, his
duty.

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.

Oath of office.

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.

Sec'y to take charge of papers, &c. of war department

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, August 7th, 1789:

GEORGE WASHINGTON,
President of the United States.

CHAPTER VIII.

An Act to provide for the Government of the Territory North-West of the River Ohio.

Recital.

WHEREAS in order that the ordinance of the United States in Congress assembled, for the government of the territory north-west 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:

Governor to make communication to the President of the United States.

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

Officers, how to be appointed.

Commissioned and removed.

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:

In cases of death, removal, &c. secretary to execute the power of governor during such vacancy

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, August the 7th, 1789:

GEORGE WASHINGTON,
President of the United States.

CHAPTER IX.

An Act for the Establishment and Support of Light-Houses, Beacons, Buoys, and public Piers.

Section 1. **B**E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all expences 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, harbour, or port of the United States, for rendering the navigation thereof easy and safe,

Expences after 15th Aug. 17 9 to be defrayed out of treasury of U. States

shall be defrayed out of the treasury of the United States: *Provided nevertheless*, That none of the said expences 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 mean time be ceded to, and vested in the United States, by the state or states respectively in which the same may be, together with the lands and tenements thereunto belonging, and together with the jurisdiction of the same.

Light house to be erected near entrance of Chesapeake Bay.

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.

Secretary of treasury to contract for building, repairing, &c. when necessary.

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 superintendance and care of the same.

Pilots to be regulated by the existing laws of the respective states.

Sec. 4. *And be it further enacted*, That all pilots in the bays, inlets, rivers, harbours 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.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, August the 7th, 1789 :

GEORGE WASHINGTON,
President of the United States.

CHAPTER X.

An Act providing for the Expences which may attend Negotiations or Treaties with the Indian Tribes, and the Appointment of Commissioners for managing the same.

(EXPIRED.)

CHAPTER XI.

An Act for registering and clearing Vessels, regulating the Coasting Trade, and for other Purposes.

(REPEALED.)

CHAPTER XII.

An Act to establish the Treasury Department.

Section 1. **B**E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, 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.

Depart-
ment desig-
nated.

Officers
therein.

Duties of
the secreta-
ry.

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 monies 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 monies 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.

Duties of
the comp-
troller.

Sec. 4. *And be it further enacted,* That it shall be the duty of the Treasurer to receive and keep the monies 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 monies paid by him, and all receipts for monies 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

Of the
treasurer.

Duties of
the treasur-
er.

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 monies 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.

Of the au-
ditor.

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.

Of the re-
gister.

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 monies 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.

Secretary removed, or his office vacant, assistant to have custody of records, &c.

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, public lands or any other public property, or be concerned in the 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 forever 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

Persons appointed to office under this act,

prohibition upon,

And penalty for breach of them.

thousand dollars, when recovered, shall be for the use of the person giving such information.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, September the 2d, 1789:

GEORGE WASHINGTON,
President of the United States.

CHAPTER XIII.

An Act for establishing the Salaries of the Executive Officers of Government, with their Assistants and Clerks.

Section I. **B**E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be allowed to the Officers hereafter 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 in 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 superintendant of Indian affairs in the northern department, two thousand dollars: To the three judges of the western territory, each

Annual salaries established, payable quarterly;

rate of, and to what officers allowed.

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 Treasurer, 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.

Heads of departments to appoint clerks;

their salaries,

FREDERICK AUGUSTUS MÜHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

Approved, September the 11th, 1789:

GEORGE WASHINGTON,
President of the United States.

CHAPTER XIV.

An Act to provide for the Safe-keeping of the Acts, Records, and Seal of the United States, and for other Purposes.

Section 1. **B**E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Executive Department, denominated

Department of foreign affairs changed to the department of state.

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.

Additional duties assigned the secretary of the said department.

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.

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'rery to keep & affix the seal to all civil commissions.

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'rery to provide a seal of office.

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 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.

Fees of office to be paid for the use of the United States.

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

Secretary to have custody of papers &c. of late Congress.

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.

FREDERICK AUGUSTUS MUHLENBERG,

Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

Approved, September the 15th, 1789 :

GEORGE WASHINGTON,

President of the United States.

CHAPTER XV.

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 Merchandizes, imported into the United States," and for other Purposes.

(EXPIRED.)

CHAPTER XVI.

An Act for the temporary Establishment of the Post-Office.

(EXPIRED.)

CHAPTER XVII.

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.

(EXPIRED.)

CHAPTER XVIII.

An Act for allowing certain Compensation to the Judges of the Supreme and other Courts, and to the Attorney-General of the United States.

Section 1. **B**E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be allowed to the judges of the supreme and other courts of the United States, the yearly compensations herein after 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 dol-

Salaries of chief justice, justices of the supreme court and district judges.

Com-
mencement
of, and how
payable.

lars; 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.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States,
and President of the Senate.*

Approved, September the 23d, 1789:

GEORGE WASHINGTON,
President of the United States.

C H A P T E R X I X .

An Act for allowing a Compensation to the President and Vice-President of the United States.

President &
Vice-Presi-
dent of the
U. States,
compensa-
tion to, com-
mencement
of, and how
payable.

Section I. **B**E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, 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 res-

pectively, and to continue so long as they shall remain in office, and to be paid quarterly out of the treasury of the United States.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States,*
and President of the Senate.

Approved, September the 24th, 1789 :

GEORGE WASHINGTON,
President of the United States.

CHAPTER XX.

An Act to establish the Judicial Courts of the United States.

Section 1. **B**E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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.

Supreme court, chief justice, five associates.

Two sessions annually.

Sect. 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

Thirteen districts.

Their divisions.

be called Main 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 the South-Carolina District ; and one to consist of the state of Georgia, and to be called Georgia District.

A district court in each district

Four sessions annually in a district ; and when held.

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 of 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 Main, 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 of 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 Main, at Portland and Pownalborough 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 York-Town 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 Williamsburgh, 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

Special district courts,

Special courts, where held,

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.

Where records kept.

Three circuits, & how divided.

Sec. 4. *And be it further enacted,* That the before-mentioned districts, except those of Main 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 case of appeal or error from his own decision; but may assign the reasons of such his decision.

First session of the circuit courts.

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 days 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 days of May next, and the subsequent sessions in the respective districts on the like days 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 whereit 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 York-Town, beginning at the first ; in the district of Delaware, alternately at New-castle 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.

First session
of the cir-
cuit courts.

Circuit
courts.
Special ses-
sions.

Supreme
court ad-
journed by
one or more
justices,
circuit
courts ad-
journed.

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 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.

District
courts ad-
journed.

The courts
have power
to appoint
clerks.

Sec. 7. *And be it 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

Their oath
or affirma-
tion.

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 districts 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."

Oath of justices of supreme court and judges of the district court.

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

District courts exclusive jurisdiction.

Original cognizance in maritime causes & of seizure under the laws of the United States.

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 suiters, in all cases, the right of a common law remedy, where the common law is competent to give it: And shall also 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 districts courts, in all causes except civil causes of admiralty and maritime jurisdiction, shall be by jury.

Concurrent
jurisdiction

Trial of fact
by jury.

Kentucky
district
court.

Sec. 10. *And be it further enacted*, That the district court in Kentucky district shall, besides the jurisdiction aforesaid, have jurisdiction of all other causes, except of appeals and writs of error, herein after 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 Main district, shall besides the jurisdiction herein before granted, have jurisdiction of all causes, except of appeals and writs of error herein after 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.

Main district court

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

Circuit courts original cognizance.

Exclusive cognizance.

Circuit
court ap-
pellate ju-
risdiction.

in favour 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 herein after provided.

Matter in
dispute a-
bove 500
dollars,

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 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 Main, 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

Special bail.

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 shall give 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 Main, 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

Attachment of goods holden to final judgment.

Title of land where value exceeds 500 dollars.

If in Maine and Kentucky, where causes are removable.

Issues in fact by jury.

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.

Supreme court exclusive jurisdiction.

Proceedings against public ministers.

Supreme court appellate jurisdiction.

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 herein after 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 enquiry 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 colour 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.

Courts of the U. States issue writs scire facias, &c.

Justices and judges same power.

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.

Parties shall produce books and writings.

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

Suits in equity limited.

where plain, adequate and complete remedy may be had at law.

Courts of
the U. States
may grant
new trials.

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.

Execution
may be stay-
ed in case.

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 parties, or their council, or if they disagree, by a stating of the case by the court.

Facts to appear on record.

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.

Costs not allowed unless recover 500 dollars.

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 Main, shall be made to the circuit court, next to be holden after each appeal in the district of Massachusetts.

Appeals where matter in dispute exceeds 300 dollars.

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

Final decrees re-examined above 50 dollars.

and suits in equity exceed the value of 2000 dollars.

Writs of error limited.

Plaintiff to give security.

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 is 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 superseas 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 superseas; 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.

Writs of error of a superseas in lease.

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 should have rendered or passed; and the supreme court shall do the same on reversals therein, except where the reversal is in favour 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.

Judgment or decree reversed.

Supreme court not issue execution.

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

Where validity of a treaty is questioned, cause may be re-examined.

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 favour 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 the proceeding 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 beforementioned questions of validity or construction of the said constitution, treaties, statutes, commissions, or authorities in dispute.

Proceedings
on reversal.

No writs of
error but as
above men-
tioned.

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 speciality, 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.

In cases of forfeiture the courts may give judgment in equity.

Sum assessed by 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 removeable 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 removeable 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,

Marshal appointed.

His oath.

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."

Marshal a party.

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 misfeasances 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 misfeasances 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

Defaults of deputies.

Executor or administrator of deceased marshals.

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.

Marshal's
power after
removal.

Sec. 29. *And be it further enacted,* That in cases punishable with death, the trial shall be had in the county 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 practiced, 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 favourable to an impartial trial, and so as not to incur an unnecessary expence, or unduly to burthen the citizens of any part of the district with such services.

Cases pun-
ishable
with death
to be had in
county.

Jurors by
lot.

Writs *venire facias* from clerk's office.

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 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 are disqualified as aforesaid, jurors may be returned by such disinterested person as the court shall appoint.

Jurics de talibus, &c.

Mode of proof,

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

Deposition de bene esse.

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 deposition, 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

Adverse party notified.

Admiralty and maritime causes.

Agent notified.

Depositions retained.

Appeal al-
lowed.

Depositions
used in case
of sickness,
death, &c.

Dedimus
potestatem
as usual.

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 at 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 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 *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

Executor or administrator may prosecute and defend.

Executor & administrator may have continuance.

Two plaintiffs.

Surviving
plaintiff
may conti-
nue suit,

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.

Writs shall
not abate
for defect
of form.

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 as 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 sit 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.

Courts may
amend im-
perfections.

Criminals
against the
United
States ar-
rested by
any justice
of the
peace.

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 expence 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 imprisonment. 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 a 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.

Recognizance returned to the clerk's office.

Offender may be removed by warrant.

Bail admitted.

Bail, how taken in case.

Laws of
states, rules
of decision.

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.

Parties ma-
nage their
own cause.

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.

Attorney
for each
district.

Attorney-
general.

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 receive such compensation for his services as shall by law be provided.

FREDERICK AUGUSTUS MUHLENBERG,

Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United*

States, and President of the Senate.

APPROVED, September the 24th, 1789:

GEORGE WASHINGTON,

President of the United States.

CHAPTER XXI.

An Act to regulate Processes in the Courts of the United States.

(EXPIRED.)

CHAPTER XXII.

An Act to explain and amend an Act, intituled, "An Act for registering and clearing vessels, Regulating the coasting Trade, and for other Purposes."

(EXPIRED.)

CHAPTER XXIII.

An Act making Appropriations for the Service of the present Year.

Section 1. **B**E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be appropriated for the service of the present year, to be paid out of the monies which arise, either from the requisitions heretofore made upon the several States, or from the duties on impost and tonnage, the following sums, viz. A sum not exceeding two hundred and sixteen thousand dollars for defraying the expences of the civil list, under the late and present government; a sum not exceeding one hundred and thirty-seven thousand dollars for defraying the expences 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.

Specific appropriations of money for expences of civil list and war department;

also to discharge warrants of late board of treasury, & for pensions to invalids.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, September the 29th, 1789 :

GEORGE WASHINGTON,
President of the United States.

C H A P T E R XXIV.

An Act providing for the Payment of the Invalid Pensioners of the United States.

(EXPIRED.)

C H A P T E R XXV.

An Act to recognize 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.

(EXPIRED.)

C H A P T E R XXVI.

An Act to allow the Baron de Glaubeck the Pay of a Captain in the Army of the United States.

(PRIVATE.)

C H A P T E R XXVII.

An Act to alter the Time for the next Meeting of Congress.

(EXPIRED.)

CHAP. XXIV.

... of the ...
... the ...
(...)

CHAP. XXV.

... of the ...
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CHAP. XXVI.

... of the ...
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CHAP. XXVII.

... of the ...
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(...)

A C T S

PASSED AT THE

SECOND SESSION

OF THE

FIRST CONGRESS

OF THE

United States of America,

BEGUN AND HELD AT THE CITY OF NEW-YORK,

On Monday the Fourth of January,

IN THE YEAR M,DCC,XC:

AND OF THE

Independence of the United States

THE FOURTEENTH.

2 7 0 4

THE STATE

OF NEW YORK

IN SENATE

JANUARY

1880

REPORT

OF THE

COMMISSIONERS OF THE LAND OFFICE

FOR THE YEAR 1879

ALBANY: PUBLISHED BY THE STATE PRINTING OFFICE, 1880.

A C T S
O F
C O N G R E S S .

C H A P T E R I.

An Act for giving Effect to the several Acts therein mentioned, in Respect to the State of North-Carolina, and other Purposes.

(REPEALED.)

C H A P T E R II.

An Act providing for the Enumeration of the Inhabitants of the United States.

Section 1. **B**E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That the marshals of the several districts of the United States, shall be, and they are hereby authorized and required to cause the number of the inhabitants within their respective districts to be taken; omitting in such enumeration Indians not taxed, and distinguishing free persons, including those bound to service for a term of years, from all others; distinguishing also the sexes and colours of free persons,

Marshals in the several districts of the U. States to take the enumeration, and in what mode.

may ap-
point assis-
tants.

marshals &
assistants to
take an
oath.

Form of the
oath.

and the free males of sixteen years and upwards from those under that age; for effecting which purpose the marshals shall have power to appoint as many assistants within their respective districts as to them shall appear necessary; assigning to each assistant a certain division of his district, which division shall consist of one or more counties, cities, towns, townships, hundreds or parishes, or of a territory plainly and distinctly bounded by water courses, mountains, or public roads. The marshals and their assistants shall respectively take an oath or affirmation, before some judge or justice of the peace, resident within their respective districts, previous to their entering on the discharge of the duties by this act required. The oath or affirmation of the marshal shall be, "I, A. B. marshal of the district of _____ do solemnly swear (or affirm) that I will well and truly cause to be made, a just and perfect enumeration and description of all persons resident within my district, and return the same to the President of the United States, agreeably to the directions of an act of Congress, intituled, "An act providing for the enumeration of the inhabitants of the United States," according to the best of my ability." The oath or affirmation of an assistant shall be, "I, A. B. do solemnly swear (or affirm) that I will make a just and perfect enumeration and description of all persons resident within the division assigned to me by the marshal of the district of _____ and make due return thereof to the said marshal, agreeably to the directions of an act of Congress, intituled, "An Act providing for the enumeration of the inhabitants of the United States," according to the best of my ability." The

enumeration shall commence on the first Monday in August next, and shall close within nine calendar months thereafter: The several assistants shall, within the said nine months, transmit to the marshals, by whom they shall be respectively appointed, accurate returns of all persons, except Indians not taxed, within their respective divisions, which returns shall be made in a schedule, distinguishing the several families by the names of their master, mistress, steward, overseer, or other principal person therein, in manner following, that is to say:

The enumeration when to commence and close.

Returns to be by schedule.

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

A. B. assistant to the marshal of

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

Form of the schedule.

Names of heads of families.	Free white males of six. teen years & upwards, including heads of families.	Free white males under sixteen years.	Free white females, including heads of families.	All other free persons.	Slaves.
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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.

Assistant making false return penalty on.

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 ref-

marshals to file return with the clerks of the district courts, and transmit the

aggregate amount thereof to the President, on or before the 1st of Sept. 1791.

failing so to do, penalty for.

How recoverable,

and discovered.

Assistants, rate of compensation to.

pectively 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 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 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,

Marshals,
their com-
pensation.

Sec. 5. *Be it enacted*, That every person

Rules for
ascertaining
residence.

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.

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

and penalty for refusing.

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.

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

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 sche-

dule 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.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, March the 1st, 1790:

GEORGE WASHINGTON,
President of the United States.

CHAPTER III.

An Act to establish an uniform Rule of Naturalization.

(REPEALED.)

CHAPTER IV.

An Act making Appropriations for the Support of Government, for the Year one thousand seven hundred and ninety.

Section I. **B**E. it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be appropriated for the service of the year one thousand seven hundred and ninety, to be paid out of the monies arising from

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

war department;

Pensions to invalids.

Incidental expences of Congress.

Contingent charges of government; for

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 expences 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 expences of the department of war; and the farther sum of ninety-six thousand, nine hundred and seventy-nine dollars, and seventy-two cents, for paying the pensions which may become due to the invalids, as estimated in the statements accompanying the aforesaid report.

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

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

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

certain specific demands; and

for building a light-house on Cape Henry; and

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 expences of the late office of foreign affairs, six hundred and fifty dollars: To Roger Alden, for his services, including his office expences, 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

out of which certain payments, not before provided for by law, are authorized.

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 expences 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.

For Jehoiakim M^cTokfin,

James Mathers, and G. Dalley.

Sec. 6. *And be it further enacted*, That the sum of one hundred and twenty dollars, be paid out of the monies arising from the aforesaid duties on imports and tonnage, to Jehoiakim M^cTokfin, 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 authorised 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 re-payment of which the aforesaid duties on imports and tonnage shall be, and are hereby pledged.

President, if necessary, may authorize loans to make good these appropriations.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, March twenty-sixth, 1790 :

GEORGE WASHINGTON,
President of the United States.

C H A P T E R V.

An Act to prevent the Exportation of Goods not duly inspected according to the Laws of the several States.

Section 1. **B**E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the collectors and other officers of the customs in the several ports of the United States, be, and they are hereby directed to pay due regard to the inspection-laws of the states in which they may respectively act, in such manner, that no vessel having on board goods liable to inspection, shall be cleared out until the master or other proper person shall have pro-

Collectors, &c. not to grant clearances, until a certificate of inspection is produced.

duced 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.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, April the 2d, 1790 :

GEORGE WASHINGTON,
President of the United States.

C H A P T E R VI.

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

An Act to accept a Cession of the Claims of the State of North-Carolina, to a certain District of Western Territory.

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

To all who shall see these Presents.

We, the underwritten SAMUEL JOHNSTON and BENJAMIN HAWKINS, Senators in the Congress of the United States of America, duly and constitutionally chosen by the Legislature of the state of North-Carolina, send greeting.

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

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

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

Boundaries and conditions of the cession.

Boundaries
and condi-
tions of the
cession.

Mountain, at the place where the Virginia line intersects it; running thence along the extreme height of the said mountain, to the place where Wataugo River breaks through it; thence a direct course to the top of the Yellow Mountain, where Bright's Road crosses the same; thence along the ridge of said mountain, between the waters of Doe River and the waters of Rock Creek, to the place where the road crosses the Iron Mountain; from thence along the extreme height of said mountain, to where Nolichucky River runs through the same; thence to the top of the Bald Mountain; thence along the extreme height of the said mountain, to the Painted Rock, on French Broad River; thence along the highest ridge of the said mountain, to the place where it is called the Great Iron or Smoaky Mountain; thence along the extreme height of the said mountain, to the place where it is called Unicoy or Unaka Mountain, between the Indian towns of Cowee and Old Chota; thence along the main ridge of the said mountain, to the southern boundary of this state, upon the following express conditions, and subject thereto; that is to say: *First*, That neither the lands nor inhabitants westward of the said mountain shall be estimated after the cession made by virtue of this act shall be accepted, in the ascertaining the proportion of this state with the United States, in the common expence occasioned by the late war. *Secondly*, That the lands laid off, or directed to be laid off by any act or acts of the General Assembly of this state, for the officers and soldiers thereof, their heirs and assigns respectively, shall be and enure to the use and benefit of the said officers, their heirs and assigns respectively; and if the bounds of

the said lands already prescribed for the officers and soldiers of the continental line of this state, shall not contain a sufficient quantity of lands fit for cultivation, to make good the several provisions intended by law, that such officer or soldier, or his assignee, who shall fall short of his allotment or proportion, after all the lands fit for cultivation within the said bounds are appropriated, be permitted to take his quota, or such part thereof as may be deficient, in any other part of the said territory intended to be ceded by virtue of this act, not already appropriated. And where entries have been made agreeable to law, and titles under them not perfected by grant or otherwise, then, and in that case, the Governor for the time being, shall, and he is hereby required to perfect, from time to time, such titles, in such manner as if this act had never been passed. And that all entries made by, or grants made to all and every person or persons whatsoever, agreeable to law, and within the limits hereby intended to be ceded to the United States, shall have the same force and effect as if such cession had not been made; and that all and every right of occupancy and pre-emption, and every other right reserved by any act or acts to persons settled on, and occupying lands within the limits of the lands hereby intended to be ceded as aforesaid, shall continue to be in full force, in the same manner as if the cession had not been made, and as conditions upon which the said lands are ceded to the United States. And further, it shall be understood, that if any person or persons shall have, by virtue of the act, entitled, "An act for opening the land-office for the redemption of specie and other certificates, and discharging the arrears due to the army," pas-

Boundaries
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fed 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*, 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

Boundaries
and condi-
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cession.

Boundaries
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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 Pidgeon, from entering their pre-emptions in that tract, should an office be opened for that purpose, under an act of the present General Assembly. *And be it further enacted by the authority aforesaid*, That the sovereignty and jurisdiction of this state, in and over the territory aforesaid, and all and every the inhabitants thereof, shall be and remain the same in all respects, until the Congress of the United States shall accept the cession to be made by virtue of this act, as if this act had never passed.

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

CHAs. JOHNSON, *Sp. Sen.*
S. CABARRUS, *Sp. H. C.*”

Now therefore know ye, That we, SAMUEL JOHNSTON and BENJAMIN HAWKINS, Senators aforesaid, by virtue of the power and authority 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 pur-

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

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, April the 2d, 1790:

GEORGE WASHINGTON,
President of the United States.

CHAPTER VII.

An Act to promote the Progress of useful Arts.

(REPEALED.)

CHAPTER VIII.

An Act further to suspend Part of an Act, intituled, Act to regulate the Collection of the Duties imposed by Law on the Tonnage of Ships or Vessels, and on Goods, Wares, and Merchandises, imported into the United States," and to amend the said Act.

(REPEALED.)

CHAPTER IX.

An Act for the Punishment of certain Crimes against the United States.

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

Treason, what cases shall be judged, how proved & punished;

also of imprisonment of treason.

Sec. 2. *And be it 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 there-

of, 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.

Sect. 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.

Murder in a fort, arsenal, &c. punished with death;

Sect. 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.

and court may order offender's body to be dissected.

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

Rescue of a body ordered for dissection, punishment for.

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.

Misprison
of felony
what cases
shall be
judged, and
how pu-
nished.

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 misprison of felony, and shall be imprisoned not exceeding three years, and fined not exceeding five hundred dollars.

Man-slaugh-
ter in a fort,
arsenal, &c.
how pu-
nished.

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 of country, under the sole and exclusive jurisdiction of the United States, commit the crime of man-slaughter, and shall be thereof convicted, such person or persons shall be imprisoned not exceeding three years, and fined not exceeding one thousand dollars.

Piracy and
felony,
what cases
shall be
judged,
where tri-
ed and
how pu-
nished.

Sec. 8. *And be it enacted*, That if any person or persons shall commit upon the high seas, or in any river, haven, bason 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 punish-

able 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 merchandize 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 sea, 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 there-

Accessories
therein,
how pu-
nished.

upon 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 chattels, which have been by any such pirate or robber piratically and feloniously taken, shall be, and are hereby declared, deemed and adjudged to be accessory to such piracy or robbery, after the fact; and on conviction thereof, shall be imprisoned not exceeding three years, and fined not exceeding five hundred dollars.

Confederacy to become pirates, how punished;

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 endeavour to corrupt any commander, master, officer or mariner, to yield up or to run away with any ship or vessel, or with any goods, wares, or merchandize, or to turn pirate, or to go over to or confederate with pirates, or in any wise trade with any pirate knowing him to be such, or shall furnish such pirate with any ammunition, stores or

provisions of any kind, or shall fit out any vessel knowingly, and with a design to trade with or supply or correspond with any pirate or robber upon the seas; or if any person or persons shall any ways consult, combine, confederate or correspond with any pirate or robber on the seas, knowing him to be guilty of any such piracy or robbery; or if any seaman shall confine the master of any ship or other vessel, or endeavour to make a revolt in such ship; 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.

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

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 false-

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

ly made, altered, forged, or counterfeited, or willingly act or assist in the false making, altering, forging or counterfeiting any certificate, indent, or other public security of the United States, or shall utter, put off, or offer, or cause to be uttered, put off or offered in payment or for sale any such false, forged, altered or counterfeited certificate, indent or other public security, with intention to defraud any person, knowing the same to be false, altered, forged, or counterfeited, and shall be thereof convicted, every such person shall suffer death.

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

Sec. 15. *And be it enacted*, That if any person shall feloniously steal, take away, alter, falsify, or otherwise avoid any record, writ, process, or other proceedings in any of the courts of the United States, by means whereof any judgment shall be reversed, made void, or not take effect, or if any person shall acknowledge or procure to be acknowledged in any of the courts aforesaid, any recognizance, bail or judgment, in the name or names of any other person or persons not privy or consenting to the same, every such person or persons on conviction thereof, shall be fined not exceeding five thousand dollars, or be imprisoned not exceeding seven years, and whipped not exceeding thirty-nine stripes. *Provided nevertheless*, That this act shall not extend to the acknowledgement of any judgment or judgments by any attorney or attornies, duly admitted for any person or persons against whom any such judgment or judgments shall be had or given.

Exceptions.

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.

Larceny,
what cases
shall be
judged, and
how pu-
nished.

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

Receivers
of stolen
goods &c.
how pu-
nished.

Perjury
how pu-
nished.

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.

In prosecu-
tions for
perjury,
shall be suf-
ficient to
set forth
substance of
the charge;

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 suborna-

tion 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.

also in prosecutions for subornation of perjury.

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.

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

Sec. 22. *And be it enacted*, That if any person or persons shall knowingly and wilfully obstruct, resist or oppose any officer of the United States, in serving or attempting to

Persons obstructing the execution of process, how punished.

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.

Rescue of persons convicted, or before conviction, how punished.

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

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

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.

Process
fined in any
court of the
U. States,
or of a par-
ticular state
against a fo-
reign mini-
ster, void;
and

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 attornies or solicitors prosecuting or soliciting in such case, and all officers executing any such writ or process, being thereof convicted, shall be deemed violaters of the laws of nations, and disturbers of the public repose, and imprisoned not exceeding three years, and fined at the discretion of the court.

persons: fur-
ing the
fine, how
punished.

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 mar-

Certain
cases ex-
cepted.

shal 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.

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

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.

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

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

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 coun-

fel shall have free access at all reasonable 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 witnesses or witnesses, and shall have the like process of the court where he or they shall be tried, to compel his or their witnesses to appear at his or their trial, as is usually granted to compel witnesses to appear on the prosecution against them.

and process
to compel
the attend-
ance of
witnesses.

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

In cases of
treason or
other capi-
tal offence,
prisoner
standing
mute,

how to be
proceeded
against.

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

No benefit
of clergy in
cases where
the punish-
ment is
death.

Sec. 32. *And be it further enacted,* That no person or persons shall be prosecuted, tried or punished for treason or other capital offence aforesaid, wilful murder or forgery excepted.

No prosecution or punishment for treason or other capital offence unless indictment be found within 3 years, nor in other cases unless within 2 years;

except the offender flee.

Punishment of death to be by hanging.

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.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, April the 30th, 1790:

GEORGE WASHINGTON,
President of the United States.

CHAPTER X.

An Act for regulating the Military Establishment of the United States.

(REPEALED.)

CHAPTER XI.

An Act to prescribe the Mode in which the public Acts, Records, and judicial Proceedings, in each State, shall be authenticated so as to take Effect in every other State.

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

Legislative acts, records and judicial proceedings of the several states, how to be authenticated; and

the effect thereof.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, May twenty-sixth, 1790:

GEORGE WASHINGTON,
President of the United States.

CHAPTER XII.

An Act to provide for mitigating or remitting the Forfeitures and Penalties accruing under the Revenue Laws, in certain Cases therein mentioned.

Mitigation
or remission
of penalties
&c. how to
be applied
for; and

Section I. **B**E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever any person who now is, or hereafter shall be liable to a fine, penalty or forfeiture, or interested in any vessel, goods, wares or merchandize, 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 enquire 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 shewing cause against the mitigation or remission thereof; and shall cause the facts which shall appear upon such enquiry, 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

by whom
granted;

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.

Not to affect cases of previous information.

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.

Continuance of the act.

FREDERICK AUGUSTUS MUIHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, May twenty-sixth, 1790

GEORGE WASHINGTON,
President of the United States.

CHAPTER XIII.

An Act to continue in Force an Act passed at the last Session of Congress, entitled, "An Act to regulate Processes in the Courts of the United States."

(EXPIRED.)

CHAPTER XIV.

An Act for the Government of the Territory of the United States, south of the River Ohio.

(EXPIRED.)

CHAPTER XV.

An Act for the Encouragement of Learning, by securing the Copies of Maps, Charts and Books, to the Authors and Proprietors of such Copies, during the Times therein mentioned."

Authors of maps, charts and books;
 Sect: I. **B**E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passing of this act, the author and authors of any map, chart, book or books already printed within these United States, being a citizen or citizens thereof, or resident within the same, his or their executors, administrators or assigns, who hath or have not transferred to any other person the

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

and purchasers from them to have the sole right of publication &c for 14 years;

recording the title, &c.

Also, if living at the end of that term, to have the further term of 14 years;

recording the title, &c.

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

Sec. 2. *And be it further enacted,* That if any other person or persons, from and after the recording the title of any map, chart, book or books, and publishing the same as aforesaid, and within the times limited and granted by this act, shall print, reprint, publish, or import, or cause to be printed, reprinted, published, or imported from any foreign kingdom or state, any copy or copies of such map, chart, book or books, without the consent of the author or proprietor thereof, first had and obtained in writing, signed in the presence of two or more credible witnesses; or knowing the same to be so printed, reprinted, or imported, shall publish, sell, or expose to sale, or cause to be published, sold, or exposed to sale, any copy of such map, chart, book or books, without such consent first had and obtained in writing as aforesaid, then such offender or offenders shall forfeit all and every copy and copies of such map, chart, book or books, and all and every sheet and sheets, being part of the same, or either of them, to the author or proprietor of such map chart, book or books, who shall forthwith destroy the same: And every such offender and offenders shall also forfeit and pay the sum of fifty cents for every sheet which shall be found in his or their possession, either printed or printing, published, imported or exposed to sale, contrary to the true intent and meaning of this act, the one moiety thereof to the author or proprietor of such map, chart, book or books who shall sue for the same, and the other moiety thereof, to and for the use of the United States, to be recovered by action of debt in any court of record in the United States, wherein the same is cognizable. *Provided always,* That

such action be commenced within one year after the cause of action shall arise, and not afterwards.

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

Conditions on which the benefit of this act shall be obtained.

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, intituled, "An Act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned." C. D. clerk of the district of ."

For which the said clerk shall be entitled to receive sixty cents from the said author or proprietor, and sixty cents for every copy under seal actually given to such author or pro-

prietor 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.

Authors to deliver a copy of their work to the secretary of state.

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.

No prohibition against importing, reprinting, &c. of foreign writings or publications.

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

Penalty for publishing manuscripts without consent of the authors.

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.

Persons sued for any thing done under this act, may give

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. special matter in evidence.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, May the thirty-first, 1790 :

GEORGE WASHINGTON,
President of the United States.

CHAPTER XVI.

An Act for finally adjusting and satisfying the Claims of Frederick William De Steuben.

(PRIVATE.)

CHAPTER XVII.

An Act for giving Effect to an Act, intituled, "An Act to establish the Judicial Courts of the United States," within the State of North-Carolina.

Section 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the act, intituled, "An Act to establish the judicial courts of the United States," shall have the like force and effect within the state of North-Carolina, as elsewhere within the United States. Judicial act declared in force as to N. Carolina.

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 District court. its sessions and

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.

where held. 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.

Annexed to southern circuit. Circuit courts, their sessions, and where held. 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.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, June the fourth, 1790:

GEORGE WASHINGTON,
President of the United States.

CHAPTER XVIII.

An Act supplemental to the Act for establishing the Salaries of the Executive Officers of Government, with their Assistants and Clerks.

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

Secretary of State to appoint an additional clerk; with what salary.

FREDERICK AUGUSTUS MUHLENBERG,

Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United*

States, and President of the Senate.

APPROVED, June the fourth, 1790 :

GEORGE WASHINGTON,

President of the United States.

CHAPTER XIX.

An Act for giving Effect to the several Acts, therein mentioned, in respect to the State of Rhode-Island and Providence Plantations.

(REPEALED.)

CHAPTER XX.

An Act for the Relief of Thomas Jenkins and Company.

(PRIVATE.)

CHAPTER XXI.

An Act for giving Effect to an Act, intituled, "An Act to establish the Judicial Courts of the United States," within the State of Rhode-Island and Providence Plantations.

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

Judicial act
declared in
force as to
R. Island.

District
court, its
sessions, &

whereheld.

Annexed to
eastern cir-
cuit.

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

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.

Circuit
courts, their
sessions, &c

where held.

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.

Salary of
the judge.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, June the twenty-third, 1790:

GEORGE WASHINGTON,
President of the United States.

CHAPTER XXII.

An Act providing the Means of Intercourse between the United States and foreign Nations.

Section 1. **B**E it enacted by the Senate and House of Representatives of the

United States of America, in Congress assembled,

President
authorized
to draw
40,000 dols

That the President of the United States shall be, and he hereby is authorized to draw from the treasury of the United States, a sum not exceeding forty thousand dollars annually, to be paid out of the monies arising from the duties on imports and tonnage, for the support of such persons as he shall commission to serve the United States in foreign parts, and for the expence incident to the business in which they may be employed. *Provided,* That ex-

for outfit.

clusive 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

and salaries
of ministers
plenipoten-
tiary, and

of nine thousand dollars per annum, as a compensation for all his personal services and other expences; 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 Presi-

chargé des
affaires, and

minister's
secretary;

and to ac-
count spe-
cifically.

dent 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 adviseable 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.

continu-
ance of
this act.

FREDERICK AUGUSTUS MUHLENBERG,

Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States and President of the Senate.*

APPROVED, July the first, 1790:

GEORGE WASHINGTON,

President of the United States.

CHAPTER XXIII.

An Act to satisfy the Claims of John M^cCord against the United States.

(PRIVATE.)

CHAPTER XXIV.

An Act for the Relief of Nathaniel Twining.

(PRIVATE.)

CHAPTER XXV.

An Act for giving Effect to an Act, intituled, "An Act providing for the Enumeration of the Inhabitants of the United States," in respect to the State of Rhode-Island and Providence Plantations.

Section 1. **B**E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act passed the present session of Congress, intituled, "An Act providing for the

Act for e-
numeration
declared in
force as to
R. Island.

enumeration of the inhabitants of the United States," shall be deemed to have the like force and operation within the state of Rhode-Island and Providence Plantations, as elsewhere within the United States; and all the regulations, provisions, directions, authorities, penalties, and other matters whatsoever, contained or expressed in the said act, and which are not locally inapplicable, shall have the like force and effect within the said state, as if the same were repeated and re-enacted in and by this present act.

Salary of
the mar-
shal.

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.

FREDERICK AUGUSTUS MUHLENBERG,

Speaker of the House of Representatives.

— JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, July the fifth, 1790:

GEORGE WASHINGTON,

President of the United States.

CHAPTER XXVI.

An Act to authorize the Purchase of a Tract of Land for the Use of the United States.

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

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

FREDERICK AUGUSTUS MUHLENBERG,

Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, July the fifth, 1790:

GEORGE WASHINGTON,

President of the United States.

CHAPTER XXVII.

An Act further to provide for the Payment of the Invalid Pensioners of the United States.

(EXPIRED.)

CHAPTER XXVIII.

An Act for establishing the temporary and permanent Seat of the Government of the United States.

Section 1. **B**E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

District on the Potomac accepted for permanent seat of government, and

state laws, when to cease therein.

That a district of territory, not exceeding ten miles square, to be located as hereafter directed on the River Potomack, at some place between the mouths of the Eastern-Branch and Connogochegue, be, and the same is hereby accepted for the permanent seat of the government of the United States: *Provided nevertheless*, That the operation of the laws of the state within such district shall not be affected by this acceptance, until the time fixed for the removal of the government thereto, and until Congress shall otherwise by law provide.

President to appoint commissioners for locating the same;

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

Sec. 3. *And be it 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.

who may purchase or accept grants of land, and prior to Dec. 1800 provide buildings.

Sec. 4. *And be it enacted*, That for defraying the expence of such purchases and buildings, the President of the United States be authorized and requested to accept grants of money.

expence thereof, how to be defrayed.

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

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

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 expence of such removal shall be de-

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

frayed out of the duties on imposts and tonnage, of which a sufficient sum is hereby appropriated.

FREDERICK AUGUSTUS MUEHLBERG,

Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, July the sixteenth, 1790 :

GEORGE WASHINGTON,

President of the United States.

CHAPTER XXIX.

An Act for the Government and Regulation of Seamen in the Merchant's Service.

Section 1. **B**E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the first day of December next, every master or commander of any ship or vessel bound from a port in the United States to any foreign port, or of any ship or vessel of the burthen of fifty tons or upwards, bound from a port in one state, to a port in any other than an adjoining state, shall, before he proceed on such voyage, make an agreement in writing or in print, with every seaman or mariner on board such ship or vessel (except such as shall be apprentice or servant to himself or owners) declaring the voyage or voyages, term or terms of time, for which such seaman or mariner shall be shipped. And if

Master and mariners in the merchant's service to execute a shipping agreement :

any master or commander of such ship or vessel shall carry out any seaman or mariner (except apprentices or servants as aforesaid) without such contract or agreement being first made and signed by the seamen and mariners, such master or commander shall pay to every such seaman or mariner the highest price or wages which shall have been given at the port or place where such seaman or mariner shall have been shipped, for a similar voyage, within three months next before the time of such shipping: *Provided* such seaman or mariner shall perform such voyage: or if not, then for such time as he shall continue to do duty on board such ship or vessel; and shall moreover forfeit twenty dollars for every such seaman or mariner, one half to the use of the person prosecuting for the same, the other half to the use of the United States: and such seaman or mariner, not having signed such contract, shall not be bound by the regulations, nor subject to the penalties and forfeitures contained in this act.

Master failing to do, subject to penalty.

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 man-

Mariner failing to perform the agreement, what penalty subjected to.

ner 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 sum 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.

Vessel leaky or unfit to perform her voyage, what proceedings shall be had for ascertaining the same.

Sec. 3. *And be it 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 enquired 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 enquiry 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 re-

Master, &c.
to pay costs.

port 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 gaol of the county, there to remain without bail or mainprize, 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.

Penalty for harboring runaway seamen.

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 so have 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

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

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.

When and at what port entitled to demand his wages;

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 the said wages, it shall be lawful for the judge of the district where the said ship or vessel shall be, or in case his residence be more than three miles from the place, or of his absence from the place of his residence, then, for any judge or justice of the peace, to summon the master of such ship or vessel to appear before him, to shew 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 shew that the

how to recover them if withheld.

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

Sec. 7. *And be it 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 mas-

Mariner
deserting at
any port or
place, how
so be pro-
ceeded a-
gainst and
punished.

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

Every ship
or vessel
outward
bound to be
furnished
with a me-
dicine
chest;

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 pro-

penalty on
the master
for default.

vide 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.

Ships, &c. bound across the Atlantic, what supply of provisions and water shall be laid in.

Penalty for failure.

FREDERICK AUGUSTUS MUHLENBERG,

Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, July the twentieth, 1790:

GEORGE WASHINGTON,

President of the United States.

CHAPTER XXX.

An Act imposing Duties on the Tonnage of Ships or Vessels.

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

Tonnage
on ships or
vessels of
U. States;

on those of
foreigners;

on all others

On ships or
vessels of
U. States,
trading be-
tween dis-
trict and
district;

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 merchandize 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 Sep-

September next, shall be entered in one district from another district, having on board goods, wares and merchandize taken in, in one district to be delivered in another district, there shall be paid at the rate of fifty cents per ton.

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

And whereas it is declared by the twenty-third section of the act, intituled, "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes," "That if any vessel of the burthen of twenty tons or upwards, not having a certificate of registry or inrollment, 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:

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

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

restitution to be made for, and not demandable in future.

Sec. 5. *And be it further enacted*, That the act, intituled, "An act imposing duties on tonnage," shall, after the said first day of September next be repealed, and shall thenceforth

Repeal of former act.

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.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, July the twentieth, 1790:

GEORGE WASHINGTON,
President of the United States.

C H A P T E R XXXI.

An Act providing for holding a Treaty or Treaties to establish Peace with certain Indian Tribes.

(EXPIRED.)

C H A P T E R XXXII.

An Act to amend the Act for the Establishment and Support of Light-Houses, Beacons, Buoys, and public Piers.

(EXPIRED.)

CHAPTER XXXIII.

*An Act to regulate Trade and Intercourse with
the Indian Tribes.*

(REPEALED.)

CHAPTER XXXIV.

*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 :

Recital.

Section 1. *BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That reserving out of the monies which have arisen since the last day of December last past, and which shall hereafter arise from the duties on goods, wares and merchandize 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 monies, or so much thereof, as may be necessary, as the same shall be received in each year, next after the sum reserved as aforesaid, shall be, and is hereby appropriated to the payment of the interest which shall from time to time become due on the loans heretofore made by

Duties on imports & tonnage appropriated to pay interest on the foreign debt & future loans, reserving sixty thousand dollars annually for support of government.

the United States in foreign countries; and also to the payment of interest on such further loans as may be obtained for discharging the arrears of interest thereupon, and the whole or any part of the principal thereof; to continue so appropriated until the said loans, as well those already made as those which may be made in virtue of this act, shall be fully satisfied, pursuant to the contracts relating to the same, any law to the contrary notwithstanding. *And provided*, That nothing herein contained, shall be construed to annul or alter any appropriation by law made prior to the passing of this act.

For pay-
ment of in-
terest and
instalments
of foreign
debt,

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:

President
may make
new loans
and con-
tracts.

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

States from reimbursing any sum or sums borrowed within fifteen years after the same shall have been lent or advanced.

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 of January, one thousand seven hundred and seventy-nine, for bills of credit of the several emissions of the twentieth of May, one thousand seven hundred and seventy-seven, and the eleventh of April, one thousand seven hundred and seventy-eight.

Those issued by the commissioners for the

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

in what payable.

adjustment of the accounts of the quartermaster, commissary, hospital, clothing, and marine departments.

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

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

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

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

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

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

terest 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.

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

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

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

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.

Stock created by this act, how transferable.

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.

and interest thereon payable quarterly.

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 there-

of on the last day of December in each year, beginning on the last day of March next ensuing; and payment shall be made whereforever 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 :

Non-sub-
scribing
creditors,

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

their rights
not to be
impaired, &c

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

Sec. 10. *Be it therefore further enacted*, That such of the creditors of the United States as may not subscribe to the said loan, shall nevertheless receive during the year one thousand seven hundred and ninety-one, a rate per

to be paid
a rate per
cent. on the
amount of
the de-
mands
equal to
the interest
allowed to
subscribing
creditors,

All certifi-
cates in cir-
culation, to
be cancel-
led & new
ones issued.

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 pur-

suant 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.

Commis-
sioners,
their sala-
ries.

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 five thousand, nor more than ten thousand dollars, with condition for their good behavior in their said offices respectively.

to take an
oath & en-
ter into
bond.

And whereas a provision for the debts of the respective states by the United States,

State debts

would be greatly conducive to an orderly oeconomic and effectual arrangement of the public finances ;

assumed, to amount of 21,500,000 dols. and a loan proposed, payable in certificates of the states,

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

not exceeding a certain sum in each.

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

In those of New-Hampshire, three hundred thousand dollars.

In those of Massachusetts, four million dollars.

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

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

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

In those of New-Jersey, eight hundred thousand dollars.

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

In those of Delaware, two hundred thousand dollars.

In those of Maryland, eight hundred thousand dollars.

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

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

What certificates shall not be received.

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

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

Subscribers
to said loan
what pro-
portion of
principal,
rate of in-
terest, and
terms of
payment
entitled to.

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.

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

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

Sum allow-
ed to any
state, not
being sub-
scribed, the
state to re-
ceive inter-
est on a-
mount of
deficiency.

dividual 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 :

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

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

States chargeable with amount of subscriptions.

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

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

Sec. 20. *And be it further enacted*, That the monies arising under the revenue-laws, which have been or during the present session of Congress may be passed, or so much thereof as may be necessary, shall be and are hereby pledged and appropriated for the payment of the interest on the stock which shall be created by the loans aforesaid, pursuant to the provisions of this act, first paying that which shall arise on the stock created by virtue of the said first mentioned loan, to continue so pledged and appropriated, until the final redemption

of the said stock, any law to the contrary notwithstanding, subject nevertheless to such reservations 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 monies may be inviolably applied in conformity to this act, and may never be diverted to any other purpose, an account shall be kept of the receipts and disposition thereof, separate and distinct from the product of any other duties, imposts, excises and taxes whatsoever, except such as may be hereafter laid, to make good any deficiency which may be found in the product thereof towards satisfying the interest aforesaid.

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.

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

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 hold-

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

den, and shall be applied solely to that use until the said debts shall be fully satisfied.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, August the fourth, 1790:

GEORGE WASHINGTON,
President of the United States.

CHAPTER XXXV.

An Act to provide more effectually for the Collection of the Duties imposed by Law on Goods, Wares and Merchandize imported into the United States, and on the Tonnage of Ships or Vessels.

Section 1. **B**E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the collection of the duties imposed by law on goods, wares and merchandize 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:

District &
ports in N.
Hampshire.

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 New-castle, Dover and Exeter, ports of delivery only: but all ships or vessels bound to or from

either of the said ports of delivery, shall first come to, enter and clear at Portsmouth; and a collector, naval-officer and surveyor for the said district shall be appointed, to reside at Portsmouth.

In the state of Massachusetts shall be twenty districts and ports of entry; to wit: Newburyport, Gloucester, Salem and Beverly, as one; Marblehead, Boston and Charlestown, as one; Plymouth, Barnstable, Nantucket, Edgartown, New-Bedford, Dighton, York, Biddeford and Pepperelborough, as one; Portland, and Falmouth, as one; Bath, Wiscasset, Penobscot, Frenchman's Bay, Machias and Passamaquady. To the district of Newburyport shall be annexed the several towns or landing places of Almsbury, Salisbury and Haverhill, which shall be ports of delivery only; and a collector, naval-officer and surveyor for the district shall be appointed, to reside at Newburyport. To the district of Gloucester shall be annexed the town of Manchester, as a port of delivery only; and a collector and surveyor shall be appointed, to reside at Gloucester. To the district of Salem and Beverly shall be annexed the towns or landing places of Danvers and Ipswich, as ports of delivery only; and a collector, naval-officer and surveyor for the district shall be appointed, to reside at Salem, and a surveyor to reside at each of the towns of Beverly and Ipswich. To the district of Marblehead shall be annexed the town of Lynn, as a port of delivery only; and a collector for the district shall be appointed, to reside at Marblehead. To the district of Boston and Charlestown shall be annexed the towns or landing places of Medford, Cohasset and Hingham, as ports of delivery only; and a

Districts &
ports in
Massachu-
setts.

Districts &
ports in
Massachu-
setts.

collector, naval-officer and surveyor shall be appointed to reside at Boston. To the district of Plymouth shall be annexed the several towns or landing places of Scituate, Duxbury and Kingston, as ports of delivery only; and a collector for the district shall be appointed, to reside at Plymouth. To the district of Barnstable shall be annexed the several towns or landing places of Sandwich, Falmouth, Harwich, Welfleet, Provincetown and Chatham, as ports of delivery only; and a collector for the district shall be appointed, to reside at Barnstable. To the district of Nantucket the port of Sherburne shall be the sole port of entry and delivery within the same, and a collector shall be appointed, to reside at Sherburne. In the district of Edgartown a collector shall be appointed, to reside at Edgartown. To the district of New-Bedford shall be annexed Westport, Rochester and Wareham, as ports of delivery only; and a collector for the district shall be appointed, to reside at New-Bedford. To the district of Dighton shall be annexed Swansey and Freetown, as ports of delivery only; and a collector for the district shall be appointed, to reside at Dighton. To the district of York shall be annexed Kittery and Berwick, as ports of delivery only; and a collector for the district shall be appointed, to reside at York. To the district of 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 Passamaquady shall be appointed a collector, to reside at the said ports of Machias and Passamaquady, respectively. The district of Newburyport shall include all the waters and shores from the state of New-Hampshire to the north line of Ipswich. The district of Gloucester shall include all the waters and shores in the towns of Gloucester and Manchester. The district of Salem and Beverly shall include all the shores and waters within the towns of Ipswich, Beverly, Salem and Danvers. The district of Marblehead shall include all the waters and shores within the towns of Marblehead and Lynn. The district of Boston and Charlestown shall include all the waters and shores within the counties of Middlesex and Suffolk. The district of Plymouth, shall include all the waters and shores within the county of Plymouth, excepting the towns of Wareham and Rochester. The district of

Districts &
ports in
Massachusetts.

Districts &
ports in
Massachu-
setts.

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.

Districts &
ports in R.
Island, &c.

In the state of Rhode-Island and Providence Plantations, there shall be two districts; to wit: The district of Newport, and the district of Providence. The district of Newport shall comprehend all the waters, shores, bays, harbors, creeks and inlets, from the west line of the said state all along the sea coast and northward up the Narraganset Bay, as far as the most easterly part of Kinnimicut Point at high water mark; and shall include the several towns, harbors, and landing places at Westerly, Charleston, South-Kingstown, North-Kingstown, East-Greenwich, and all that part of Warwick southward of the lati-

tude of said Kinnimicut Point; and also the towns, harbors and landing places of Barrington, Warren, Bristol, Tiverton, Little-Compton, and all the towns, harbors and landing places of the island of Rhode-Island, James Town, Prudence, New-Shoreham, and every other island and place within the said state southward of the latitude of the said Kinnimicut Point. The district of Providence shall comprehend all the waters, shores, bays, harbors, creeks and inlets within the said state, northward of the latitude of Kinnimicut Point. The town of Newport shall be the sole port of entry in the said district of Newport; and a collector, naval-officer, and surveyor shall be appointed, to reside at the said town of Newport; and North-Kingstown, East-Greenwich, Barrington, Warren, Bristol and Pawcatuck river in Westerly, shall be ports of delivery only; and a surveyor shall be appointed, to reside at each of the ports of North-Kingstown, East-Greenwich, Warren, Bristol and Pawcatuck river, and the surveyor to reside at Warren shall be surveyor for the port of Barrington. The town of Providence shall be the sole port of entry in the said district of Providence, and Patuxet in the same district shall be a port of delivery only; and 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 Killingworth, and north to the south line of the state of Massachusetts; and shall also in-

Districts &
ports in
Connecti-
cut.

clude the several towns or landing places of Norwich, Stonington, Groton, Lyme, Saybrook, Haddam, East-Haddam, Middletown, Chatham, Weathersfield, Glastenbury, Hartford, East-Hartford, Windfor, East-Windfor, and Killingworth, 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, Branford, Milford and Derby, as ports of delivery only; New-Haven to be the sole port of entry; and a collector and surveyor for the district shall be appointed, to reside at New-Haven. The district of Fairfield shall include all the ports and places in the said state of Connecticut west of the district of New-Haven; to which shall be annexed the several towns or landing places of Norwalk, Stratford, Stamford, and Greenwich, as ports of delivery only; Fairfield to be the sole port of entry; and a collector for the district shall be appointed, to reside at Fairfield. And New-London, New-Haven, and Fairfield, shall severally be ports of entry.

Districts &
ports in
N. York.

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 at the city of New-York; also two surveyors, one to reside at the city of Albany, and the other at the city of Hudson; and all ships or vessels bound to or from any port of delivery within the last named district, shall be obliged to come to, and enter or clear out at the city of New-York.

Districts &
ports in
N. 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, Elizabeth-Town, 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

Districts &
ports in
N. Jersey.

Districts &
ports in
N. Jersey.

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 (such part of the counties of Gloucester and Cape-May as shall be herein after included in the district of Great Egg-Harbor, excepted) and all the waters thereof heretofore within the jurisdiction of the said state; and the town of Salem and Port Elizabeth, on Maurice river, shall be ports of delivery only; and a collector shall be appointed, to reside at Bridgetown. The district of Great Egg-Harbor shall comprehend the river of Great Egg-Harbor, together with all the inlets, bays, sound, rivers and creeks, along the sea coast, from Brigantine inlet to Cape-May; and a collector shall be appointed, to reside at Somers's Point, on the said river of Great Egg-Harbor.

District &
port in
Pennsylvania.

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

District &
ports in
Delaware.

The state of Delaware shall be one district, and the borough of Wilmington shall be the port of entry, to which shall be annexed Newcastle and Port Penn, as ports of delivery on-

ly; 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 George-Town. 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 Sassafras river, shall be a port of delivery only; and a collector for the district shall be appointed, to reside at Chester, which shall be the sole port of entry. The district of Oxford shall include all the waters and shores on the eastern side of Chesapeake-Bay, from the north side of Wye river and the Eastern-Bay, to the south side of 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

Districts &
parts in
Maryland.

Districts &
ports in
Maryland.

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

Districts &
ports in
Maryland.

In the state of Virginia shall be twelve districts ; to wit : Hampton as one port ; Norfolk and Portsmouth as one port ; Bermuda Hundred and City Point as one port ; Yorktown, Tappahannock, Yeocomico river, including Kinsale, Dumfries, including Newport, Alexandria, Foley-Landing, Cherrystone, South Quay, and Louisville. The authority of the officers at Hampton shall extend over all the waters, shores, bays, harbors and inlets, between the south side of the mouth of York river, along the west shore of Chesapeake-Bay to Hampton, and thence up James river to the west side of Chickahominy river ; and a collector shall be appointed, to reside at Hampton, which shall be the sole port of entry. To the district of Norfolk and Portsmouth shall be annexed Suffolk and Smithfield as ports of delivery only ; and the authority of the officers of the district shall extend over all the waters, shores, bays, harbors and inlets com-

Districts &
ports in
Virginia.

Districts &
ports in
Virginia.

prehended 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 Mattapony rivers to the highest navigable

waters thereof. To the district of Tappahannock shall be annexed Urbanna, Port-Royal, and Fredericksburg (including Falmouth), as ports of delivery only; and a collector for the district shall be appointed, to reside at Tappahannock, which shall be the sole port of entry; also a surveyor for each of the ports of Urbanna, Port-Royal, and Fredericksburg; and the authority of the officers of the said district shall extend over all the waters, shores, bays, harbors and inlets, comprehended between Smith's point, at the mouth of Potowmack 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 Potowmack 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 Potowmack 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 Potowmack 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

Districts &
ports in
Virginia.

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the officers of the said district shall extend over all the waters, shores, bays, harbors and inlets on the south side of the river Potowmack, from the last mentioned Cockpit-Point to the highest tide water of the said river. For the district of Foley Landing shall be appointed a collector, who shall reside at Accomack Court-house, and whose authority shall extend over all the waters, shores, bays, harbors and inlets of the county of Accomack. For the district of Cherrystone shall be appointed a collector, to reside at Cherrystone, whose authority shall extend over all the waters, shores, bays, harbors and inlets comprehended within Northampton county. For the district of South Quay a collector shall be appointed, to reside thereat, whose authority shall extend over all the waters, shores, bays, harbors and inlets in that part of Virginia, comprehended within the limits of the said state. For the district of Louisville a collector shall be appointed, to reside thereat, whose authority shall extend over all the waters, shores and inlets included between the rapids and the mouth of the Ohio river on the south side thereof.

Districts &
ports in
N. Carolina.

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

Shoal, and southward of the said Royal Shoal. Another to be called the district of Washington, and to comprehend all that part of Pamphicoe found not included in the district of Newbern, as far north as the marshes. Another to be called the district of Edenton, and to comprehend all the waters, bays, harbors, creeks and inlets; from the marshes, inclusive, northward and westward, except those included in the district of Cambden. The other to be called the district of Cambden, and to comprehend North River, Pasquotank and Little Rivers, and all the waters, shores, bays, harbors, creeks and inlets, from the junction of Currituck and Albemarle sounds to the north extremity of Back-Bay. That in the district of Wilmington, the town of Wilmington shall be a port of entry and delivery, and there shall be 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,

Districts &
ports in
N. Carolina.

Districts &
ports in
N. Carolina.

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.

Districts
and ports in
S. Carolina.

In the state of South-Carolina, shall be three districts; to wit: Georgetown, Charleston, and Beaufort, each of which shall be a port of entry. The district of Georgetown shall include the shores, inlets and rivers, from the boundary of North-Carolina to the point of Cape Romain. The district of Charleston shall include all the shores, inlets and rivers, from

Cape Romain to Combahee river inclusive ; and the district of Beaufort shall include the shores, inlets and rivers, from Combahee river to Back river in Georgia, comprehending also the shores, inlets and harbors formed by the different bars and sea islands lying within each district respectively. At the port of Charleston shall be a collector, naval-officer and surveyor ; and a collector at each of the other ports.

Districts
and ports in
S. Carolina.

In the state of Georgia shall be four districts ; to wit : Savannah, Sunbury, Brunswick, and Saint Mary's, each of which shall be a port of entry. The district of Savannah shall include Savannah river, and all the waters, shores, harbors, rivers, creeks, bays, and inlets, from the said river to the north point of Oflabaw 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 Oflabaw island and Great Ogeeche river, exclusive, and north of the south point of Sapelo island, inclusive, and a collector for the said district shall be appointed to reside at Sunbury. The district of Brunswick shall comprehend all the waters, shores, harbors, rivers, creeks, bays and inlets, from the south point of Sapelo island, exclusive, to the south point of Jekyl island, inclusive ; Frederica shall be a port of delivery only ; and a collector for the district shall be appointed, to reside at Brunswick. The district of Saint Mary's shall comprehend all the waters, shores, harbors, rivers, creeks, bays, and inlets, from the south point of Jekyl island, exclusive, to Saint Mary's river, inclusive ; and a collector for the said district shall

Districts
and ports in
Georgia.

be appointed, to reside at Saint Mary's: and in each of the said districts it shall be lawful for the collector to grant a permit to unlade at any port or place within the district, and to appoint or put on board any ship or vessel for which a permit is granted, one or more searchers or inspectors as may be necessary for the security of the revenue.

Sec. 2. *And be it further enacted*, That it shall not be lawful to make entry of any ship or vessel which shall arrive from any foreign port or place within the United States, or of the cargo on board such ship or vessel elsewhere than at one of the ports of entry herein before established, nor to unlade the said cargo, or any part thereof, elsewhere than at one of the ports of delivery herein established: *Provided always*, That every port of entry shall be also a port of delivery: *And provided further*, That none but ships or vessels of the United States shall be admitted to unlade at any other than the ports following; to wit: Portsmouth, in the state of New-Hampshire: Portland and Falmouth, New-Bedford, Dighton, Salem and Beverly, Gloucester, Newburyport, Marblehead, Sherburne, Boston and Charlestown, Plymouth, Bath, Frenchman's-Bay, Wiscasset, Machias, and Penobscot, in the state of Massachusetts: Newport and Providence, in the state of Rhode-Island and Providence Plantations: New-London and New-Haven, in the state of Connecticut: New-York, in the state of New-York: Perth-Amboy, and Burlington, in the state of New-Jersey: Philadelphia, in the state of Pennsylvania: Wilmington, Newcastle and Port-Penn, in the state of Delaware: Baltimore, Annapolis, Vienna, Oxford, Georgetown on Potowmack, Chestertown, Town-Creek, Not

Ports of entry to be ports of delivery.

Ports of delivery to which foreign vessels are restricted.

ingham, Cedar Point, Digges's Landing, Snowhill and Carrollburgh, 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 Savan-

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

nah, 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.

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

Sec. 3. *And be it further enacted*, That the master or commander of every ship or vessel bound to a port of delivery only, in any of the following districts ; to wit : Portland and Falmouth, Bath, Newburyport, New-London, (except the port of Stonington, in the said district) Norfolk and Portsmouth, Bermuda-Hundred and City-Point, Yorktown, or Tappahannock, (except the port of Urbanna, in the said district) 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.

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

Sec. 4. *And be it further enacted*, That the master or commander of every ship or vessel, if bound to the district of Nottingham, shall, before he pass by the port of Town-Creek, and immediately after his arrival, deposit with the surveyor of the said port, a true manifest of the cargo on board such ship or vessel : if bound to the district of Tappahannock, shall, before

he pass by the port of Urbanna, and immediately after his arrival, deposit with the surveyor for that port a like manifest: if bound to the district of Bermuda-Hundred or City-Point, shall, before he pass by Elizabeth-River, and immediately after his arrival, deposit with the collector of the port of Norfolk and Portsmouth, or with the collector of the port of Hampton, a like manifest: and if bound to the district of South-Quay, shall, before he pass by the port of Edenton, and immediately after his arrival, deposit with the collector of the port of Edenton, a like manifest. And the said surveyors and collectors respectively, shall, after registering the 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 deposit a manifest in manner aforesaid, and as the case shall require, he shall forfeit and pay five hundred dollars, to be recovered with costs of suit, one half to the use of the officer with whom such manifest ought to have been deposited, and the other half to the use of the collector of the district to which the said ship or vessel may be bound: *Provided*, That if manifests shall have been in either of the said cases previously delivered to any officer of the customs, pursuant to the provision 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,

Penalty for neglecting to deposit manifest.

shall incur the said penalty, if he shall make oath or affirmation that he had no knowledge of or information concerning the regulation herein contained, unless it can be otherwise proved that he had such knowledge or information.

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

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.

penalty in default thereof.

Duties of the collector

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 merchandize imported in them; shall, together with the naval-officer, where there is one, or alone where there is none, estimate the amount of the duties payable thereupon, endorsing the said amount upon the respective entries; shall receive all monies paid for duties, and take all bonds for securing the payment thereof; shall grant all permits for the unlading and delivery of goods; shall employ proper persons as weighers, guagers, measurers and inspectors at the several ports within his district; and shall provide at the public expence, 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 merchandize 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 guagers 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

naval of-
ficer

and

surveyor.

Further
duties of
surveyor
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and the permits for landing the same ; and the said surveyor shall in all cases be subject to the controul 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 guage, 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 to which they are respectively assigned ; and shall keep fair and

Collector
may occasi-
onally em-
ploy a sur-
veyor.

true accounts and records of all their transactions as officers of the customs; in such manner and form as may be directed by the proper department, or officer having the superintendance of the collection of the revenue of the United States; and shall at all times submit their books, papers and accounts to the inspection of such persons as may be appointed for that purpose. And the said collectors shall at all times pay to the order of the officer who shall be authorized to direct the payment thereof, the whole of the monies which they may respectively receive by virtue of this act (such monies as they are otherwise by this act directed to pay only excepted); and shall also once in every three months, or oftener if they shall be required, transmit their accounts for settlement to the officer or officers whose duty it shall be to make such settlement.

Collectors, naval officers and surveyors to keep books.

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

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

Collectors, naval-officers and surveyors may appoint deputies.

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 dis-

Duties of a deputy collector.

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.

Collector may nominate a surveyor.

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

Sec. 9. *And be it further enacted*, That from and after the first day of October next, no goods, wares or merchandize 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 leagner, pipe, butt, puncheon, hoghead, barrel, case, bale, pack, trufs, 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 merchandize shall, after the said first day of October next, be imported or brought into the United States, in any ship or vessel, whatever, belonging in the whole or in part to a citizen or citizens, inhabitant or inhabitants of the United States, from any foreign port or place, without such manifest or manifests in writing, or shall not be included and described therein, or shall not agree therewith, in every such case the master or other person having the command or charge of such ship or vessel, shall forfeit a sum of money equal to the value of such goods, not included in such manifest or manifests: *Provided always*, That if it shall be made appear to the satisfaction of the collector, naval-officer and surveyor, or the major part of them, where those offices are established at any port, or to the satisfaction of the collector alone, where either of the other of the said offices is not established, or to the satisfaction of the court in which a trial shall be had concerning such forfeiture; that no part of the cargo of such ship or vessel had been unshipped, after it was taken on board, except such as shall have

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

Restitution of them if the manifests are lost.

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.

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

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

year on which the same was or were delivered, and shall forthwith transmit such copy or copies to the respective collectors of the several districts, to which the goods by such manifest or manifests shall appear respectively to be consigned; and that the said master or other person so having the charge or command of any such ship or vessel, shall in like manner produce to the officer or officers of the customs who shall first come on board such ship or vessel upon her arrival within the limits of any district of the United States, in which the cargo or any part thereof is intended to be discharged or landed, for his or their inspection, such manifest or manifests as aforesaid, and shall also deliver to him or them a true copy or copies thereof, (such copy or copies also to be provided and subscribed by the said master or other person having the charge or command of such ship or vessel) the production of which 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 pro-

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

duce 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 shew to him the said original manifest or manifests, and the certificate or certificates thereupon.

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

Penalty on neglect thereof.

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 ac-

count of the said destination, in order to evade the production of the said manifest or manifests, the said master or other person having the charge or command of such ship or vessel, shall forfeit for every such refusal, neglect or offence, a sum not exceeding five hundred dollars. And if such officer or officers first coming on board, in each case within the distance or limits aforesaid, shall neglect or refuse to certify on the back of such manifest or manifests, the production thereof, and the delivery of such copy or copies respectively, as are herein before directed to be delivered to such officer or officers; every such officer, so neglecting or refusing shall forfeit and pay the sum of five hundred dollars.

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

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 merchandize so unladen and unshipped, shall be forfeited and lost, except in the case of some unavoidable accident, necessity or distress of

Penalty for unloading goods without authority, and

forfeiture thereof;

except in
cases of ac-
cident or
distress.

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.)

Masters of
vessels re-
ceiving
goods, ex-
cept in such
cases, to for-
feit treble
their value
and vessels.

Sec. 14. *And be it further enacted,* That if any goods, wares or merchandize 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.

Masters of
vessels to
incur a pe-
nalty for
sailing from
any district
after arriv-

Sec. 15. *And be it further enacted,* That if any ship or vessel which shall have arrived within the limits of any district of the United States from any foreign port or place, shall depart or attempt to depart from the same, unless, to

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

ing, if they do not enter, except in cases of distress:

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

To make an entry within 24 hours;

and a re-
port of his
cargo with-
in 48 hours;

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 farther 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 information required on the second report as aforesaid, shall have been given at the time of making the first report, in which case it shall not be necessary to make a further report. And in the cases in which the master or person having the charge or command of any ship or vessel herein before required to have on board at the time of her departure from such foreign port or place for the United States, a manifest or manifests of the lading of such ship or vessel, or of any part thereof, the said master or person having the said charge or command, shall, at the time of making the said report, deliver the said manifest or manifests to the collector to whom the said report shall be made, and shall declare to the truth of such manifest or manifests, as the same ought to be, in conformity to the directions

and deliver
a manifest
thereof to
the collec-
tor.

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 merchandize, 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.

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

Penalty on refusal or neglect.

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

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

dize in the way of trade, to make such report and entry as aforesaid.

Masters of vessels after arriving & entering may proceed to a foreign port.

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 merchandize brought in her, which shall be reported by the said master or other person having the charge or command of the said ship or vessel, to be destined for any foreign port or place from the district within which such ship or vessel shall first arrive, to such foreign port or place, without paying or securing the payment of any duties upon such of the said goods, wares or merchandize, 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 merchandize, 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 merchandize, or any part thereof, shall not be landed within the United States, unless due entry thereof shall have been first made, and the duties thereupon paid, or secured according to law, which bond shall be cancelled in like manner as bonds herein after directed to be given for obtaining drawbacks of duties. *Provided nevertheless*, That such bond shall not be required in respect to the goods on board of any ship or vessel which shall have put into the United States from necessity, to be made appear in manner herein after prescribed.

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

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

Sec. 19. *And be it further enacted,* That it shall be lawful for any ship or vessel in which any goods, wares or merchandize 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.

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

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 shewing 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 merchandize brought in such ship or vessel shall have been before

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

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

landed, of the quantity and particulars of such of the said goods, wares and merchandize as shall have been so landed in each district respectively; except in the state of Georgia, where such report shall be made within forty-eight hours: *Provided always*, That the master or person having the charge or command of the said ship or vessel shall first give bond with one or more sureties to the satisfaction of the collector of the district within which the said ship or vessel shall first arrive, in a sum equal to the amount of the duties on the residue of the said goods, according to such estimate as the said collector shall form thereof, with condition that the said residue of the said goods shall be duly entered and delivered in such other district or districts of the United States, for which the same shall have been reported to be destined. And the said bond shall be cancelled or discharged by the production of a certificate or certificates from the collector or collectors of the district or districts for which the said goods shall have been reported, testifying the due entry and delivery of the said goods in such district or districts, or upon due proof to the satisfaction of the collector by whom the said bond shall have been taken, that such entry and delivery were prevented by some unavoidable accident or casualty, and that if the whole or any part of the said goods shall not have been lost, that the same has been duly entered and delivered within the United States. And if the master or person having charge or command of any such ship or vessel, shall fail by his neglect or fault to obtain the said copy of his said report from the collector of the district from which he shall be so about to depart, or of any certificate

and to give bond that the residue of his goods shall be entered & delivered in such districts as reported to be destined
no.

Penalty on neglect thereof.

which he ought to obtain as aforesaid, or shall neglect to produce and shew the same to the collector of any other district to which the said ship or vessel shall afterwards proceed, within the time for that purpose herein before specified, he shall forfeit and pay for every such neglect or omission five hundred dollars.

Sec. 21. *And be it further enacted,* That the owner or owners, consignee or consignees of any goods, wares or merchandize 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 merchandize 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 merchandize 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,

Owner or
consignee
to make en-
try of goods
imported
upon oath:

and the payment or securing the payment of the duties thereupon : *Provided always*, That where the particulars of any such goods, wares or merchandize shall be unknown, in lieu of the entry herein before directed to be made, an entry thereof shall be made and received according to the circumstances of the case, the party making the same, declaring upon oath all that he or she knows or believes concerning the quantity and particulars of the said goods, and that he or she has no other knowledge or information concerning the same ; which entry, as well the first as the last, shall be made in writing, and shall be subscribed by the party making the same.

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

Sea stores
exempt
from duty.

Sec. 22. *Be it further enacted*, That the master or person having the charge or command of such ship or vessel, shall particularly specify the said articles in the report to be by him made as aforesaid, designating them as the sea stores of the said ship or vessel ; and in the said oath to be taken by such master or other person, he shall declare that the articles so specified as sea stores are truly such, and were bona fide put on board the said ship or vessel for the use of the officers, crew and passengers thereof, and were not brought and are not intended by way of merchandize 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

Excess
thereof to
be valued,
and duties
thereon
paid.

the said collector jointly with the said naval-officer, or alone as the case may be, in his or their discretion, to estimate the amount of the duty on such excess; which shall be forthwith paid by the said master or person having the command or charge of the said ship or vessel to the said collector, on pain of forfeiting the value of such excess. And if any of the said articles shall be landed for the purpose of being sold, or to be otherwise used than as the 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.

Penalty for landing & selling them.

And also to ascertain what articles ought to be exempted from duty, as the cloaths, 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 merchandize, but separate and distinct from that of any other goods, wares or merchandize 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

Other articles exempt from duty, to be entered distinctly upon oath by owner.

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

and transmitted with the entry to secretary of treasury.

her family, as the case may be, and are not directly nor indirectly imported or intended for sale ; which oath shall be in writing, endorsed upon the said entry, and subscribed by the party making the same. And in case the said party shall be other than the owner of the said articles, he or she shall give bond with one or more sureties to the satisfaction of the said collector, in a sum equal to what would be the amount of the duties on the said articles if imported subject to duty, with condition that in a certain time therein to be specified, not exceeding one year, a like oath as above directed shall be made by the said owner, and if not made before the said collector, shall be produced to him duly authenticated ; whereupon a permit shall and may be granted for landing the said articles. And a copy of every such entry, and of the oath endorsed thereupon, shall be transmitted to the Secretary of the Treasury for his information.

And whereas by the letter of the act, intituled, “ An act for laying a duty on goods, wares and merchandizes 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 :

Duties paid on articles of the growth and manufacture of the U. States, exported &

Sec. 24. *Be it therefore further enacted,* That in every case in which a duty may have been heretofore paid on goods, wares or merchandizes of the growth or manufacture of the United States, exported to a foreign country, and brought back to the said states, the amount

thereof shall be repaid to the person or persons by whom the same shall have been paid, or to his, her, or their representatives; and that in every case in which such duty may have accrued, but may not have been paid, the same be remitted, and that no such duty shall hereafter be demanded: *Provided*, That the regulations herein after prescribed for ascertaining the identity of such goods, wares or merchandize, 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.

bro't back,
to be refunded

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

Sec. 25. *Be it further enacted*, That report and entry thereof shall be made as in other cases of goods, wares and merchandize 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: where

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

upon 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.

Oaths to be administered on entries by officers of customs,

Sec. 26. *And be it further enacted*, That the oaths to be taken upon making of any of the reports or entries aforesaid, whether by the master or other person having the charge or command of any ship or vessel, or the owner or consignee of any goods, wares or merchandize, 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 merchandize to which the entry of any owner or consignee, his or her factor or agent shall

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

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 merchandize, 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 merchandize 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 licence 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 merchandize 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 merchandize, 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

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

and goods
to be for-
feited.

or merchandize 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.

Goods re-
moved be-
fore being
weighed or
guaged, al-
so to be for-
feited.

Sec. 28. *And be it further enacted,* That no goods, wares or merchandize brought in any ship or vessel from any foreign port or place, requiring to be weighed or guaged 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 guaged, by or under the direction of a proper officer for that purpose; and if any such goods, wares or merchandize shall be removed from such wharf or place, unless with consent of the proper officer, before the same shall have been so weighed or guaged, the same shall be forfeited, and may be seized by any officer of the customs.

Goods to
be stored
by the col-
lector un-
til the du-
ties there-
on are as-
certained.

Sec. 29. *And be it further enacted,* That all goods, wares or merchandize of which entry shall have been made, without specification of particulars, shall be conveyed to some ware-house or store-house, 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 merchandize imported, as the same shall be finally ascertained, the difference shall be made good, or allowed where there shall be an excess, by return of the money, if paid; or credit on the bond which shall have been given for the same, if not paid; and where shall be a deficiency, by payment of such deficiency to the said collector.

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 merchandize 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,

Inspectors
to be put
on board of
vessels un-
til they are
unladen,

their du-
ties,

and the marks, numbers, kinds and descriptions of the respective packages which shall be unladed 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.

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

to demand
manifests &
search.

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

if the seals put thereon be broken, the master or commander of such ship or vessel shall forfeit and pay for every such box, trunk, chest, cask or package so missing, or of which the seals shall be broken, two hundred dollars.

Packages missing subjecting the master to a penalty.

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

Hatches of respective vessels to be secured after sunset,

and forfeiture for opening them in the night.

Sec. 32. *And be it further enacted,* That when the delivery of goods, wares or merchandize 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

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

and result
to be en-
dorsed on
the entry.

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.

Goods to be
taken by
the collec-
tor 15 days
after report
made by
master of
vessel,

who shall
keep them
9 months,
and if not
then claim-
ed, to have
them ap-
praised and
sold at auc-
tion, & pay
the net pro-
ceeds into
the treasury
of the Uni-
ted States;

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 merchandize, other than shall have been reported for some other district or a foreign port or place, the said inspector or inspectors shall take possession thereof, and deliver the same to the order of the collector of the district, taking his receipt therefor, and giving a certificate thereof to the master or person having such charge or command of such ship or vessel, describing the packages and their marks and numbers. And the said goods shall be kept with due and reasonable care at the charge and risk of the owner or owners for a term of nine months; and if within that time no claim be made for the same, the said collector shall procure an appraisement 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 char-

ges 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 of any ship or vessel, in respect to which the said term may be so exceeded, shall for every day of such excess be paid by the said master or owner.

such goods not to be appraised if entered, but sold if of a perishable nature.

Limitation of 15 days not to extend to vessels laden with salt or coal,

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

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

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

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.

Allow-
ances for
the drafts
and tare
of articles.

Sec. 35. *And be it further enacted,* That the following allowances shall be made for the drafts and tare of the articles subject to duty by weight; that is to say: For draught on any quantity of one hundred weight, or one hundred and twelve pounds, and under, one pound; on any quantity above one, and not exceeding two hundred weight, two pounds; on any quantity above two, and not exceeding three hundred weight, three pounds; on any quantity above three, and not exceeding ten hundred weight, four pounds; on any quantity above ten, and not exceeding eighteen hundred weight, seven pounds; on any quantity above eighteen hundred weight, nine pounds: For tare, on every whole chest of bohea tea, seventy pounds; on every half-chest, thirty-six pounds; on every quarter-chest, twenty pounds; on every chest of hyson or other green tea, the gross weight of which shall be seventy pounds or upwards, twenty pounds; on every box of other tea, not less than fifty, or more than seventy pounds gross,

eighteen pounds ; on all other boxes of tea, according to the invoice thereof ; on coffee in bags, two per cent. in bales, three per cent. in casks, twelve per cent. ; on pepper in bales, five per cent. in casks, twelve per cent. ; on sugars, other than loaf sugar, in casks, twelve per cent. in boxes, fifteen per cent. ; on all other goods, according to the invoice thereof. *Provided always*, That where the original invoices of any of the said articles are produced, and the tare or tares appear therein, it shall be lawful, with the consent of the importer or importers, consignee or consignees, to estimate the said tare or tares according to such invoice.

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.

Allowance
for leak-
age.

Sec. 37. *And be it further enacted*, That if any goods, wares or merchandize, 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

Goods da-
maged dur-
ing a voy-
age, or not
accompa-
nied with
an invoice,
to be ap-
praised to
ascertain
the duties,

and the letter kept by the collector until the invoice arrives, if the owner chuses.

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 chuse 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.

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

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

and collector may grant a permit to unload their cargoes,

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 licence 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 reloaded 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.

which shall be stored under his direction, & the perishable part sold by his licence,

the duties being first paid, and the residue reloaded.

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

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

Sec. 40. *And be it further enacted*, That all foreign coins and currencies shall be estimated according to the following rates: Each pound sterling of Great-Britain, at four dollars and forty-four cents; each livre tournois of France, at eighteen cents and an half; each

Rates of foreign coin & currency.

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 an half; and all other denominations of money in value as near as may be to the said rates.

Duties how
to be paid
or secured.

Sec. 41. *And be it further enacted*, That all duties on goods, wares and merchandize 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 merchandize, 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

Duties how
to be paid
or secured.

in the custody of the said collector, of so much of the said goods, as shall in his judgment be a sufficient security for the amount of the duties for which such bond shall have been given, and the charge of the safe-keeping and sale of the goods so deposited; which deposit shall and may be accepted in lieu of the said surety or sureties, and shall be kept by the said collector, with due and reasonable care, at the expense and risk of the party or parties on whose account the same shall have been made, until the sum specified in such bond shall have become due, at which time if such sum shall not be paid, so much of the said deposited goods as may be necessary, shall be sold at public sale, and the proceeds thereof, after deducting the charges of keeping and sale, shall be applied to the payment of such sum, rendering the overplus and the residue of the said goods, if any there be, to the person or persons by whom such deposit shall have been made, or to his, her or their representatives. *Provided*, That no person whose bond for the payment of duties is due and unsatisfied, shall be allowed a future credit for duties, until such bond shall be fully paid or discharged.

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

Teas imported from China may be deposited in custody of collector on certain conditions.

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.

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

Sec. 43. *And be it further enacted,* That the duties imposed by law on the tonnage of any ship or vessel, shall be paid to the collector by the master or person having the charge or command of such ship or vessel, within ten days after his report to the said collector; and before such ship or vessel shall be permitted to clear out; the register of which ship or vessel shall at the time of entry be lodged in the office of the collector, and there remain until such clearance. And if any ship or vessel shall leave, or attempt to leave any district of the United States, without paying the said duties, the master or person having the charge or command of the same shall forfeit and pay five hundred dollars.

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

Mode of
ascertain-
ing the ton-
nage of any
vessel.

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

Bond for
duties, how
to be pro-
secuted.

the deceased, the debt due to the United States, on any such bond, shall be first satisfied.

Goods entered and not truly invoiced, to be forfeited.

Sec. 46. *And be it further enacted*, That if any goods, wares or merchandize, 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 merchandize, 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 merchandize, 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 merchandize 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.

How to be ascertained.

Officers suspecting fraud may examine packages.

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 merchandize, 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 examination they shall be found to agree with the entries, the officer making such seizure shall cause the same to be repacked, and delivered to the owner or claimant forthwith; and the expense of such examination shall be paid by the said collector or other officer, and allowed in the settlement of his accounts; but if any of the packages so examined shall be found to differ in their contents from the entry, then the goods, wares or merchandize 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 merchandize subject to duty shall be concealed; and therein to search for, seize and secure any such goods, wares or merchandize. 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

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

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 merchandize, on which the duties shall not have been paid or secured, shall be forfeited.

Collector
to take custody
of
goods seized.

Sec. 49. *And be it further enacted,* That all goods, wares and merchandize 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 merchandize, knowing them to be liable to seizure by this act, such person or persons shall, on conviction thereof, forfeit and pay a sum double the value of the goods so concealed or purchased.

Penalty for
concealing
or buying
goods sub-
ject to du-
ty.

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 merchandize, which shall be liable to seizure by virtue of this act, as well without as within their respective districts.

Officers
may make
seizure in
any district.

Sec. 51. *And be it further enacted,* That if any officer or other person, executing or aiding and assisting in the seizure of goods, shall be sued or molested for any thing done in virtue of the powers given by this act, or by virtue of a warrant granted by any judge or justice pursuant to law, such officer or other

Officers sued
or molested
may plead this
act.

person may 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 officer of the customs, or their deputies, or any person assisting them in the execution of their duty, such person so offending, shall for every offence be fined in a sum not exceeding four hundred dollars.

Penalty for impeding officers in the execution of their duty.

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

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

the state of North-Carolina, Newport and Providence in the state of Rhode-Island and Providence Plantations, ten thousand dollars each: The collectors of Newburyport, Gloucester, Marblehead, Plymouth, Nantucket, Portland and Falmouth, New-London, New-Haven, Fairfield, Perth-Amboy, Yorktown, Dumfries, Washington and Cambden, Georgetown in South-Carolina, Beaufort, and Savannah, each five thousand dollars: And all the other collectors in the sum of two thousand dollars each. The naval-officers for the ports of Boston and Charlestown, New-York, Philadelphia, Baltimore, and Charleston, ten thousand dollars each; and all the other naval-officers in the sum of two thousand dollars each. The surveyors of the ports of Boston and Charlestown, New-York, Philadelphia, Baltimore, and Charleston, five thousand dollars each; and all other surveyors one thousand dollars each. Which bonds shall be filed in the office of the said comptroller, and be by him severally put in suit for the benefit of the United States, upon any breach of the condition thereof. And as no provision has been heretofore specially made concerning the officers of the customs who may have been heretofore appointed in and for the states of North-Carolina, and Rhode-Island and Providence Plantations; the said officers respectively shall, within four months after the passing of this act, give bond with proper surety or sureties, in conformity to the provision aforesaid.

Their fees
of office &
per cent-
age.

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 percentage following; that is to say: To each

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

Fees of collectors, naval-officers and surveyors.

Inspectors,
measurers,
weighers
and gua-
gers, their
pay & fees.

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 merchandize 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 merchandize subject to duty, one and an half dollar ; on all vessels not having on board goods, wares and merchandize 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 guagers respectively, to be paid by the collector out of the revenue for the measurement of every one hundred bushels of grain, thirty cents ; for the measurement of every one hundred bushels of salt, forty cents ; for the measurement of every one hundred bushels of coal, fifty cents ; for the weighing of every one hundred and twelve pounds, two cents ; for the guaging 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 cyder, beer, ale or porter, one cent per dozen; and in proportion for any greater or less quantity. There shall moreover be allowed to the collectors of the districts of New-York and Philadelphia, three fourths of one per centum on the amount of all monies by them respectively received on account of duties; and to the collector of each of the other districts by this act established, one per centum on the amount of all monies by them respectively received on the said account of duties.

And whereas the allowances aforesaid will not afford an adequate compensation to the officers herein after mentioned, by reason of the small proportion of business done at the ports to which they respectively belong, although the said officers are necessary to the accomodation 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, Passamaquody, 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,

Special allowance to revenue officers of certain ports.

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-Harbour, the yearly sum of eighty dollars each. The surveyors of the ports of Swanborough, Urbanna, Town-Creek, Albany, Hudson, Stonington, East-Greenwich, and Gloucester, fifty dollars each.

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

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

Penalty for
demanding
greater or
other fees.

Rates of
coin for re-
ceiving du-
ties & fees.

Sec. 56. *And be it further enacted,* That the duties and fees to be collected by virtue of this act, shall be payable in gold or silver coin, at the following rates; that is to say: The gold coins of France, England, Spain and Portugal, and all other gold coins of equal fineness, at eighty-nine cents for every 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 merchandize imported, shall be paid or allowed by the collector at whose office the said goods, wares and merchandize were originally entered, and not otherwise, retaining one per centum for the benefit of the United States. And that the allowances on dried and pickled fish of the fisheries of the United States, and on salted provisions of the United States, shall be paid by the collector of the district from which the same shall be exported, without any deduction or abatement.

Drawbacks
where pay-
able,

Sec. 58. *Provided always, and be it further enacted,* That in order to entitle the exporter or exporters of any goods, wares or merchandize, to the benefit of the said drawbacks or allowances, he or she shall, previous to putting or lading the same on board of any ship or vessel for exportation, give twenty-four hours notice at least to the collector of the district from which the same are about to be exported, of his, her or their intention to export the same, and of the particulars thereof, and of the casks, cases, chests, boxes and other packages or parcels containing the same, or of which the same 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

and how to
be allowed.

Drawbacks
how to be
allowed.

the satisfaction of the said collector, by the oaths of the person or persons (including the said exporter or exporters) through whose hands the said articles shall have passed, according to the best of their knowledge and belief, respecting the due importation of the said articles according to law, and in conformity to such notice of their identity, and of the payment or securing the payment of the duties thereupon. And in respect to the said dried and pickled fish and salted provisions, proof shall be made to the satisfaction of the said collector, according to the circumstances of the case, that the same, if fish, are of the fisheries of the United States; if salted provisions, were salted within the United States. And the said collector shall inspect or cause to be inspected, the goods, wares or merchandize 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 superintendance of the officer by whom the same shall have been so inspected. And the said exporter or exporters shall also make oath that the said goods so noticed for exportation, and laden on board the said ship or vessel, are truly intended to be exported to the place whereof notice shall have been given, and are not intended to be relanded within the United States; and shall give bond, with one or more sureties to the satisfaction of the said collector, in a sum equal to the amount of the drawbacks or allowances on such goods, with condition that the said goods, or any part thereof, shall not be relanded in any port or place

within the limits of the United States as settled by the late treaty of peace.

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 farther proof as the nature of the case may demand.

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

Provided lastly, That no goods, wares or merchandize 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.

No drawback allowed, unless it amounts to twenty dollars;

Sec. 59. *And be it further enacted,* That the sums allowed to be paid by law on the exportation of dried or pickled fish, and of salted

nor on
pickled
fish, &c.
except it
amount to
three dol-
lars.

provisions, shall not be paid unless the same shall amount to three dollars at least upon one entry.

Goods en-
titled to
drawback
or allow-
ance, to be
forfeited if
landed af-
ter entry
made.

Sec. 60. *And be it further enacted,* That if any goods, wares or merchandize, 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 merchandize, shall be subject to seizure and forfeiture, together with the ship or vessel from which such goods shall be landed, and the vessels or boats used in landing the same; and all persons concerned therein, shall on indictment and conviction thereof, suffer imprisonment for a term not exceeding six months. And for discovery of frauds, and seizure of goods, wares and merchandize, re-landed contrary to law, the several officers established by this act, shall have the same powers, and in case of seizure the same proceedings shall be had, as in the case of goods, wares and merchandize imported contrary to law: And for measuring, weighing or gauging goods for exportation, the same fees shall be allowed as in like cases upon the importation thereof.

Collectors
may give
further cre-
dit on
bonds in
cases of
exporta-
tion.

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

much of the sum due upon such bond, as shall be equal to the amount of the said drawback, until the expiration of the said time limited for payment thereof.

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

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

President may order cutters to be built.

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

How to be officered & manned.

Pay of officers, &c.

ney at the contract prices, at the option of the Secretary of the Treasury.

and to be
appointed
by the Pre-
sident.

Their duty.

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,

Collectors
may em-
ploy row
boats.

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

Penalty on
officers re-
ceiving a
bribe or
conniving
at a false
entry.

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 merchandize, 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 and merchandize, 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 merchandize, which shall become forfeited by virtue of this act, shall be seized, libelled and prosecuted as aforesaid, in

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

Mode of prosecuting & recovering penalties & forfeitures.

Mode of
prosecuting
& recover-
ing penal-
ties & for-
feitures.

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 merchandize, 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 merchandize, 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 merchandize 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 merchandize, who shall be sworn in open court for the faithful discharge of their duty ; and such appraisement shall be made at the expence 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 merchandize, so prayed to be delivered, be appraised, the court shall by rule, order such ship or vessel, goods, wares or merchandize, 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 merchandize, 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 merchandize 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 merchandize, 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 merchandize, 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, with-

Mode of
prosecuting
& recovering
penalties
& forfeitures.

in three years next after the penalty or forfeiture was incurred.

Vessels or goods condemned, how to be sold.

Sec. 68. *And be it further enacted*, That all ships, vessels, goods, wares or merchandize, 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.

Appropriation of fines, penalties & forfeitures.

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 in-

former, and the remainder thereof shall be disposed of between the collector, naval-officer and surveyor or surveyors, in manner aforesaid.

Sec. 70. *And be it further enacted*, That no goods, wares or merchandize 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 merchandize brought in, landed or unladen, in any other manner. And all goods, wares and merchandize brought into the United States by land, contrary to this act, shall be forfeited, together with the carriages, horses and oxen that shall be employed in conveying the same; provided nothing herein shall be construed to extend to household furniture and cloathing, belonging to any person or persons actually removing into any part of the United States, for the purpose of becoming an inhabitant or inhabitants thereof.

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

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

Collector may act by deputies.

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

Affirmation may be taken instead of an oath.

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

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.

Penalty for neglect of clearance.

Former acts repealed.

Sec. 74. *And be it further enacted,* That after the first day of October next, the act, intituled, "An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares and merchandizes 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 merchandize, and on the tonnage of ships or vessels, as shall have accrued, and as to the payment of drawbacks and allowances in lieu thereof, upon the exportation of goods, wares or merchandize which shall have been imported, and as to the recovery and distribution of fines, penalties

Exceptions.

and forfeitures which shall have been incurred before or upon the said day, subject nevertheless to the alterations contained and expressed in this present act.

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

Declara-
tion re-
specting the
ruble of
Russia.

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.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, August the fourth, 1790 :

GEORGE WASHINGTON,
President of the United States.

CHAPTER XXXVI.

An Act to continue in Force for a limited Time, an Act, intituled, "An Act for the temporary Establishment of the Post-Office."

(EXPIRED.)

CHAPTER XXXVII.

An Act for the Relief of John Stewart and John Davidson.

(PRIVATE.)

CHAPTER XXXVIII.

An Act to provide more effectually for the Settlement of the Accounts between the United States and the individual States.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Board of 3
commis-
sioners to be
appointed,

That a board, to consist of three commissioners, be, and hereby is established to settle the accounts between the United States, and the individual states; and the determination of a majority of the said commissioners on the claims submitted to them, shall be final and conclusive; and they shall have power to employ such number of clerks as they may find necessary.

Sec. 2. *And be it further enacted,* That the said commissioners shall respectively take an

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

who are to
take an
oath;

their sala-
ry.

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

Mode of
procedure
in examin-
ing claims.

Sec. 4. *And be it further enacted,* That it shall be the duty of the said commissioners to examine and liquidate to specie value, on principles of equity, the credits and debits of the states already on the books of the treasury for

To liqui-
date to spe-
cie value
credits and
debts of
certain
states.

bills of credit subsequent to the eighteenth of March, one thousand seven hundred and eighty.

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

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

The rule of apportionment.

Sec. 6. *And be it further enacted*, That the rule for apportioning to the states the aggregate of the balances first abovementioned, 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.

Creditor states to have their balances funded.

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

Sec. 8. *And be it further enacted,* That the salaries of 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 hundred and ninety-two, unless the business shall be sooner accomplished.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, August the fifth, 1790 :

GEORGE WASHINGTON,
President of the United States.

C H A P T E R X X X I X .

An Act making further Provision for the Payment of the Debts of the United States.

WHEREAS, by an act, intituled, “ An act for laying a duty on goods, wares and merchandizes imported into the United States,” divers duties were laid on goods, wares and merchandize 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 encrease the said duties :

From & after the 31st of Dec. next the present duties on certain specified articles to cease & other duties imposed in lieu thereof.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the last day of December next, the duties specified and laid in and by the act aforesaid, shall cease and determine; and that upon all goods, wares and merchandize (not herein particularly excepted) which after the said day shall be brought into the United States, from any foreign port or place, there shall be levied, collected and paid the several and respective duties following, that is to say: Madeira wine of the quality of London particular, per gallon, thirty-five cents; other Madeira wine, per gallon, thirty cents; Sherry wine, per gallon, twenty-five cents; other wines, per gallon, twenty cents; distilled spirits, if more than ten per cent. below proof, according to Dycas's hydrometer, per gallon, twelve cents; if more than five, and not more than ten per cent. below proof, according to the same hydrometer, per gallon, twelve and an half cents; if of proof, and not more than five per cent. below proof, according to the same hydrometer, per gallon, thirteen cents; if above proof, but not exceeding twenty per cent. according to the same hydrometer, per gallon, fifteen cents; if of more than twenty, and not more than forty per cent. above proof, according to the same hydrometer, per gallon, twenty cents; if of more than forty per cent. above proof, according to the same hydrometer, per gallon, twenty-five cents; molasses, per gallon, three cents; beer, ale and porter in casks, per gallon, five cents; beer, ale and porter in bottles, per dozen, twenty cents: Teas from China and India, in ships or vessels of the United States, bohea per pound, ten cents;

fouchong 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; fouchong 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; fouchong and other black teas per pound, twenty-seven cents; hyson per pound, fifty cents; other green teas per pound, thirty cents; coffee per pound, four cents; cocoa per pound, one cent; loaf sugar per pound, five cents; brown sugar per pound, one and an half cent; other sugar per pound, two and an half cents; candles of tallow per pound, two cents; candles of wax or spermaceti per pound, six cents; cheese per pound, four cents; soap per pound, two cents; pepper per pound, six cents; pimento per pound, four cents; manufactured tobacco per pound, six cents; snuff per pound, ten cents; indigo per pound, twenty-five cents; cotton per pound, three cents; nails and spikes per pound, one cent; barr and other lead per pound, one cent; steel unwrought per one hundred and twelve pounds, seventy-five cents; hemp per one hundred and twelve pounds, fifty-four cents; cables per one hundred and twelve pounds, one hundred cents; tarred cordage per one hundred and twelve pounds, one hundred cents; untarred cordage and yarn per one hundred and twelve pounds, one hundred and fifty cents; twine and pack thread per one hundred and twelve pounds, three hundred cents; salt per bushel, twelve cents; malt

From & after the 31st of Dec. next the present duties on certain specified articles to cease and other duties imposed in lieu,

Also on
certain o-
ther arti-
cles certain
rates per
centum ad
valorem.

per bushel, ten cents; coal per bushel, three cents; boots per pair, fifty cents; shoes, slippers and goloshoes, made of leather, per pair, seven cents; shoes and slippers made of silk or stuff, per pair, ten cents; wool and cotton cards, per dozen, fifty cents; playing cards, per pack, ten cents; all China ware, looking glasses, window and other glass, and all manufactures of glass, (black quart bottles excepted) twelve and an half per centum ad valorem; marble, slate and other stones, bricks, tiles, tables, mortars and other utensils of marble or slate, and generally all stone and earthen ware, blank books, writing paper, and wrapping paper, paper hangings, paste-boards, parchment and vellum, pictures and prints, painters colors, including lampblack, 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, anniseed, currants, dates, figs, plumbs, prunes, raisins, sugar-candy, oranges, lemons, limes, and generally, all fruits and comfits, olives, capers and pickles of every sort, oil, gun-powder, mustard in flour, ten per centum ad valorem; cabinet-wares, buttons, saddles, gloves of leather, hats of beaver, felt, wool, or a mixture of any of them, millenary 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, cloathing 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, sattins and other wrought silks, cambrics, muslins, muslinets, lawns, laces, gauzes, chintzes, and colored calicoes, and nankeens, seven and an half per centum ad valorem. All goods, wares and merchandize imported directly from China or India in ships or vessels not of the United States, teas excepted, twelve and an half per centum ad valorem. All coaches, chariots, phætons, chaifes, chairs, solos or other carriages, or parts of carriages, fifteen and an half per centum ad valorem; and five per centum ad valorem upon all other goods, wares and merchandize, except bullion, tin in pigs, tin plates, old pewter, brass teutenague, iron and brass wire, copper in plates, salt petre, plaister 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 cloaths, 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.

On certain other articles certain rates per centum ad valorem.

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 merchandize, which after the said last day of December next, shall be imported in ships or vessels not of the United States, except in the cases in which an additional duty is herein be-

Also an additional duty of 10 per centum on all the rates of duty before specified.

fore specially laid on any goods, wares or merchandizes, which shall be imported in such ships or vessels.

Drawback for goods exported within 12 months.

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 merchandize, 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.

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

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.

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

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

Duties accruing within a certain time remitted.

Sec. 6. *And be it further enacted*, That all the duties which by virtue of the act, intituled, "An act for laying a duty on goods, wares and merchandizes 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.

Continu-
ance of the
duty by
this act im-
posed.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United
States, and President of the Senate.*

APPROVED, August the tenth, 1790 :

GEORGE WASHINGTON,
President of the United States.

CHAPTER XL.

An Act to enable the Officers and Soldiers of the Virginia Line on continental Establishment, to obtain Titles to certain Lands lying North-west of the River Ohio, between the Little Miami and Sciota.

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

Act of former Congress repealed.

Recital.

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

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

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

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

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

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

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

Sec. 5. *And be it further enacted*, That it

President
to cause
letters pa-
tent to be
made out
to those en-
titled to
bounty
lands.

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.

Secretary
of state to
transmit
the same to
the execu-
tive of Vir-
ginia.

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.

Letters pa-
tent ob-
tained
without
fees.

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.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, August the tenth, 1790 :

GEORGE WASHINGTON,
President of the United States.

CHAPTER XLI.

An Act authorizing the Secretary of the Treasury to finish the Light-House on Portland-Head, in the District of Maine.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be appropriated and paid out of the monies arising from the duties on imports and tonnage, a sum not exceeding fifteen hundred dollars, for the purpose of finishing the 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.

1500 dollars appropriated.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, August the tenth, 1790 :

GEORGE WASHINGTON,
President of the United States.

CHAPTER XLII.

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

Circuit courts when and where to be held.

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

Part of a former act repealed.

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.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, August the eleventh, 1790:

GEORGE WASHINGTON,
President of the United States.

C H A P T E R XLIII.

An Act declaring the Assent of Congress to certain Acts of the States of Maryland, Georgia, and Rhode-Island and Providence Plantations.

(EXPIRED.)

C H A P T E R XLIV.

An Act for the Relief of disabled Soldiers and Seamen lately in the Service of the United States, and of certain other Persons.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Stephen Califfe, Jeremiah Ryan, Joseph M^cGibbon, Samuel Garretson, Ephraim M^cCoy, Christian Khun, David Steele, Joseph Shuttliet, and Daniel Culver, disabled foldiers lately in the service of the United States, be

Persons entitled to pensions, & at what rate.

Persons entitled to pensions, & at what rate.

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 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 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 lieutenant, from the third of November, one thousand seven hundred and eighty three, he first having returned his commutation of half pay.

Sum granted, & pension allowed to Caleb Brewster ;

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.

Pension allowed to N. Gove.

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

Commissioner of army accounts to settle pay, &c of certain officers.

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.

The pensions to be paid according to laws made or that hereafter may be made.

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, shall be paid in such manner as Congress may hereafter provide for paying the arrears of pensions.

Allowance to S. Harding.

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 monies arising from imposts and tonnage.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, August the eleventh, 1790:

GEORGE WASHINGTON,
President of the United States.

CHAPTER XLV.

An Act for the Relief of the Persons therein mentioned or described.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, 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.

Register of the treasury to grant a certificate to S. Stirling;

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.

Register of the treasury to grant a certificate to Frances E. Laurens;

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,

to invalid pensioners.

Sec. 3. *Be it further enacted*, That each of the officers, non-commissioned officers and soldiers, who were 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.

Register of the treasury to grant certificate to widows & orphans of officers & soldiers.

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.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, August the eleventh, 1790:

GEORGE WASHINGTON,
President of the United States.

C H A P T E R XLVI.

An Act making certain Appropriations therein mentioned.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be appropriated to the purposes herein after mentioned, to be paid out of the monies arising from the duties on goods, wares and merchandize 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 Abra-

Sum granted to A. Skinner, &

ham 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 superintendant of the finances of the United States, and which warrant was not discharged : The sum of one hundred and four thousand three hundred and twenty-seven dollars and twenty-two cents, for the several purposes specified in an estimate accompanying the report of the Secretary of the Treasury of the fifth instant, including one thousand dollars for defraying the expenses of certain establishments for the security of navigation of the like nature with those mentioned in the act, intituled, " An act for the establishment and support of light-houses, beacons, buoys and public piers," but not particularly specified therein : The sum of one hundred and eighty-one dollars and forty-two cents, for reimbursing the Secretary at War an advance by him made on account of George Morgan White Eyes, over and above the sum heretofore appropriated on account of the said George Morgan White Eyes : The sum of six hundred and thirty-two dollars and eighty cents, for the services and expenses of Isaac Guion, employed by direction of the President of the United States, in relation to the resolution of Congress of the twenty-sixth of August last : The sum of forty-one dollars and forty-seven cents, for reimbursing the treasurer of the United States the costs by him paid on a protested bill : The sum of two hundred and fifty dollars, for the salary of an interpreter of

T. Pickering;

and for purposes estimated in a report of the secretary of the treasury.

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 farther sum of fifty thousand dollars, towards discharging such demands on the United States, not otherwise provided for, as shall have been ascertained and admitted in due course of settlement at the treasury and which are of a nature according to the usage thereof, to require payment in specie.

Sum granted for purposes estimated in a report of the secretary of the treasury.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, August the twelfth, 1790:

GEORGE WASHINGTON,
President of the United States.

CHAPTER XLVII.

An Act making Provision for the Reduction of the Public Debt.

Recital.

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

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

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

By whose direction purchases are to be made; and

Sec. 2. *And be it further enacted,* That the purchases to be made of the said debt, shall be made under the direction of the President of the Senate, the Chief Justice, the Secretary of State, the Secretary of the Treasury, and the Attorney-General for the time being; and who, or any three of whom, with the approbation of the President of the United States, shall cause the said purchases to be made in

such manner, and under such regulations as shall appear to them best calculated to 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, intituled, "An act making provision for the debt of the United States," such reservations shall be made of the said surplus as may be necessary to make good the said payments, as they shall respectively become due, in case of deficiency in the amount of the receipts into the treasury during the said year, on account of the duties on goods, wares and merchandize imported, and the tonnage of ships or vessels, after the last day of December next.

in what manner.

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

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

Report of proceedings to be laid before Congress.

Sec. 4. *And be it further enacted*, That the President of the United States be, and he is

President
authorized
to borrow
2 millions
of dollars,

to be appli-
ed to the
purchase of
the debt.

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 re-payment of the two millions of dollars so to be borrowed.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, August the twelfth, 1790 :

GEORGE WASHINGTON,
President of the United States.

RESOLVED *by the Senate and House of Representatives of the United States of America in Congress assembled,* That all treaties made, or which shall be made and promulged 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.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States,*
and President of the Senate.

APPROVED, June the fourteenth, 1790 :

GEORGE WASHINGTON,
President of the United States.

RESOLVED *by the Senate and House of Representatives of the United States of America in Congress assembled,* That all surveys of lands in the Western Territory, made under the direction of the late geographer, Thomas Hutchins, agreeable to contracts for part of the said lands made with the late board of treasury, be returned to, and perfected by the Secretary of the Treasury, so as to compleat the said contracts : and that the said Secretary be, and is hereby authorized to direct the making and compleating 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.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States,*
and President of the Senate.

APPROVED, August the twelfth, 1790 :

GEORGE WASHINGTON,
President of the United States.

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A C T S

PASSED AT THE

THIRD SESSION

OF THE

FIRST CONGRESS

OF THE

United States of America,

BEGUN AND HELD AT THE CITY OF PHILADELPHIA,

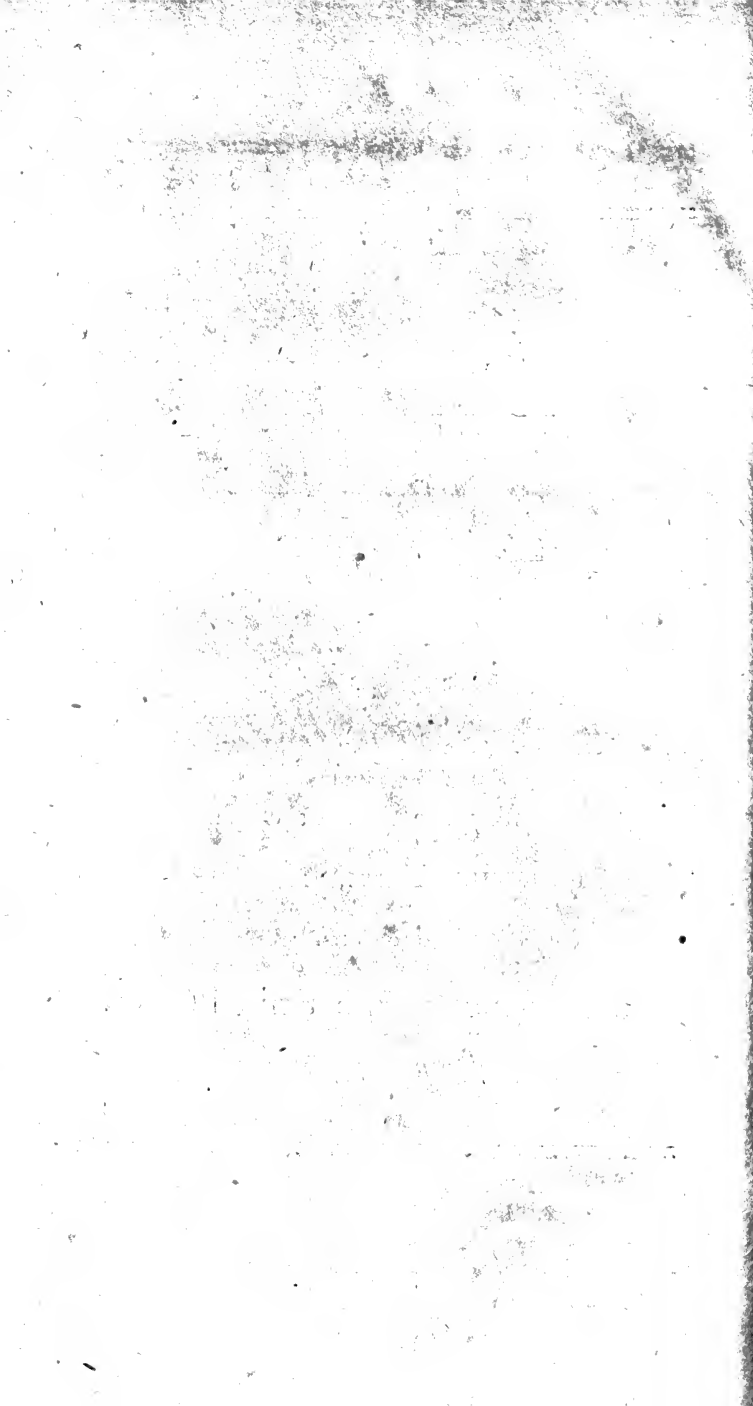
On Monday the sixth of December,

IN THE YEAR M,DCC,XC:

AND OF THE

Independence of the United States

THE FIFTEENTH.



A C T S

OF

C O N G R E S S.

CHAPTER I.

An Act supplementary to the Act, intituled, "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, intituled, "An act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandize 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 by the Senate and House of Representatives of the United States of America in Congress assembled,* That the act, intituled, "An act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandize 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

Recital.

Provisions of the act for collection of duties, extended to the act making further provision for the payment of the debts of the United States.

by the act, intituled, “ 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 and thing therein contained, had been inserted in and re-enacted by the act last aforesaid.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, December twenty-seventh, 1790:

GEORGE WASHINGTON,
President of the United States.

CHAPTER II.

An Act to provide for the Unlading of Ships or Vessels, in Cases of Obstruction by Ice.

Recital.

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 :

In cases of obstruction by ice, collector may receive entry at any other place within his district.

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* 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 merchandize 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 there proceeded to the delivery of her cargo.

Under the usual regulations in other cases.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, January the seventh, 1791 :

GEORGE WASHINGTON,
President of the United States.

CHAPTER III.

An Act to continue an Act, intituled, "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.

(EXPIRED.)

CHAPTER IV.

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.

Recital.

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:"

Consent of Congress that a part of Virginia within certain boundaries, shall become a new state.

Section I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, and it is hereby enacted and declared, 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 in-*

to a new state, separate from, and independant 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 stile 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.

When and by what name admitted into the union.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, February the fourth, 1791 :

GEORGE WASHINGTON,
President of the United States.

C H A P T E R V.

An Act declaring the Consent of Congress to a certain Act of the State of Maryland.

(EXPIRED.)

C H A P T E R VI.

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 by the Senate and House of Representatives of the United States of America in Congress assembled, That there be appropriated the several sums, and for the seve-

Appropriations of money for the civil list;

Certain specified purposes.

Department of war;

Pensions to invalids; & out of what funds payable.

ral 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, intituled, "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, intituled, “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.

Out of what
funds pay-
able.

FREDERICK AUGUSTUS MUHLENBERG;
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, February the 11th, 1791 :

GEORGE WASHINGTON,
President of the United States:

C H A P T E R VII.

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 by the Senate and House of Representatives of the United*

State of
Vermont
to be ad-
mitted into
union, 4th
March,
1791.

States of America in Congress assembled, and it is hereby enacted and declared, That on the fourth day of March, one thousand seven hundred and ninety-one, the said state, by the name and stile 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.

FREDERICK AUGUSTUS MUHLENBERG,

Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, February the 18th, 1791 :

GEORGE WASHINGTON,

President of the United States.

C H A P T E R VIII.

An Act to continue in Force, for a limited Time, an Act passed at the first Session of Congress, intituled, "An act to regulate Processes in the Courts of the United States."

(EXPIRED.)

C H A P T E R IX.

An Act regulating the Number of Representatives to be chosen by the States of Kentucky and Vermont.

Until actual enumeration of inhabitants

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That until the Re-

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.

states of
Kentucky
and Ver-
mont, en-
titled to 2
representa-
tives.

FREDERICK AUGUSTUS MUHLENBERG,

Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, February the 25th, 1791 :

GEORGE WASHINGTON,

President of the United States.

C H A P T E R X.

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 advantages to trade and industry in general: Therefore,

Preamble.

Establishment of a bank of the U. States, & amount & division of its stock, and time of subscribing.

Sec. 1. *BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* 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 superintendance 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.

By whom to be 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 the time of subscription.

Proportions of gold and silver and the public debt to be subscribed, and

when to be paid,

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 stile of *The President, Directors and Company of the Bank of the United States*; and shall so continue, until the fourth day 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, aliene 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 bye-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.

Subscribers to be a body politic.

By what name and how long to continue.

Powers.

Limitation of stock.

To have a seal,

and establish bye-laws.

Number,
and time of
electing di-
rectors.

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. And the said directors, at their first meeting after each election, shall choose one of their number as President.

And of a
President.

Proviso.

When
200,000
dollars in
gold or sil-
ver shall be
subscribed,
notice be
given, &c.

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 superintendance 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 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

How direc-
tors shall
be chosen,
and time of
service.

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.

Vacancies filled up.

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.

Directors to appoint officers, &c.

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.

Articles of constitution.

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:

Stockholders how to vote, in what proportion to first subscribed, &c.

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.

in certain cases may vote by proxy.

Number of directors eligible for ensuing year, and

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:

who are directors.

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

Compensation to be allowed.

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.

How to constitute a board.

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. A 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.

Number of stockholders impowered to call a meeting, &c.

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 behaviour.

Cashier and treasurer to give bond.

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.

Limitation of property;

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 monies 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

and of debts they shall at any time owe.

In case of excess, directors accountable in private capacities; and

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 of 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.

may be
prosecuted.

Exception
in favor of
absentees
at time of
excess.

But this shall not be 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.

Corpora-
tion may
sell public
debt in
stock, but
not pur-
chase, &c.

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.

and take
not more
than six
per cent.
per annum.

XI. No loan shall be made by the said cor-

poration, 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.

How & for what objects to make loans.

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.

And bills, &c. shall

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 indorsement 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.

be assignable

and

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 shall be payable to any person or per-

obligatory.

sons, his, her, or their order, shall be assignable by indorsement, 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.

Dividends
of profits
made.

XIV. Half yearly dividends shall be made of so much of the profits of the bank, as shall appear to the directors adviseable; 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.

Offices may
be esta-
blished
within U.
States, for
discount &
deposit on-
ly, &c.

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 deposit 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 treasu-

ry 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 monies 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.

Officer at the head of the treasury, to be furnished with statements.

Not of private nature.

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, merchandize, 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, merchandizes, 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.

Penalty for buying or selling goods, &c.

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 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 thereto

How money may be advanced or lent.

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.

Bills or notes made receivable by United States.

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.

Subscriptions made by United States, how to be paid, &c.

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 monies 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 monies shall have been procured; reimbursable in ten years, by equal annual installments; 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. No other bank to be established.

FREDERICK AUGUSTUS MUHLENBERG,

Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, February the 25th, 1791 :

GEORGE WASHINGTON,

President of the United States.

CHAPTER XI.

An Act supplementary to the Act, intituled, "An Act to incorporate the Subscribers to the Bank of the United States.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the subscriptions to the stock of the bank of the United States, as provided by the act, intituled, "An act to incorporate the subscribers to the bank of the United States," shall not be opened until the first Monday in July next. Subscriptions to bank stock prolonged.

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. Time of first payment.

Not more than thirty shares to be subscribed at one time.

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.

Specie proportion, when to be paid, and failure in future payments to forfeit sum first paid.

Sec. 4. *And be it further enacted,* That every subscriber shall, at the time of subscribing, pay into the hands of the persons who shall 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.

In what manner public debt funded at 3 per cent. may be paid to the bank.

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.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, March the second, 1791 :

GEORGE WASHINGTON,
President of the United States.

CHAPTER XII.

An Act giving Effect to the Laws of the United States within the State of Vermont.

Section 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, 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.

Laws of the U. States extended to Vermont;

And to the end that the act, intituled, "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.

Vermont to be a district and have a district court and judge.

Number & time of sessions,

and where held.

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

Annexed to the eastern circuit, and have a circuit court;

whereheld. 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 said sessions of the said circuit courts shall be held at the town of Bennington.

Compen- sation to the judge. 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.

An enu- meration of the inhabi- tants to be made. 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, intituled, "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.

Enumera- tion of in- habitants, when to commence. 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.

Compen- sation to the marshal therefor. 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.

Duties on articles im- ported. And that the act, intituled, "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 :

within said state how to be collected.

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.

Port of entry and delivery.

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.

FREDERICK AUGUSTUS MUHLENBERG,

Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, March the second, 1791 :

GEORGE WASHINGTON,

President of the United States.

C H A P T E R XIII.

An Act to explain and amend an Act, intituled, " An Act making further Provision for the Payment of the Debts of the United States."

Section 1. **B**E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the duty of one cent per pound, laid by

Duty laid
on bar lead
extended to
manufac-
tures of
lead.

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.

Duty laid
on chintzes
&c. exten-
ded to ma-
nufactures
of coloured
linen or
cotton.

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 coloured calicoes, shall be deemed and taken to extend to all printed, stained, and coloured 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.

FREDERICK AUGUSTUS MUHLENBERG,

Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, March the second, 1791 :

GEORGE WASHINGTON,

President of the United States.

C H A P T E R XIV.

An Act fixing the Time for the next annual Meeting of Congress.

(EXPIRED.)

CHAPTER XV.

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.

Section 1. **B**E it enacted by the Senate and House of Representatives of the

United States of America in Congress assembled,

That after the last day of June next, the duties laid upon distilled spirits by the act, intituled, "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.

Duties to be paid on spirits imported;

how to be
collected;

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.

and the
payment
thereof
how to be
secured.

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 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 the 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 to 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 portions 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, with the advice and consent of the Senate, 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

To be divided into districts consisting each of a state;

Districts to be subdivided into surveys of inspection.

A supervisor to be appointed for the districts, and inspectors for the surveys.

Officers of the customs and supervisors eligible as inspectors.

Appointment of inspectors to be made during the recess.

Supervisors and inspectors to keep accounts & records of their transactions;

Submit the same to a proper officer;

Supervisors and inspectors to pay all the monies they receive; and

Settle their accounts quarterly.

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 monies 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 superintendance 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 monies 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:

Persons to be appointed under this act to take an oath;

and transmit it to the comptroller;

penalty in default thereof.

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.

Offices of inspection to be established.

Sec. 8. *And be it further enacted,* That within forty-eight hours after any ship or ves-

Report to
be made to
inspectors
of importa-
tion of spi-
rits;

fel, 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.

which the
collector

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, intituled, "An act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandizes 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

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spirits shall
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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.

Endorsement on permits by inspectors necessary previous to the landing of it ; and

penalty on failure thereof.

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, whether 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

Spirits brought in to one port intended to be sent to another in the United States,

shall be so certified by an inspector ;

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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.

and forfei-
ture of said
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Spirits im-
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foresaid
how to be
landed;

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.

and duties
of officers
of inspec-
tion when
landed.

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 of 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 where-soever it shall be sent, as evidence of its being lawfully imported. And the officer granting the said certificates, shall make regular and ex-

Officer of inspection, to certify the quantity of spirits landed,

which shall serve to shew the legality of its importation,

and to make
entries
thereof;

which cer-
tificates
shall be de-
livered to
purchasers;
penalty on
failure
thereof.

act 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 de-
scribed. And the said proprietor, importer or
consignee, or his or her agent, upon the sale
and delivery of any of the said spirits, shall de-
liver to the purchaser or purchasers thereof, the
certificate or certificates which ought to ac-
company the same; on pain of forfeiting the
sum of fifty dollars, for each cask, vessel or case
with which such certificate shall not be deli-
vered.

Duties on
spirits dis-
tilled with-
in the U.
States from
foreign ma-
terials.

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 Dica's hy-
drometer, 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 exceed-
ing twenty per cent, according to the same hy-
drometer, 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 eve-
ry gallon of those spirits more than forty per
cent above proof, according to the same hy-
drometer, 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 Ducas'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.

Duties on spirits distilled from home articles;

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.

how to be collected.

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 superintendance thereof, either to pay the said duties previous to such removal, with an abatement at the rate of two

Duties on spirits distilled within the U. States, how to be secured

and paid.

cents for every ten gallons, or to secure the payment of the same, by giving bond quarterly, 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.

Supervisors to appoint officers to attend to distilleries.

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.

Casks to be branded and gauged before a removal therefrom,

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 shall be sent, purporting that the duty thereon hath been paid or secured, as the case may be, and describing each cask by

and so certified by said officer, & entered in a book accordingly.

it's mark ; 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 tackling, and the vessel or boat with it's tackle and apparel employed in removing them, shall be forfeited, and may be seized by any officer of inspection. And the superintendant 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.

Forfeiture for removing spirits without such certificate, and

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.

for removing spirits from distilleries without authority.

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

Duty on private stills.

cents for every gallon, English wine-measure, of the capacity or content of each and every such still, including the head thereof.

Evidence of their employment;

Sec. 22. *And be it further enacted*, That the evidence of the employment of the said stills shall be, their being erected in stone, brick or some other manner whereby they shall be in a condition to be worked.

how it is to be collected; and

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 survey 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, upon 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 persons 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.

what to be done in case of refusal to pay it.

Proprietors of stills to have a right to keep an account of the quantity they distill,

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.

which shall furnish a rule whereby the duties may be estimated.

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

Distillers to place their occupations on the outside of their distilleries;

and furnish
the inspec-
tor with an
account of
their build-
ings, &c.

penalty in
case of ne-
glect there-
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When the
said entry
is to be fur-
nished, and

or her for the distillation or keeping of spiri-
tuous liquors, and upon the door or usual en-
trance of each vault, cellar or apartment with-
in 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 parti-
cular 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 man-
ner 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 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 dol-
lars, and all the spirits which he or she shall
keep therein, or the value thereof, to be com-
puted 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 or omis-
sion 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 with-
in 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.

forfeiture
in case of
neglect.

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,

Supervisors
to inspect
entered
buildings,
&c.

take an ac-
count of
the spirits
therein, &
brand the
casks;

an entry of
which shall
be made by
the inspec-
tor,

and a certificate given to the proprietor.

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.

Importers of distilled spirits when to make entry thereof, & duty of the inspectors thereupon;

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 certificate 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.

penalty for neglecting to make such entries.

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.

Distilled spirits not branded nor accompanied by a certificate,

liable to forfeiture.

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, store-houses, ware-houses, 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.

Penalty for
defacing
marks on
vessels.

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 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.

No vessels
marked to
be used for
other spi-
rits.

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 upwards, and which are not intended to be removed.

How long
liquors
shall be
kept.

Proviso in
case of cer-
tain vessels.

Spirits
fraudulent-
ly conceal-
ed to be
forfeited.

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 per-

sons, 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.

Suspected
places to be
searched by
warrant of
a judge or
justice of
the peace.

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.

Spiritous
liquors ex-
cept gin or
cordials in
certain ves-
sels to be
forfeited.

Provido.

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, vessels and cases containing the same, shall also be forfeited.

Forfeiture
of vessels.

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

Distillers to
make en-
tries of the
kinds and
quantity of
spirits.

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 person 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 shewn 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 shew the same upon request, to the proper officer of inspection, or not return the same according to the directions of this act, he

To be examined by officers of inspection:

penalty for refusal or neglect.

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.

Penalties imposed by this act, not to extend in certain cases.

Sec. 37. *And be it further enacted,* That the several kinds of proof herein before 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 Treasury, to provide and furnish to the officers of inspection and of the customs, proper instruments for ascertaining the said several proofs.

Proof of spirits how distinguished.

Secretary of the treasury to provide instruments for ascertaining them.

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

Proceedings in case of seizure by officers of inspection.

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 shewn 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 shew 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.

Damages for want of proper certificates, or negligence, to be sustained by the officers.

Penalty on supervisors, &c. convicted of oppression or extortion.

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.

No fees to be taken for certificates granted.

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.

Penalty on officers for neglect of duty.

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.

Proceedings in case of suits, &c when to be commenced.

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

Secretary
of the trea-
sury autho-
rized to mi-
tigate or
remit for-
feitures &
penalties in
certain
cases.

after the last day of June next, upon petition of the party who shall have incurred the same, to enquire 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 shewing cause against the mitigation or remission thereof; and shall cause the facts which shall appear upon such enquiry, 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.

Appropri-
ation of
forfeitures
and penal-
ties.

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 intitled 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 accor-

dingly : *Provided always*, That no officer of inspection other than chief officer, or officers of a survey, shall be intitled to the 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 herein before 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.

Punishment of persons convicted of counterfeiting certificates.

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.

Persons convicted of false oath or affirmation, how to be punished.

Sec. 47. *And be it further enacted*, That if any person or persons shall give, or offer to give any bribe, recompence 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

Penalty for offering bribes to officers of revenue,

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.

and forcibly obstructing them in the execution of their duty.

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.

Supervisors entering into collusion, false marking any casks or vessels, or embezzling public money, how to be punished.

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, building 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.

Supervisors may administer oath or affirmation, and

powers vested in majority not to extend to cases where the authority 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 draw-back, 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 equi-

Allowance to exporters,

under what
restrictions.

valent 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 herein after 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.

Allowance
to exporters
under
what restrictions.

Sec. 52. *And be it further enacted*, That in order to intitle 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 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 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 reloaded 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,

Upon what
proof the
allowance
shall be
made,

in the full value in the judgment of the said collector, of the said spirits so intended to be exported, with 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 relanded in any other part of the same (shipwreck or other unavoidable accident excepted.)

and when
paid

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 relanding the same.

Forfeiture
where spi-
rits shipped
for expor-
tation shall
be relanded
within U.
States, ex-
cepting in
certain
cases.

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 relanded 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.

On spirits exported in other than a ship or vessel of 30 tons and upwards, allowance not to be made.

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,

When bonds may be discharged, and under certain proofs.

When
bonds may
be discharged,
and
under cer-
tain proofs,

residing at the said place; and if there 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 enquiry, 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.

to be referred to comptroller of 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.

President authorized to make allowance to supervisors, &c. for their services, out of the product of the duties,

not to exceed 45,000 dollars annually.

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 provided (except as to the appointment of officers and regulation of the districts and surveys) from and immediately after the last day of June next.

Commencement of this act.

Sec. 60. *And be it further enacted*, That the nett product of the duties herein before 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 pledg-

Nett product of duties pledged for payment of interest on loans.

ed 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, intituled, "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 monies therein appropriated, and subject to this farther 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 monies 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.

and to be
inviolably
applied
thereto.

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, intituled, “ An act making provision for the reduction of the public debt ;” and provided by the act, intituled, “ 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.

Unappropriated surplus how to be applied.

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 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.

Duties hereby imposed how long to continue.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, March the third, 1791 :

GEORGE WASHINGTON,
President of the United States.

CHAPTER XVI.

An Act making an Appropriation for the Purpose therein mentioned.

20,000 dollars appropriated for effecting a recognition of the treaty with Emperor of Morocco; and

President authorized to borrow said money.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, 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 monies 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 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.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, March the third, 1791 :

GEORGE WASHINGTON,
President of the United States.

C H A P T E R XVII.

An Act to amend " An Act, for establishing the temporary and permanent Seat of the Government of the United States."

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the act, intituled, " 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 Potowmac, 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

Repealing certain part of the act fixing the permanent seat of government of U. States, & vesting the President with certain powers.

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 Potowmac, as required by the aforesaid act.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, March the third, 1791 :

GEORGE WASHINGTON,
President of the United States.

C H A P T E R XVIII.

An Act supplemental to the Act "establishing the Treasury Department," and for a farther Compensation to certain Officers.

8th section
of act esta-
blishing
treasury de-
partment
extended to
clerks under
certain mo-
difications.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the eighth section of the act, intituled, "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.

Clerks and other officers to take an oath or affirmation;

to be filed in the office where employed.

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 dol-

Principals may appropriate the 500 dols. allowed to each, excepting chief, according to merit.

lars per annum for every clerk employed therein.

Additional allowance for one year to register, auditor, comptroller & attorney-general.

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.

FREDERICK AUGUSTUS MUHLENBERG,

Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, March the third, 1791 :

GEORGE WASHINGTON,

President of the United States.

C H A P T E R XIX.

An Act relative to the Rix-Dollar of Denmark.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of an act, intituled, "An act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandize 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,

Part of the act rating rix dollar of Denmark at 100 cents repealed.

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.

FREDERICK AUGUSTUS MUHLENBERG,

Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United*

States, and President of the Senate.

APPROVED, March the third, 1791:

GEORGE WASHINGTON,

President of the United States.

C H A P T E R XX.

An Act in Addition to an Act, intituled, "An Act for establishing the Salaries of the Executive Officers of Government, with their Assistants and Clerks."

Section I. **B**E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passing of this act, 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, intituled, "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 appro-

Further annual allowance of 200 dollars to chief clerk to the auditor.

priations as may be assigned for the payment of the other salaries mentioned in the above recited act.

Allowance of expenses in removing from New-York to Philadelphia, to clerks employed in the several offices;

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 expences incurred by the removal of Congress from the city of New-York, to the city of Philadelphia.

and of 400 dollars for 1 year to assistant secretary of the treasury.

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.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, March the third, 1791 :

GEORGE WASHINGTON,
President of the United States.

C H A P T E R XXI.

An Act for making Compensations to the Commissioners of Loans, for extraordinary Expenses.

(EXPIRED.)

CHAPTER XXII.

An Act providing Compensations for the Officers of the Judicial Courts of the United States, and for Jurors and Witnesses, and for other Purposes.

(REPEALED.)

CHAPTER XXIII.

An Act to continue in Force for a limited Time, an Act, intituled, "An Act for the temporary Establishment of the Post-Office."

(EXPIRED.)

CHAPTER XXIV.

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.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act, entitled, "An act to 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.

Act for mitigating or remitting forfeitures, &c. continued.

Pensions to
invalids for
1 year to be
paid out of
treasury.

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.

Expenses
from 1st
July next
of all light-
houses, &c.
to be de-
frayed by
U. States
till July
1792.

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.

Power to
the Presi-
dent to pardon
offences not re-
strained.

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.

FREDERICK AUGUSTUS MUHLENBERG,

Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, March the third, 1791 :

GEORGE WASHINGTON,

President of the United States.

CHAPTER XXV.

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.

Loan in Holland of 3,000,000 florins, at 5 per cent per annum,

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;

whereon the charges are 4 & 1-2 per cent.

And whereas it is expedient that the said doubt be removed;

BE it enacted and declared by the Senate and House of Representatives of the United States of America in Congress, That the loan aforesaid shall be deemed and construed to be within the true intent and meaning of the said act, intituled "An act making provision for the reduction of the public debt," and that any farther 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

declared to be within the meaning of the act providing for the reduction of the public debt, & also further loans on the like terms.

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.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, March the third, 1791 :

GEORGE WASHINGTON,
President of the United States.

C H A P T E R XXVI.

An Act making farther 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 ;

Section 1. *BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the provisions contained in the fortieth and forty-first sections of the act, intituled, " An act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandize 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

Importers of teas to give bond for double the amount of the duties thereon payable in 2 years, &c.

deposit the teas in storehouses.

No delivery thereof to be made without a permit, &c.

no permit granted without the duties first paid or secured.

Time allowed for payment of duties not to be extended.

Teas deposited on which duties are not paid nor secured,

to be sold by collector for that purpose & overplus returned to the owner.

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 satisfaction 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 monies

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 monies 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.

Bonds for monies or duties to be taken in the name of the U. States, & delivered to collectors of the district where in they are to be collected.

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 landing the same, shall, prior to such landing, be produced to the said inspector, who by an endorsement thereupon under his 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 in-

Teas imported after April next to be landed under inspection of inspectors.

permits
given for
its landing
entered by
them and
the chests
containing
it marked,

and

correspon-
dent certi-
ficates
granted.

spector 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;

Term for
payment of
the duties
on wine
prolonged.

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.

FREDERICK AUGUSTUS MUHLENBERG,

Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, March the third, 1791 :

GEORGE WASHINGTON,

President of the United States.

CHAPTER XXVII.

An Act for granting Lands to the Inhabitants and Settlers at Vincennes and the Illinois Country, in the Territory north-west of the Ohio, and for confirming them in their Possessions.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, 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 north-west 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.

400 acres of land granted to each head of a family, and

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

also to those who have removed from said territory,

if they re-
turn within
five years.

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.

Lands formerly possessed by Piankeshaw Indians confirmed to present possessors.

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.

Improvers of lands claiming under a supposed grant, to have their claims confirmed.

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.

Lands heretofore used as a common to be appropriated thereto.

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 villages as a common, be, and the same are hereby appropriated to the use of the inhabitants of Vincennes and of the said villages 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.

Militiamen who have not obtained any donation of land, to receive 100 acres.

Appropriation of a tract for the Kaskaskia 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 to P. Gibault; and that a tract of land at Kaskaskia, formerly occupied by the Jesuits, be laid off and confirmed to St. Jam Beouvais, who claims the same in virtue of a purchase thereof.

Grant of to P. Gibault & St. Jam Beouvais.

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

Donation lands to be laid out according to act of Congress of June 20th 1788.

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.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, March the third, 1791 :

GEORGE WASHINGTON,
President of the United States.

C H A P T E R XXVIII.

An Act for raising and adding another Regiment to the Military Establishment of the United States, and for making farther Provision for the Protection of the Frontiers.

(REPEALED.)

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 enture the administration of justice,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, 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.

FREDERICK AUGUSTUS MUHLENBERG,

Speaker of the House of Representatives.

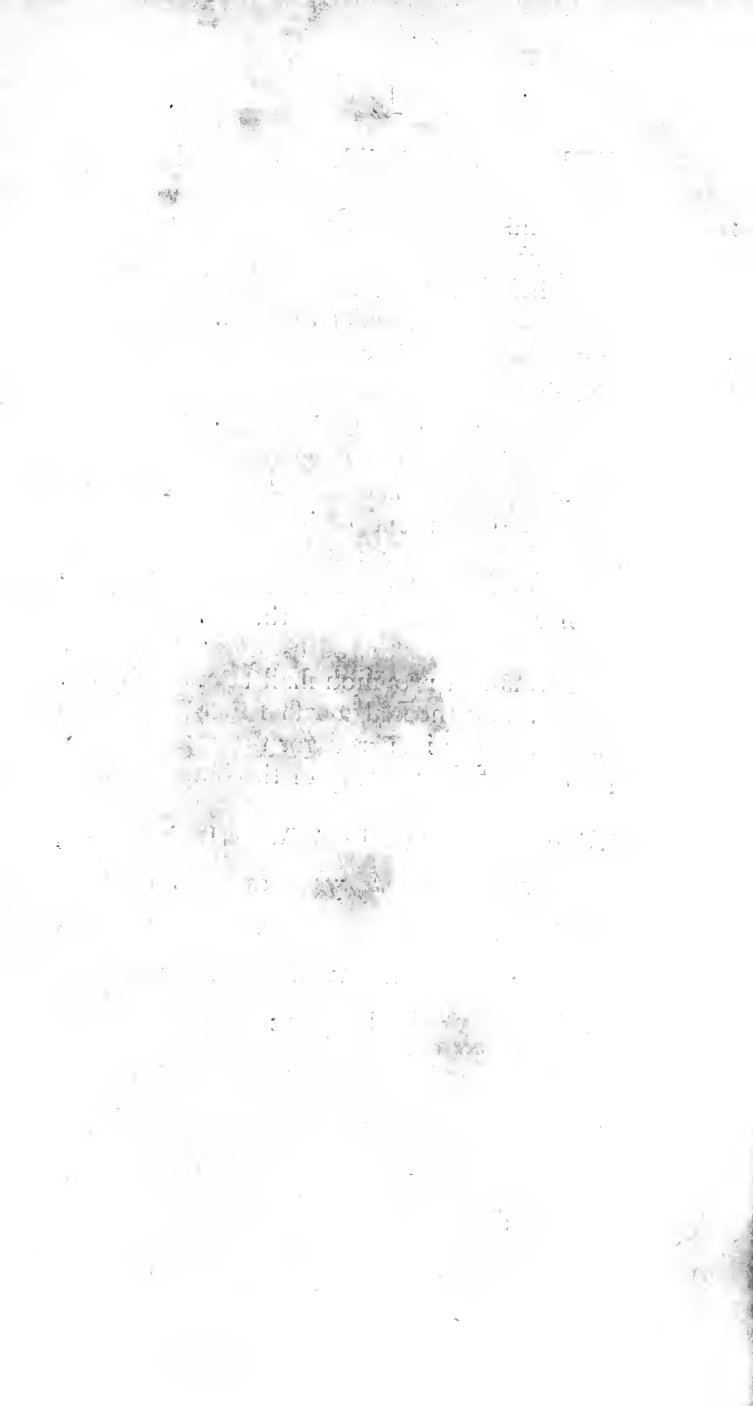
JOHN ADAMS, *Vice-President of the United States,*

and President of the Senate.

APPROVED, March the third, 1791 :

GEORGE WASHINGTON,

President of the United States.



[AN ACT AND TWO RESOLUTIONS OMITTED
IN THEIR PROPER PLACE.]

A N A C T

Passed at the first Session

OF THE

FIRST 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 :

AND OF THE

Independence of the United States,

THE THIRTEENTH.

CHAPTER IV.

*An Act for establishing an Executive Department,
to be denominated the Department of Foreign
Affairs.*

Section I. **B**E it enacted by the Senate and
House of Representatives of the
United States of America, in Congress assembled,
That there shall be an executive department,
to be denominated the department of foreign
affairs, and that there shall be a principal offi-
cer therein, to be called the Secretary for the
Department of Foreign Affairs, who shall per-
form and execute such duties as shall from
time to time be enjoined on or intrusted to him
by the President of the United States, agree-

Secretary
of foreign
affairs, his
duty.

able 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.

Principal clerk, his duty.

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

Oath of office.

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.

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

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.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, July twenty-seven, 1789:

GEORGE WASHINGTON,
President of the United States.

VOL. I.

Z 2

RESOLVED, *by the Senate and House of Representatives of the United States of America in Congress assembled,* That it be recommended to the Legislatures of the several states to pass laws, making it expressly the duty of the keepers of their gaols, to receive and safe keep therein all prisoners committed under the authority of the United States, until they shall be discharged by due course of the laws thereof, under the like penalties as in the case of prisoners committed under the authority of such states respectively; the United States to pay for the use and keeping of such gaols, at the rate of fifty cents per month for each prisoner that shall, under their authority, be committed thereto, during the time such prisoners shall be therein confined; and also to support such of said prisoners as shall be committed for offences.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States,*
and President of the Senate.

APPROVED, September the 23d, 1789:

GEORGE WASHINGTON,
President of the United States.

RESOLVED, That it shall be the duty of the Secretary of State, to procure from time to time such of the statutes of the several states as may not be in his office.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States,*
and President of the Senate.

APPROVED, September the 23d, 1789:

GEORGE WASHINGTON,
President of the United States.

T H E
T R E A T I E S
M A D E B Y T H E
U N I T E D S T A T E S
O F
A M E R I C A,
W I T H
Foreign Nations.

THE
UNITED STATES

OF AMERICA

DEPARTMENT OF THE ARMY

OF

AMERICA

NEW

YORK

TREATY OF ALLIANCE

BETWEEN THE

United States of America

AND

HIS MOST CHRISTIAN MAJESTY.

TREATY OF ALLIANCE

BETWEEN THE

United States of America

AND

HIS MOST CHRISTIAN MAJESTY.

ORIGINAL.

TREATY OF ALLIANCE.

THE Most Christian King and the United States of North-America ; to wit : New-Hampshire, Massachusetts-bay, Rhode-Island, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia, having this day concluded a treaty of Amity and Commerce, for the reciprocal advantage of their subjects and citizens, have thought it necessary to take into consideration the means of strengthening those engagements, and of rendering them useful to the safety and tranquility of the two parties ; particularly in case Great-Britain in resentment of that connection and of the good correspondence which is the object of the said treaty, should break the peace with France, either by direct hostilities, or by hindering her commerce and navigation in a manner contrary to the rights of nations, and the peace subsisting between the two crowns : And his Majesty and the said United

TRAITÉ D'ALLIANCE

ENTRE LES

Etats Unis d'Amérique

ET

SA MAJESTE TRES CHRETIENNE.

O R I G I N A L.

TRAITÉ D'ALLIANCE

eventuelle et défensive.

LE Roi très Chrétien et les Etats Unis de l'Amérique Septentrionale, savoir, New-Hampshire, la Baye de Massachusset, Rhode-Island, Connecticut, New-York, New-Jersey, Pensylvanie, Delaware, Maryland, Virginie, Caroline Séptentrionale, Caroline Meridionale, et Georgia ; ayant conclu ce jourd'huy un traité d'amitié, de bonne intelligence et de commerce, pour l'avantage réciproque de leurs sujets et citoyens, ils ont cru devoir prendre en considération, les moyens de resserrer leurs liaisons, et de les rendre utiles à la sureté et à la tranquillité des deux parties, notamment dans le cas où la Grande Brétagne, en haine de ces mêmes liaisons et de la bonne correspondance qui forment l'objet du dit traité, se porteroit à rompre la paix avec la France, soit en l'attaquant hostilement, soit en troublant son commerce, et sa navigation, d'une manière contraire au droit des gens et à la paix subsistante entre les deux couronnes : Et sa Ma-

States, having resolved in that case to join their councils and efforts against the enterprises of their common enemy, the respective plenipotentiaries empowered to concert the clauses and conditions proper to fulfil the said intentions, have, after the most mature deliberation, concluded and determined on the following articles :

ARTICLE I.

If war break out with Great-Britain, to be a common cause. If war should break out between France and Great-Britain during the continuance of the present war between the United States and England, his Majesty and the said United States shall make it a common cause and aid each other mutually with their good offices, their counsels and their forces, according to the exigence of conjunctures, as becomes good and faithful allies.

ARTICLE II.

Object of the treaty, independence of the U. States. The essential and direct end of the present defensive alliance is to maintain effectually the liberty, sovereignty and independence absolute and unlimited, of the said United States, as well in matters of government as of commerce.

ARTICLE III.

Both parties to make every effort to attain that end. The two contracting parties shall each on its own part, and in the manner it may judge most proper, make all the efforts in its power against their common enemy, in order to attain the end proposed.

jesté et les dits Etats Unis ayant résolu éventuellement d'unir, dans le cas prévu, leurs conseils et leurs efforts contre les entreprises de leur ennemi commun, les plénipotentiaires respectifs, chargés de concerter les clauses et conditions propres à remplir leurs intentions, ont, après la plus mure délibération conclu et arrêté les points et articles qui s'ensuivent.

ARTICLE PREMIER.

Si la guerre éclate entre la France et la Grande Bretagne, pendant la durée de la guerre actuelle entre les Etats Unis et l'Angleterre, sa Majesté et les dits Etats Unis feront cause commune et s'entr'aideront mutuellement de leurs bons offices, de leurs conseils et de leurs forces, selon l'exigence des conjonctures, ainsi qu'il convient à de bons et fideles alliés.

ARTICLE SECOND.

Le but essentiel et direct de la présente alliance défensive, est de maintenir efficacement la liberté, la souveraineté, et l'indépendance absoluë et illimitée des dits Etats Unis, tant en matière politique que de commerce.

ARTICLE TROIS.

Les deux parties contractantes feront chacune de leur côté, et de la manière qu'elles jugeront plus convenable, tous les efforts, qui seront en leur pouvoir, contre leur ennemi commun, afin d'atteindre au but qu'elles se proposent.

ARTICLE IV.

Concurrence in enterprise.

The contracting parties agree that in case either of them should form any particular enterprise in which the concurrence of the other may be desired, the party whose concurrence is desired, shall readily and with good faith, join to act in concert for that purpose, as far as circumstances and its own particular situation will permit; and in that case, they shall regulate, by a particular convention, the quantity and kind of succour to be furnished, and the time and manner of its being brought into action, as well as the advantages which are to be its compensation.

ARTICLE V.

Conquests that shall belong to the United States.

If the United States should think fit to attempt the reduction of the British power, remaining in the northern parts of America, or the islands of Bermudas, those countries or islands in case of success, shall be confederated with, or dependant upon the said United States.

ARTICLE VI.

France relinquishes all claim to certain countries if conquered.

The Most Christian King renounces for ever the possession of the islands of Bermudas, as well as of any part of the continent of North America, which before the treaty of Paris in 1763, or in virtue of that treaty, were acknowledged to belong to the crown of Great-Britain, or to the United States, heretofore called British colonies, or which are at this time, or have lately been under the power of the king and crown of Great-Britain.

ARTICLE QUATRE.

Les parties contractantes sont convenuës que dans le cas où l'une d'entre elles formeroit quelqu'entreprise particulière, pour laquelle desireroit le concours de l'autre, celle-ci, se prêteroit de bonne foi à un concert sur cet objet, autant que les circonstances et sa propre situation pourront le lui permettre, et dans ce cas, on réglera, par une convention particulière, la portée des secours à fournis, et le tems et la manière de le faire agir, ainfty que les avantages destinés à en former la compensation.

ARTICLE CINQ.

Si les Etats Unis jugent à propos de tenter la réduction des isles Bermudes et des parties septentrionales de l'Amérique, qui sont encore au pouvoir de la Grande Brétagne, les dites isles et contrées, en cas de succès, entreront dans la confédération ou seront dependantes des dits Etats Unis.

ARTICLE SIX.

Le Roi très Chrétien renonce à posséder jamais les Bermudes, ni aucune des parties du continent de l'Amérique septentrionale, qui, avant le traité de Paris de mil sept cent soixante trois, ou en vertu de ce traité, ont été reconnuës appartenir à la couronne de la Grande Brétagne, ou aux Etats Unis, qu'on appelloit ci-devant colonies Britanniques, ou qui sont maintenant, ou ont été récemment sous la juridiction et sous le pouvoir de la couronne de la Grande Brétagne.

ARTICLE VII.

Conquests
that shall
belong to
France.

If his Most Christian Majesty shall think proper to attack any of the islands situated in the Gulph of Mexico, or near that Gulph, which are at present under the power of Great-Britain, all the said isles, in case of success, shall appertain to the crown of France.

ARTICLE VIII.

Neither
party to
conclude
treaty with-
out the o-
ther's con-
sent, nor
lay down
arms till in-
dependence
of U. States
be secured.

Neither of the two parties shall conclude either truce or peace, with Great-Britain, without the formal consent of the other first obtained; and they mutually engage not to lay down their arms until the independence of the United States shall have been formally or tacitly assured, by the treaty or treaties that shall terminate the war.

ARTICLE IX.

No claim of
compensa-
tion after
the war.

The contracting parties declare, that being resolved to fulfil each on its own part, the clauses and conditions of the present treaty of alliance, according to its own power and circumstances, there shall be no after claim of compensation on one side or the other, whatever may be the event of the war.

ARTICLE X.

To admit
other pow-
ers to ac-
cede to the
alliance.

The Most Christian King and the United States agree, to invite or admit other powers who may have received injuries from England, to make common cause with them, and to accede to the present alliance, under such conditions as shall be freely agreed to, and settled between all the parties.

ARTICLE SEPT.

Si la Majesté très Chrétienne juge à propos d'attaquer aucune des isles situées dans le golphe de Mexique ou près du dit golphe, qui sont actuellement au pouvoir de la Grande Brétagne, toutes les dites isles, en cas de succès, appartiendront à la couronne de France.

ARTICLE HUIT.

Aucune des deux parties ne pourra conclurre ni trêve ni paix avec la Grande Brétagne, sans le consentement préalable et formel de l'autre partie, et elles s'engagent mutuellement à ne mettre bas les armes, que lorsque l'indépendance des dits Etats Unis aura été assurée formellement ou tacitement par le traité ou les traités qui termineront la guerre.

ARTICLE NEUF.

Les parties contractantes déclarent, qu'étant résolues de remplir chacune de son côté les clauses et conditions du présent traité d'alliance selon son pouvoir et les circonstances, elles n'auront aucune repetition, ni aucun dédommagement, à se demander réciproquement, quelque puisse être l'événement de la guerre.

ARTICLE DIX.

Le Roi très Chrétien et les Etats Unis sont convenus d'inviter de concert ou d'admettre les puissances, qui auront des griefs contre l'Angleterre, à faire cause commune avec eux, et à accéder à la présente alliance, sous les conditions qui seront librement agréées et convenuës entre toutes les parties.

ARTICLE XI.

Mutual
guaranty.

The two parties guaranty mutually from the present time, and for ever against all other powers, to wit: The United States to his Most Christian Majesty, the present possessions of the crown of France in America, as well as those which it may acquire by the future treaty of peace: And his Most Christian Majesty guaranties on his part to the United States, their liberty, sovereignty and independence, absolute and unlimited, as well in matters of government as commerce, and also their possessions, and the additions or conquests, that their confederation may obtain during the war, from any of the dominions now, or heretofore possessed by Great-Britain in North-America, conformable to the 5th and 6th articles above written, the whole as their possession shall be fixed and assured to the said states, at the moment of the cessation of their present war with England.

ARTICLE XII.

Guaranty
when to
commence.

In order to fix more precisely the sense and application of the preceding article, the contracting parties declare, that in case of a rupture between France and England, the reciprocal guarantee declared in the said article, shall have its full force and effect the moment such war shall break out; and if such rupture shall not take place, the mutual obligations of the said guarantee shall not commence until the moment of the cessation of the present war, between the United States and England, shall have ascertained their possessions.

ARTICLE ONZE.

Les deux parties se garantissent mutuellement dès à présent et pour toujours envers et contre tous, favoir, les Etats Unis à sa Majesté très Chrétienne les possessions actuelles de la couronne de France en Amérique, ainsi que celles qu'elle pourra acquérir par le futur traité de paix ; Et sa Majesté très Chrétienne, garantit de son côté aux Etats Unis leur liberté, leur souveraineté et leur indépendance absolue et illimitée, tant en matière de politique que de commerce, ainsi que leurs possessions et les accroissements ou conquêtes que leur confédération pourra se procurer pendant la guerre, d'aucun des domaines maintenant ou ci-devant possédés par la Grande Bretagne dans l'Amérique septentrionale, conformément aux articles cinq et six ci-dessus, et tout ainsi que leurs possessions seront fixées et assurées aux dits Etats, au moment de la cessation de leur guerre actuelle contre l'Angleterre.

ARTICLE DOUZE.

Afin de fixer plus précisément le sens et l'application de l'article précédent, les parties contractantes déclarent qu'en cas de rupture entre la France et l'Angleterre, la garantie réciproque énoncée dans le susdit article, aura toute sa force et valeur du moment où la guerre éclatera, et si la rupture n'avoit pas lieu, les obligations mutuelles de la dite garantie, ne commenceroient, que du moment susdit, où la cessation de la guerre actuelle entre les Etats Unis et l'Angleterre, aura fixé leurs possessions.

ARTICLE XIII.

Ratifica-
tion.

The present treaty shall be ratified on both sides, and the ratifications shall be exchanged in the space of six months, or sooner if possible.

In faith whereof the respective plenipotentiaries, to wit : On the part of the Most Christian king, Conrad Alexander Gerard, Royal Syndic of the city of Strasbourgh, and Secretary of his Majesty's Council of State ; and on the part of the United States, Benjamin Franklin, Deputy to the General Congress from the state of Pennsylvania and President of the Convention of the same state ; Silas Deane, heretofore Deputy from the state of Connecticut, and Arthur Lee, Counsellor at Law, have signed the above articles both in the French and English languages, declaring nevertheless, that the present treaty was originally composed and concluded in the French language, and they have hereunto affixed their seals.

Done at Paris, this sixth day of February, one thousand seven hundred and seventy-eight.

C. A. GERARD, (L. S.)

B. FRANKLIN, (L. S.)

SILAS DEANE, (L. S.)

ARTHUR LEE, (L. S.)

ARTICLE TREIZE.

Le present traité sera ratifié de part et d'autre et les ratifications seront échangées dans l'espace de six mois ou plustôt si faire se peut.

En foi dequoi les plénipotentiaires respectifs, favoir, de la part du Roi très Chrétien le Sr. Conrad, Alexandre Gerard, Sindic Royal de la Ville de Strasbourg et Secrétaire du Conseil d'Etat de sa Majesté, et de la part des Etats Unis les Srs. Benjamin Franklin, Deputé au Congrès Général de la part de l'etat de Pensylvanie et President de la Convention du même etat ; Siles Deane cy-devant Député de l'etat de Connecticut, et Arthur Lée *Conseiller ès Loix*, ont signé les articles ci-dessus, tant en langue Françoisse qu'en langue Angloise, déclarant néanmoins, que le present traité, à été originairement redigé et arrêté en langue Françoisse, et ils les ont munis du cachet de leurs armes.

*Fait à Paris, le sixieme jour du mois de
Fevrier, mil sept cent soixante dixhuit.*

C. A. GERARD,	(L. s.)
B. FRANKLIN,	(L. s.)
SILAS DEANE,	(L. s.)
ARTHUR LEE,	(L. s.)

T R E A T Y
OF AMITY AND COMMERCE

BETWEEN THE

United States of America

A N D

HIS MOST CHRISTIAN MAJESTY.

O R I G I N A L.

TREATY *of* AMITY *and* COMMERCE.

THE Most Christian King, and the thirteen United States of North America, to wit: New-Hampshire, Massachusetts-Bay, Rhode-Island, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia, willing to fix in an equitable and permanent manner, the rules which ought to be followed relative to the correspondence and commerce which the two parties desire to establish, between their respective countries, states and subjects, his Most Christian Majesty and the said United States, have judged that the said end could not be better obtained than by taking for the basis of their agrèement, the most perfect equality and reciprocity, and by carefully avoiding all those burthensome preferences which are usually sources of debate, embarrassment and discontent; by leaving al-

T R A I T É
D'AMITIÉ ET DE COMMERCE
ENTRE LES
Etats Unis d'Amérique
ET
SA MAJESTÉ TRÈS CHRÉTIENNE.

O R I G I N A L.

TRAITÉ D'AMITIÉ *et de* COMMERCE.

LE Roi très Chrétien et les treize Etats Unis de l'Amérique Séptentrionale, savoir, New-Hampshire, la Baye de Massachusset, Rhode-Island, Connecticut, New-York, New-Jersey, Pensylvanie, les comtés de Newcastle, de Kent et de Suffex sur la Delaware, Maryland, Virginie, Caroline, Séptentrionale, Caroline Méridionale, et Georgie, voulant établir d'une manière équitable et permanente les règles qui devront être suivies relativement à la correspondance et au commerce que les deux parties désirent d'établir entre leurs Pais Etats et sujets respectifs, sa Majesté très Chrétienne et les dits Etats Unis ont jugé ne pouvoir mieux atteindre à ce but qu'en prenant pour base de leur arrangement l'égalité et la réciprocité la plus parfaite, et en observant d'éviter toutes les préférences onéreuses, source de discussions, d'embarras, et de mecontentemens,

fo each party at liberty to make, refpecting commerce and navigation, thofe interior regulations which it fhall find moft convenient to itfelf; and by founding the advantage of commerce folely upon reciprocal utility, and the juft rules of free intercource; referving withal to each party the liberty of admitting at its pleafure, other nations to a participation of the fame advantages. It is in the fpirit of this intention, and to fulfil thefe views, that his faid Majefty having named and appointed for his plenipotentiary, Conrad Alexander Gerard, Royal *Syndic* of the city of Strafbourgh, Secretary of his Majefty's Council of State; and the United States on their part, having fully empowered Benjamin Franklin, Deputy from the ftate of Pennsylvania to the General Congress, and Prefident of the Convention of faid ftate; Silas Deane, late Deputy from the ftate of Connecticut to the faid Congress, and Arthur Lee, Counfellor at Law; the faid refpective plenipotentiaries after exchanging their powers, and after mature deliberation, have concluded and agreed upon the following articles.

ARTICLE I.

Peace and
friendfhip
between the
two nations

There fhall be a firm, inviolable and univerfal peace, and a true and fincere friendfhip between the Moft Chriftian King, his heirs and fucceffors, and the United States of America; and the fubjects of the Moft Chriftian King and of the faid States; and between the countries, iflands, cities and towns, fituate under the jurifdiction of the Moft Chriftian King and of the faid United States, and the people and inhabitants of every degree, without exception of perfons or places; and the terms herein af-

de laisser à chaque partie la liberté de faire, relativement au commerce et à la navigation, les réglémens intérieurs qui feront à sa convenance, de ne fonder les avantages du commerce que sur son utilité reciproque et sur les loix d'une juste concurrence, et de conserver ainsi de part et d'autre la liberté de faire participer, chacun selon son gré, les autres nations, aux mêmes avantages. C'est dans cet esprit et pour remplir ces vuës que sa dite Majesté ayant nommé et constitué pour son plenipotentiaire le Sieur Conrad Alexandre Gerard, Sindic Roial de la ville de Strasbourg, Secrétaire du Conseil d'Etat de sa Majesté, et les Etats Unis aiant, de leur côté, munis de leurs pleins pouvoirs les Sieurs Benjamin Franklin, Député au Congrès Général de la part de l'Etat de Pensylvanie, et Président de la Convention du dite Etat, Silas Deane ci-devant Député de l'Etat de Connecticut, et Arthur Lee, *Conseiller ès Loix*, les dits plenipotentiaires respectifs après l'échange de leurs pouvoirs et après mure délibération ont conclu et arrêté les points et articles suivans.

ARTICLE I.

Il y aura une paix ferme, inviolable et universelle et une amitié vraie et sincère entre Le Roi très Chrétien ses héritiers et successeurs, et entre les Etats Unis de l'Amérique ainsi qu'entre les sujets de sa Majesté très Chrétienne et ceux des dits Etats, comme aussi entre les peuples, isles, villes et places situés sous la juridiction du Roi très Chrétien et des dits Etats Unis, et entre leurs peuples et habitans de toutes les classes, sans aucune exception de personnes et de lieux ; les conditions men-

ter mentioned shall be perpetual between the Most Christian King, his heirs and successors, and the said United States.

ARTICLE II.

Neither party to grant favours to other nations, that shall not become common to the other party.

The Most Christian King and the United States, engage mutually not to grant any particular favour to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same favour, freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

ARTICLE III.

Subjects of the King of France entitled to the same privileges in the United States, as the most favored nation.

The subjects of the Most Christian King shall pay in the ports, havens, roads, countries, islands, cities, or towns, of the United States, or any of them, no other, or greater duties, or imposts, of what nature soever they may be, or by what name soever called, than those which the nations most favoured are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation and commerce, whether in passing from one port in the said states to another, or in going to and from the same, from and to any part of the world, which the said nations do or shall enjoy.

ARTICLE IV.

The subjects, people and inhabitants of the said United States, and each of them, shall not pay in the ports, havens, roads, isles, cities and places under the domination of his Most

tionnées au present traité seront perpetuelles et permanentes entre Le Roi très Chrétien, ses heritiers et successeurs, et les dits Etats Unis.

ARTICLE II.

Le Roi très Chrétien et les Etats Unis s'engagent mutuellement à n'accorder aucune faveur particulière à d'autres nations, en fait de commerce et de navigation, qui ne devienne aussitôt commune à l'autre partie, et celle-ci jouira de cette faveur gratuitement, si la concession est gratuite, ou en accordant la même compensation, si la concession est conditionnelle.

ARTICLE III.

Les sujets du Roi très Chrétien ne paieront dans les ports, havres, rades, contrées, isles, cités et lieux des Etats Unis ou d'aucun d'entr'eux, d'autres ni plus grands droits ou impôts, de quelque nature qu'ils puissent être, et quelque nom qu'ils puissent avoir que ceux que les nations les plus favorisées font, ou seront tenuës de paier ; Et ils jouiront de tous les droits, libertés, privilèges, immunités et exemptions en fait de négoce, navigation et commerce, soit en passant d'un port des dits Etats à un autre ; soit en y allant ou en revenant de quelque partie ou pour quelque partie du monde que ce soit, dont les dites nations jouissent ou jouiront.

ARTICLE IV.

Les sujets, peuples et habitans des dits Etats Unis et de chacun d'iceux, ne paieront dans les ports, havres, rades, isles, villes et places de la domination de sa Majesté très Chrétienne en

The citizens of the United States, entitled to the same privileges in the dominions of France, as the most favored nation.

Christian Majesty, in Europe, any other, or greater duties or imposts, of what nature soever they may be, or by what name soever called, than those which the most favoured nations are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation and commerce, whether in passing from one port in the said dominions, in Europe, to another, or in going to and from the same, from and to any part of the world, which the said nations do or shall enjoy.

ARTICLE V.

particular exemption.

In the above exemption is particularly comprised, the imposition of one hundred sols per ton, established in France on foreign ships; unless when the ships of the United States shall load with the merchandize of France for another port of the same dominion, in which case the said ships shall pay the duty above mentioned so long as other nations the most favoured shall be obliged to pay it. But it is understood that the said United States, or any of them, are at liberty when they shall judge it proper, to establish a duty equivalent in the same case.

ARTICLE VI.

The Most Christian King shall endeavour by all the means in his power to protect and defend all vessels and the effects belonging to the subjects, people or inhabitants of the said United States, or any of them, being in his ports, havens, or roads, or on the seas near to his countries, islands, cities or towns, and to

Europe d'autres ni plus grands droits ou impôts de quelque nature qu'ils puissent être et quelque nom qu'ils puissent avoir que les nations les plus favorisées font, ou seront tenuës de paier, et ils jouiront de tous les droits, libertés, privilèges, immunités et exemptions en fait de négoce, navigation et commerce soit en passant d'un port à un autre des dits États du Roi très Chrétien en Europe, soit en y allant ou en revenant de quelque partie ou pour quelque partie du monde que ce soit, dont les nations susdites jouissent ou jouiront.

ARTICLE V.

Dans l'exemption ci-dessus est nommément comprise l'imposition de cent sous par tonneau établie en France sur les navires étrangers, si ce n'est lorsque les navires des États Unis chargeront des marchandises de France, dans un port de France, pour un autre port de la même domination, auquel cas les dits navires des dits États Unis acquitteront le droit dont il s'agit aussi long tems que les autres nations les plus favorisées seront obligées de l'acquitter. Bien entendu qu'il sera libre aux dits États Unis, ou à aucun d'iceux d'établir, quand ils le jugeront à propos, un droit equivalent à celui dont il est question pour le même cas pour lequel il est établi dans les ports de sa Majesté très Chrétienne.

ARTICLE VI.

Le Roi très Chrétien fera usage de tous les moiens qui sont en son pouvoir, pour protéger et defendre tous les vaisseaux et effets appartenans, aux sujets, peuples et habitans des dits États Unis et de chacun d'iceux qui seront dans ses ports, havres, ou rades, ou dans les mers près de ses pays, contrées, isles, villes et

France to protect vessels of the Citizens of the United States in their jurisdiction, to restore them when captured, and to convoy vessels in certain cases.

recover and restore to the right owners, their agent or attornies; all such vessels and effects, which shall be taken within his jurisdiction; and the ships of war of his Most Christian Majesty, or any convoy sailing under his authority, shall upon all occasions take under their protection, all vessels belonging to the subjects, people or inhabitants of the said United States, or any of them, and holding the same course, or going the same way, and shall defend such vessels as long as they hold the same course, or go the same way, against all attacks, force and violence, in the same manner as they ought to protect and defend the vessels belonging to the subjects of the Most Christian King.

ARTICLE VII.

United States to do the same.

In like manner the said United States and their ships of war, sailing under their authority, shall protect and defend, conformable to the tenor of the preceding article, all the vessels and effects belonging to the subjects of the Most Christian King, and use all their endeavours to recover, and cause to be restored, the said vessels and effects that shall have been taken within the jurisdiction of the said United States, or any of them.

ARTICLE VIII.

King of France to aid United States to make treaties with the Barbary powers.

The Most Christian King will employ his good offices and interposition with the King or Emperor of Morocco or Fez, the regencies of Algier, Tunis, and Tripoli, or with any of them; and also with every other Prince, State or Power, of the coast of Barbary, in Africa, and the subjects of the said King, Em-

places, et fera tous ses efforts pour recouvrer et faire restituer aux propriétaires légitimes, leurs agens ou mandataires, tous les vaisseaux et effets qui leur seront pris dans l'étendue de sa juridiction : Et les vaisseaux de guerre de sa Majesté très Chrétienne ou les convois quelconques faisant voile sous son autorité, prendront, en toute occasion, sous leur protection tous les vaisseaux appartenans aux sujets, peuples et habitans des dits Etats Unis ou d'aucun d'iceux, les quels tiendront le même cours, et feront la même route, et ils défendront les dits vaisseaux aussi long-tems qu'ils tiendront le même cours et suivront la même route, contre toute attaque force ou violence de la même manière qu'ils sont tenus de défendre et de protéger les vaisseaux appartenans aux sujets de sa Majesté très Chrétienne.

ARTICLE VII.

Pareillement les dits Etats Unis et leurs vaisseaux de guerre faisant voile sous leur autorité protégeront et défendront conformément au contenu de l'article précédent, tous les vaisseaux et effets appartenans aux sujets du Roi très Chrétien, et feront tous leurs efforts pour recouvrer et faire restituer les dits vaisseaux et effets qui auront été pris dans l'étendue de la juridiction des dits Etats et de chacun d'iceux.

ARTICLE VIII.

Le Roi très Chrétien emploiera ses bons offices et son entremise auprès des Roi ou Empereur de Maroc ou Fez, des Régences d'Alger, Tunis et Tripoli, ou auprès d'aucune d'entr'elles ainsi qu' auprès de tout autre Prince, Etat, ou Puissance des côtes de Barbarie en Affrique et des sujets des dits Roi, Empereur, Etats et

peror, States and Powers, and each of them, in order to provide as fully and efficaciously as possible for the benefit, conveniency and safety of the said United States, and each of them, their subjects, people and inhabitants, and their vessels and effects against all violence, insult, attacks, or depredations, on the part of the said Princes, and States of Barbary, or their subjects.

ARTICLE IX.

Subjects of each party shall not fish in the dominions of the other.

The subjects, inhabitants, merchants, commanders of ships, masters and mariners of the states, provinces and dominions of each party respectively shall abstain and forbear to fish in all places possessed, or which shall be possessed by the other party; the Most Christian King's subjects shall not fish in the havens, bays, creeks, roads, coasts or places, which the said United States hold, or shall hereafter hold, and in like manner the subjects, people and inhabitants of the said United States, shall not fish in the havens, bays, creeks, roads, coasts or places, which the Most Christian King possesses, or shall hereafter possess; and if any ship or vessel shall be found fishing contrary to the tenor of this treaty, the said ship or vessel, with its lading, proof being made thereof, shall be confiscated; it is however understood that the exclusion stipulated in the present article, shall take place only so long, and so far as the Most Christian King, or the United States, shall not in this respect have granted an exemption to some other nation.

ARTICLE X.

The United States, their citizens and inhabitants shall never disturb the subjects of the

Puissances et de chacun d'iceux à l'effet de pourvoir aussi pleinement et aussi efficacement qu'il sera possible à l'avantage commodité et sûreté des dits Etats Unis et de chacun d'iceux, ainsi que de leurs sujets, peuples et habitans leurs vaisseaux et effets contre toute violence, insulte, attaque ou déprédations de la part des dits Princes et Etats Barbaresques ou de leurs sujets.

ARTICLE IX.

Les sujets, habitans, marchands, commandans des navires, maitres et gens de mer, des états, provinces et domaines des deux parties, s'abstiendront et éviteront réciproquement de pêcher dans toutes les places possédées, ou qui seront possédées par l'autre partie. Les sujets de sa Majesté très Chrétienne ne pêcheront pas dans les havres, bayes, criques, rades, côtes et places que les dits États Unis, possèdent ou posséderont à l'avenir ; et de la même manière les sujets, peuples et habitans des dits Etats Unis ne pêcheront pas dans les havres, bayes, criques, rades, côtes et places que sa Majesté très Chrétienne possède actuellement ou possédera à l'avenir, et si quelque navire ou bâtiment étoit surpris pêchant en violation du présent traité, le dit navire ou bâtiment et sa cargaison seront confisqués après que la preuve en aura été faite duement. Bien entendu que l'exclusion stipulée dans le présent article n'aura lieu qu'autant, et si long tems que le Roi et les Etats Unis n'auront point accordé à cet égard d'exception à quelque nation que ce puisse être.

ARTICLE X.

Les Etats Unis, leurs citoiens et habitans ne troubleront jamais les sujets du Roi très Chrê-

Citizens of U. States shall not disturb subjects of France in their right of fishing on banks of Newfoundland.

Most Christian King in the enjoyment and exercise of the right of fishing on the banks of Newfoundland, nor in the indefinite and exclusive right which belongs to them on that part of the coast of that island which is designed by the treaty of Utrecht, nor in the rights relative to all, and each of the isles which belong to his Most Christian Majesty, the whole conformable to the true sense of the treaties of Utrecht and Paris.

*ARTICLE XI.

The subjects and inhabitants of the said United States, or any one of them, shall not be reputed aubains in France, and consequently shall be exempted from the *droit d'aubaine*, or other similar duty under what name soever. They may by testament, donation, or other-

* *The two following Articles were originally agreed to, but afterwards rescinded; to wit:*

ARTICLE XI.

It is agreed and concluded that there shall never be any duty imposed on the exportation of the molasses that may be taken by the subjects of any of the United States, from the islands of America which belong, or may hereafter appertain to his Most Christian Majesty.

ARTICLE XII.

In compensation of the exemption stipulated by the preceding article, it is agreed and concluded, that there shall never be any duties imposed on the exportation of any kind of merchandize which the subjects of his Most Christian Majesty may take from the countries and possessions, present or future, of any of the Thirteen United States, for the use of the islands which shall furnish molasses.

tiennent dans la jouissance et exercice du droit de pêche sur les bancs de Terre neuve, non plus que dans la jouissance indéfinie et exclusive qui leur appartient sur la partie des côtes de cette île, désignée dans le traité d'Utrecht, ni dans les droits relatifs à toutes et chacune des îles qui appartiennent à sa Majesté très Chrétienne ; le tout conformément au véritable sens des traités d'Utrecht et de Paris.

* ARTICLE XI.

Les sujets et habitans des dits États Unis ou de l'un d'eux ne seront point réputés aubains en France, et conséquemment seront exemts du droit d'aubaine ou autre droit semblable quelque nom qu'il puisse avoir ; pourront disposer par testament, donation, ou autrement

* *Les deux articles suivans avoient été originairement convenus, mais ils ont été depuis révoqués ; savoir :*

ARTICLE XI.

Il est convenu et arrêté qu'il ne sera jamais imposé aucun droit sur l'exportation des melasses qui pourront être tirées par les sujets d'aucun des États Unis des îles d'Amérique qui appartiennent ou pourront appartenir à sa Majesté très Chrétienne.

ARTICLE XII.

En compensation de l'exemption stipulée par l'article précédent, il est convenu et arrêté qu'il ne sera jamais imposé aucun droit sur l'exportation d'aucune espèce de denrées et marchandises que les sujets de sa Majesté très Chrétienne pourront tirer des pays ou possessions actuelles ou futures d'aucun des Treize États Unis pour l'usage des îles qui fournissent les melasses.

Citizens of
U. States
exempted
from *droit*
d'aubaine, &
may dispose
of their es-
tate.

wife, dispose of their goods, moveable and im-
moveable, in favor of such persons as to them
shall seem good, and their heirs, subjects of the
said United States, residing whether in France
or elsewhere, may succeed them *ab intestat*,
without being obliged to obtain letters of na-
turalization, and without having the effect of
this concession contested or impeded under
pretext of any rights or prerogative of pro-

Act of France rescinding the foregoing articles.

T R A N S L A T I O N .

The General Congress of the United States of North America, having represented to the King that the execution of the eleventh article of the treaty of Amity and Commerce, signed the sixth of February last, might be productive of inconveniences ; and having therefore desired the suppression of this article, consenting in return that the twelfth article shall likewise be considered of no effect : His Majesty in order to give a new proof of his affection, as also of his desire to consolidate the union and good correspondence established between the two States, has been pleased to consider their representations : His Majesty has consequently declared, and does declare by these presents, that he consents to the suppression of the eleventh and twelfth aforementioned articles, and that his intention is, that they be considered as having never been comprehended in the treaty signed the sixth of February last.

Done at Versailles the first day of the month of September, one thousand seven hundred and seventy-eight.

GRAVIER DE VERGENNES.

de leurs biens meubles et immeubles en faveur de telles personnes que bon leur semblera ; et leurs héritiers, sujets des dits Etats Unis, résidans soit en France soit ailleurs, pourront leur succéder *ab intestat*, sans qu'ils aient besoin d'obtenir des lettres de naturalité, et sans que l'effet de cette concession leur puisse être contesté ou empêché sous prétexte de quelques droits ou prérogatives des provinces villes ou

Acte de la France révoquant les articles précédens :

ORIGINAL :

Le Congrès Général des Etats Unis de l'Amérique Septentrionale ayant représenté au Roi que l'exécution de l'article onze du traité d'Amitié et de Commerce, signé le six du mois de Février dernier, pourroit entraîner des inconvénients après soi, et ayant désiré en conséquence que cet article demeurât supprimé ; consentant en échange que l'article douze soit également regardé comme non venu, sa Majesté, pour donner aux Etats Unis de l'Amérique Septentrionale une nouvelle preuve de son affection, ainsi que de son desir de consolider l'union et la bonne correspondance établies entre les deux Etats, à bien voulu avoir égard à leurs représentations ; En conséquence sa Majesté a déclaré et déclare par les présentes, qu'elle consent à la suppression des articles onze et douze susmentionnés, et que son intention est, qu'ils soient regardés comme n'ayant jamais été compris dans le traité signé le six Février dernier.

FAIT à Versailles le premier jour du mois de Septembre mil sept cent soixante et dix huit.

GRAVIER DE VERGENNES.

Subjects of
France
have simi-
lar privi-
leges.

vinces, cities, or private persons ; and the said heirs, whether such by particular title, or *ab intestat*, shall be exempt from all duty called *droit de detraction*, or other duty of the same kind, saving nevertheless the local rights or duties as much, and as long as similar ones are not established by the United States, or any of them. The subjects of the Most Christian King shall enjoy on their part in all the dominions of the said States, an entire and perfect reciprocity relative to the stipulations contained in the present article, but it is at the

Act of the United States rescinding the foregoing articles.

ORIGINAL.

DECLARATION.

The most Christian King having been pleased to regard the representations made to him by the General Congress of North America, relative to the eleventh article of the treaty of commerce, signed the sixth of February in the present year ; and his majesty having therefore consented that the said article should be suppressed, on condition that the twelfth article of the same treaty be equally regarded as of none effect ; the General Congress hath declared, and do declare on their part, that they consent to the suppression of the eleventh and twelfth articles of the above mentioned treaty, and that their intention is, that these articles be regarded as having never been comprized in the treaty signed the sixth of February. In faith whereof, &c.

B. FRANKLIN,
ARTHUR LEE,
JOHN ADAMS.

personnes privées. Et seront les dits héritiers soit à titre particulier soit *ab intestat* exemts de tout droit de déduction ou autre droit de ce genre ; sauf néanmoins les droits locaux tant, et si long tems, qu'il n'en sera point établi de pareils par les dits Etats Unis ou aucun d'iceux, Les sujets du Roi très Chrétien jouiront de leur côté dans tous les domaines des dits Etats d'une entière et parfaite réciprocité relativement aux stipulations renfermées dans le present article. Mais il est convenu en même tems que son contenu ne portera aucune atteinte

Acte des Etats Unis révoquant les articles précédens.

O R I G I N A L .

DECLARATION.

Le Roi très Chrétien ayant bien voulu avoir égard aux représentations que lui a faites le Congrès Général de l'Amérique Septentrionale, relativement à l'article onze du traité de commerce, signé le six Février de la presente année ; et sa Majesté ayant consenti en conséquence que le dit article demeurât supprimé à condition que l'article douze du même traité fût également regardé comme non avenue ; le Congrès Général a déclaré et déclare de son côté qu'il consent à la suppression des articles onze et douze susmentionnés, et son intention est, qu'ils soient regardés comme n'ayant jamais été compris dans le traité signé le six Février dernier. En foi de quoi, &c.

B. FRANKLIN,
ARTHUR LEE,
JOHN ADAMS,

same time agreed that its contents shall not affect the laws made, or that may be made hereafter in France against emigrations which shall remain in all their force and vigour, and the United States on their part, or any of them, shall be at liberty to enact such laws, relative to that matter, as to them shall seem proper.

ARTICLE XII.

Ships suspected shall exhibit passports and certificates.

The merchant ships of either of the parties which shall be making into a port belonging to the enemy of the other ally, and concerning whose voyage, and the species of goods on board her, there shall be just grounds of suspicion, shall be obliged to exhibit as well upon the high seas, as in the ports and havens, not only her passports, but likewise certificates, expressly shewing that her goods are not of the number of those which have been prohibited as contraband.

ARTICLE XIII.

How to proceed in case of contraband goods.

If by the exhibiting of the abovesaid certificates, the other party discover there are any of those sorts of goods which are prohibited and declared contraband, and consigned for a port under the obedience of his enemies, it shall not be lawful to break up the hatches of such ship, or to open any chest, coffers, packs, casks, or any other vessels found therein, or to remove the smallest parcels of her goods, whether such ship belongs to the subjects of France, or the inhabitants of the said United States, unless the lading be brought on shore in the presence of the officers of the court of admiralty, and an inventory thereof made; but there shall be no allowance to sell, exchange or alienate the same, in any manner, until after that due and lawful process shall

aux loix promulguées en France contre les émigrations, ou qui pourront être promulguées dans la suite, les quelles demeureront dans toute leur force et vigueur. Les Etats Unis de leur côté ou aucun d'entr' eux, feront libres de statuer sur cette matière telle loi qu'ils jugeront à propos.

ARTICLE XII.

Les navires marchands des deux parties qui seront destinés pour des ports appartenants à une puissance ennemie de l'autre allié et dont le voiage ou la nature des marchandises dont ils seront chargés donneroit de justes soupçons, seront tenus d'exhiber soit en haute mer, soit dans les ports et havres, non seulement leurs passeports mais encore les certificats qui constateront expressément que leur chargement n'est pas de la qualité de ceux qui sont prohibés comme contrebande.

ARTICLE XIII.

Si l'exhibition des dits certificats conduit à découvrir que le navire porte des marchandises prohibées et réputées contrebande, con-signées pour un port ennemi, il ne sera pas permis de briser les écoutilles des dits navires, ni d'ouyrir aucune caisse, coffre, malle, ballots, tonneaux et autres caisses qui s'y trouveront, ou d'en déplacer et détourner la moindre partie des marchandises soit que le navire appartienne aux sujets du Roi très Chrétien ou aux habitans des Etats Unis, jusqu'à ce que la cargaison ait été mise à terre en présence des officiers des cours d'amirauté, et que l'inventaire en ait été fait ; mais on ne permettra pas de vendre, échanger ou aliéner les navires ou leur cargaison en manière quelconque, avant que le procès ait été fait et par-

have been had against such prohibited goods, and the court of admiralty shall by a sentence pronounced have confiscated the same: saving always as well the ship itself as any other goods found therein, which by this treaty are to be esteemed free, neither may they be detained on pretence of their being as it were infected by the prohibited goods, much less shall they be confiscated, as lawful prize: but if not the whole cargo, but only part thereof shall consist of prohibited or contraband goods, and the commander of the ship shall be ready and willing to deliver them to the captor, who has discovered them, in such case, the captor having received those goods, shall forthwith discharge the ship, and not hinder her by any means, freely to prosecute the voyage on which she was bound. But in case the contraband merchandizes cannot be all received on board the vessel of the captor, then the captor may, notwithstanding the offer of delivering him the contraband goods, carry the vessel into the nearest port agreeable to what is above directed.

ARTICLE XIV.

On the contrary it is agreed, that whatever shall be found to be laden by the subjects and inhabitants of either party on any ship belonging to the enemies of the other, or to their subjects, the whole although it be not of the sort of prohibited goods, may be confiscated in the same manner as if it belonged to the enemy, except such goods and merchandizes as were put on board such ship before the declaration of war, or even after such declaration, if so be it were done without knowledge of such declaration, so that the goods of the subjects,

Goods found in an enemy's ship may be confiscated, unless put on board before declaration of war, or within two months after.

fait légalement pour déclarer la contrebande, et que les cours d'amirauté auront prononcé leur confiscation par jugement, sans préjudice néanmoins des navires, ainsi que des marchandises qui en vertu du traité doivent être censées libres. Il ne sera pas permis de retenir ces marchandises sous prétexte qu'elles ont été entachées par les marchandises de contrebande et bien moins encore de les confisquer comme des prises légales. Dans le cas où une partie seulement et non la totalité du chargement consisteroit en marchandises de contrebande, et que le commandant du vaisseau consente à les délivrer au corsaire qui les aura découvertes, alors le capitaine qui aura fait la prise, après avoir reçu ces marchandises, doit incontinent relâcher le navire et ne doit l'empêcher en aucune manière de continuer son voyage. Mais dans le cas où les marchandises de contrebande ne pourroient pas être toutes chargées sur le vaisseau capteur, alors le capitaine du dit vaisseau fera le maître, malgré l'offre de remettre la contrebande, de conduire le patron dans le plus prochain port, conformément à ce qui est prescrit plus haut.

ARTICLE XIV.

On est convenu au contraire que tout ce qui se trouvera chargé par les sujets respectifs sur des navires appartenants aux ennemis de l'autre partie ou à leurs sujets sera confisqué sans distinction des marchandises prohibées ou non prohibées, ainsi et de même que si elles appartenotent à l'ennemi, à l'exception toute fois, des effets et marchandises qui auront été mis à bord des dits navires avant la déclaration de guerre, ou même après la dite déclaration, si au moment du chargement on a pû l'ignorer, de manière que les marchandises des sujets

and people of either party, whether they be of the nature of such as are prohibited or otherwise, which as is aforesaid, were put on board any ship belonging to an enemy before the war or after the declaration of the same, without the knowledge of it, shall no ways be liable to confiscation, but shall well and truly be restored without delay to the proprietors demanding the same; but so as that if the said merchandizes be contraband it shall not be any ways lawful to carry them afterwards to any ports belonging to the enemy. The two contracting parties agree, that the term of two months being passed after the declaration of war, their respective subjects, from whatever part of the world they come, shall not plead the ignorance mentioned in this article.

ARTICLE XV.

And that more effectual care may be taken for the security of the subjects and inhabitants of both parties, that they suffer no injury by the men of war or privateers of the other party, all the commanders of the ships of his Most Christian Majesty and of the said United States, and all their subjects and inhabitants, shall be forbid doing any injury or damage to the other side; and if they act to the contrary they shall be punished, and shall moreover be bound to make satisfaction for all matter of damage, and the interest thereof, by reparation, under the pain and obligation of their person and goods.

ARTICLE XVI.

All ships and merchandizes of what nature soever, which shall be rescued out of the hands of any pirates or robbers on the high seas, shall

Ships of war and privateers to do no injury to either party, if they do, to be punished and make reparation to the party injured.

des deux parties, soit qu'elles se trouvent du nombre de celles de contrebande ou autrement, les quelles comme il vient d'être dit, auront été mises à bord d'un vaisseau appartenant à l'ennemi, avant la guerre ou même après la dite déclaration, lorsqu'on l'ignoroit, ne seront en aucune manière, sujettes à confiscation, mais seront fidelement et de bonne foi rendues sans délai à leurs propriétaires, qui les réclameront; bien entendu néanmoins qu'il ne soit pas permis de porter dans les ports ennemis les marchandises qui seront de contrebande. Les deux parties contractantes conviennent que le terme de deux mois, passés depuis la déclaration de guerre, leurs sujets respectifs, de quelque partie du monde qu'ils viennent ne pourront plus alléguer l'ignorance dont il est question dans le présent article.

ARTICLE XV.

Et afin de pourvoir plus efficacement à la sûreté des sujets des deux parties contractantes, pour qu'il ne leur soit fait aucun préjudice par les vaisseaux de guerre de l'autre partie ou par des armateurs particuliers, il sera fait défense à tous capitaines des vaisseaux de sa Majesté très Chrétienne et des dits Etats Unis, et à tous leurs sujets de faire aucun dommage ou insulte à ceux de l'autre partie, et au cas où ils y contreviendroient, ils en seront punis; et, de plus, ils seront tenus et obligés en leurs personnes et en leurs biens de réparer tous les dommages et intérêts.

ARTICLE XVI.

Tous vaisseaux et marchandises de quelque nature que ce puisse être, lors qu'ils auront été enlevés des mains de quelques pirates en pleine

All ships & merchandise rescued out of the hands of pirates to be restored.

be brought into some port of either state, and shall be delivered to the custody of the officers of that port, in order to be restored entire to the true proprietor, as soon as due and sufficient proof shall be made concerning the property thereof.

ARTICLE XVII.

Prizes may be carried into the ports of either party.

It shall be lawful for the ships of war of either party, and privateers, freely to carry whithersoever they please, the ships and goods taken from their enemies, without being obliged to pay any duty to the officers of the admiralty or any other judges; nor shall such prizes be arrested or seized when they come to and enter the ports of either party; nor shall the searchers or other officers of those places search the same, or make examination concerning the lawfulness of such prizes; but they may hoist sail at any time, and depart and carry their prizes to the places expressed in their commissions, which the commanders of such ships of war shall be obliged to shew: on the contrary, no shelter or refuge shall be given in their ports to such as shall have made prize of the subjects, people or property of either of the parties; but if such shall come in, being forced by stress of weather, or the danger of the sea, all proper means shall be vigorously used, that they go out and retire from thence as soon as possible.

No shelter shall be given to the captors of prizes from either party.

ARTICLE XVIII.

In case of shipwreck, relief to be afforded.

If any ship belonging to either of the parties, their people or subjects, shall within the coasts or dominions of the other, stick upon the sands, or be wrecked, or suffer any other damage, all friendly assistance and relief shall be given to the persons shipwrecked, or such as

mer, seront amenés dans quelque port de l'un des deux Etats, et seront remis à la garde des officiers du dit port afin d'être rendus, en entier, à leur véritable propriétaire, aussitôt qu'il aura duement et suffisamment fait conster de sa propriété.

ARTICLE XVII.

Les vaisseaux de guerre de sa Majesté très Chrétienne et ceux des Etats Unis, de même que ceux que leurs sujets auront armés en guerre, pourront, en toute liberté, conduire où bon leur semblera les prises qu'ils auront faites sur leurs ennemis, sans être obligés à aucuns droits, soit des sieurs amiraux ou de l'amirauté ou d'aucuns autres, sans qu'aussi les dits vaisseaux ou les dites prises, entrant dans les havres ou ports de sa Majesté très Chrétienne ou des dits Etats Unis, puissent être arrêtés ou saisis, ni que les officiers des lieux puissent prendre connoissance de la validité des dites prises, les quelles pourront sortir et être conduites franchement et en toute liberté, aux lieux portés par les commissions dont les capitaines des dits vaisseaux seront obligés de faire apparoir. Et au contraire, ne sera donné asile ni retraite dans leurs ports ou havres à ceux qui auront fait des prises sur les sujets de sa Majesté ou des dits Etats Unis ; et s'ils sont forcés d'y entrer par tempête ou peril de la mer, on les fera sortir le plutôt qu'il sera possible.

ARTICLE XVIII.

Dans le cas où un vaisseau appartenant à l'un des deux Etats ou à leurs sujets, aura échoué, fait naufrage ou souffert quelqu' autre dommage sur les côtes ou sous la domination de l'une des deux parties, il sera donné toute aide et assistance amiable aux personnes nau-

shall be in danger thereof. And letters of safe conduct shall likewise be given to them for their free and quiet passage from thence and the return of every one to his own country.

ARTICLE XIX.

When vessels by stress of weather, &c. are forced into ports, &c. they shall be protected and permitted to depart.

In case the subjects and inhabitants of either party, with their shipping, whether public and of war, or private and of merchants, be forced through stress of weather, pursuit of pirates, or enemies, or any other urgent necessity for seeking of shelter and harbor, to retreat and enter into any of the rivers, bays, roads or ports belonging to the other party, they shall be received and treated with all humanity and kindness, and enjoy all friendly protection and help; and they shall be permitted to refresh and provide themselves, at reasonable rates, with victuals and all things needful for the sustenance of their persons, or reparation of their ships, and conveniency of their voyage; and they shall no ways be detained or hindered from returning out of the said ports or roads, but may remove and depart when and whither they please, without any let or hindrance.

ARTICLE XX.

In case of war, six months shall be allowed to citizens of each party residing in the other's dominion to sell and remove their effects.

For the better promoting of commerce on both sides, it is agreed, that if a war shall break out between the said two nations, six months after the proclamation of war, shall be allowed to the merchants in the cities and towns where they live for selling and transporting their goods and merchandizes; and if any thing be taken from them, or any injury be done them within that term by either party, or the people or subjects of either, full satisfaction shall be made for the same.

fragées ou qui se trouvent en danger, et il leur sera accordé des sauf conduits pour assurer leur passage et leur retour dans leur patrie.

ARTICLE XIX.

Lorsque les sujets et habitans de l'une des deux parties avec leurs vaisseaux soit publics et de guerre, soit particuliers et marchands, seront forcés par une tempête, par la poursuite des pirates et des ennemis, ou par quelque autre nécessité urgente, de chercher refuge et un abri, de se retirer et entrer dans quelque une des rivières, bayes, rades ou ports de l'une des deux parties, ils seront reçus et traités avec humanité, et jouiront de toute amitié, protection et assistance, et il leur sera permis de se pourvoir de rafraichissemens, de vivres, et de toutes choses nécessaires pour leur subsistance, pour la reparation de leurs vaisseaux, et pour continuer leur voiage ; le tout moyennant un prix raisonnable, et ils ne seront retenus en aucune manière, ni empêchés de sortir des dits ports ou rades, mais pourront se retirer et partir quand, et comme il leur plaira, sans aucun obstacle ni empêchement.

ARTICLE XX.

Afin de promouvoir d'autant mieux le commerce de deux côtés, il est convenu que dans le cas où la guerre surviendrait entre les deux nations susdites, il sera accordé six mois, après la déclaration de guerre, aux marchands dans les villes et cités qu'ils habitent, pour rassembler et transporter les marchandises : et s'il en est enlevé quelque chose ou s'il leur a été fait quelque injure durant le terme prescrit cideffus, par l'une des deux parties, leurs peuples ou sujets, il leur sera donné à cet égard pleine et entière satisfaction.

ARTICLE XXI.

Citizens of
neither party
shall take
commissions
or letters
of marque
from any
prince or
state with
whom the
other is at
war, to act
as privateers.

No subjects of the Most Christian King shall apply for or take any commission, or letters of marque, for arming any ship or ships to act as privateers against the said United States, or any of them, or against the subjects, people or inhabitants of the said United States, or any of them, or against the property of any of the inhabitants of any of them, from any Prince or State with which the said United States shall be at war; nor shall any citizen, subject, or inhabitant of the said United States, or any of them, apply for or take any commission or letters of marque for arming any ship or ships, to act as privateers against the subjects of the Most Christian King, or any of them, or the property of any of them, from any Prince or State with which the said King shall be at war; and if any person of either nation shall take such commissions or letters of marque, he shall be punished as a pirate.

ARTICLE XXII.

Foreign
privateers
not allowed
to be fitted
out, or to
sell their
prizes in the
ports of either party.

It shall not be lawful for any foreign privateers, not belonging to subjects of the Most Christian King, nor citizens of the said United States, who have commissions from any other Prince or State in enmity with either nation, to fit their ships in the ports of either the one or the other of the aforesaid parties, to sell what they have taken, or in any other manner whatsoever to exchange their ships, merchandizes, or any other lading; neither shall they be allowed even to purchase victuals, except such as shall be necessary for their going to the next port of that Prince or State from which they have commissions.

ARTICLE XXI.

Aucun fujet du Roi très Chrétien ne prendra de commission ou de lettres de marque, pour armer quelque vaisseau ou vaisseaux à l'effet d'agir comme corsaires contre les dits Etats Unis ou quelques uns d'entr' eux, ou contre les fujets, peuples ou habitans d'iceux, ou contre leur propriété ou celle des habitans d'aucun d'entr' eux, de quelque prince que ce soit avec lequel les dits Etats Unis feront en guerre. De même aucun citoien, fujet, ou habitant des susdits Etats Unis et de quelqu'un d'entr' eux, ne demandera ni n'acceptera aucune commission ou lettres de marque, pour armer quelque vaisseau, ou vaisseaux pour courre sus aux fujets de sa Majesté très Chrétienne, ou quelques uns d'entre eux ou leur propriété, de quelque prince ou état que ce soit avec qui la dite Majesté se trouvera en guerre ; et si quelqu'un de l'une ou de l'autre nation prenoit de pareilles commissions ou lettres de marque, il sera puni comme pirate.

ARTICLE XXII.

Il ne sera permis à aucun corsaire étranger non appartenant à quelque fujet de sa Majesté très Chrétienne ou à un citoien des dits Etats Unis, lequel aura une commission de la part d'un prince ou d'une puissance en guerre avec l'une des deux nations, d'armer leurs vaisseaux dans les ports de l'une des deux parties, ni d'y vendre les prises qu'il aura faites, ni décharger en autre manière quelconque les vaisseaux, marchandises ou aucune partie de leur cargaison ; il ne sera même pas permis d'acheter d'autres vivres que ceux qui lui seront nécessaires pour se rendre dans le port le plus voisin du prince ou de l'état dont il tient sa commission.

ARTICLE XXIII.

Liberty for either party to trade with a nation at war with the other.

It shall be lawful for all and singular the subjects of the Most Christian King, and the citizens, people and inhabitants of the said United States, to sail with their ships with all manner of liberty and security, no distinction being made, who are the proprietors of the merchandizes laden thereon, from any port to the places of those who now are or hereafter shall be at enmity with the Most Christian King, or the United States. It shall likewise be lawful for the subjects and inhabitants aforesaid, to sail with the ships and merchandizes aforementioned, and to trade with the same liberty and security from the places, ports and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy aforementioned to neutral places, but also from one place belonging to an enemy, to another place belonging to an enemy, whether they be under the jurisdiction of the same Prince, or under several. And it is hereby stipulated, that free ships shall also give a freedom to goods, and that every thing shall be deemed to be free and exempt which shall be found on board the ships belonging to the subjects of either of the confederates, although the whole lading, or any part thereof should appertain to the enemies of either, contraband goods being always excepted. It is also agreed in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to both or either party, they are not to be taken out of that free ship, unless they are soldiers and in actual service of the enemy.

Free ships make free goods, excepting contraband articles.

ARTICLE XXIII.

Il fera permis à tous et un chacun des fujets du Roi très Chrétien et aux citoiens, peuple et habitans des fufdits Etats Unis, de naviguer avec leurs bâtimens avec toute liberté et sûreté, fans qu'il puiſſe être fait d'exception à cet égard, à raifon des propriétaires des marchandifes chargées fur les dits bâtimens venant de quelque port que ce foit, et deftinés pour quelque place d'une puiſſance actuellement ennemie, ou qui pourra l'être dans la fuite de fa Majeſté très Chrétienne ou des Etats Unis. Il fera permis également aux fujets et habitans fûs mentionnés de naviguer avec leurs vaiſſeaux et marchandifes et de fréquenter avec la même liberté et sûreté, les places, ports, et havres des puiſſances ennemies des deux parties contractantes ou d'une d'entre elles, fans oppoſition ni trouble, et de faire le commerce non ſeulement directement des ports de l'ennemi fufdit à un port neutre, mais auffi d'un port ennemi à un autre port ennemi, ſoit qu'il ſe trouve ſous la juridiction ou ſous celle de pluſieurs ; et il eſt ſtipulé par le préſent traité que les bâtimens libres aſſûreront également la liberté des marchandifes, et qu'on jugera libres toutes les choſes qui ſe trouveront à bord des navires appartenans aux fujets d'une des parties contractantes, quand même le chargement ou partie d'icelui appartiendroit aux ennemis de l'une des deux ; bien entendu néanmoins que la contrebande fera toujours exceptée. Il eſt également convenu que cette même liberté s'étendra aux perſonnes qui pourroient ſe trouver à bord du bâtiment libre, quand même elles ſeroient ennemies de l'une des deux parties contractantes, et elles ne pourront être enlevées des dits navires, à moins qu'elles ne ſoient militaires et actuellement au ſervice de l'ennemi.

ARTICLE XXIV.

This liberty of navigation and commerce shall extend to all kinds of merchandizes, excepting those only which are distinguished by the name of contraband, and under this name of contraband or prohibited goods, shall be comprehended arms, great guns, bombs with the fuses, and other things belonging to them, cannon ball, gunpowder, match, pikes, swords, lances, spears, halberds, mortars, petards, grenades, saltpetre, muskets, musket ball, bucklers, helmets, breast plates, coats of mail, and the like kinds of arms, proper for arming soldiers, musket rests, belts, horses with their furniture, and all other warlike instruments whatever. These merchandizes which follow shall not be reckoned among contraband or prohibited goods; that is to say, all sorts of cloths, and all other manufactures woven of any wool, flax, silk, cotton, or any other materials whatever, all kinds of wearing apparel, together with the species whereof they are used to be made, gold and silver, as well coined as uncoined, tin, iron, latten, copper, brass, coals; as also wheat and barley, and any other kind of corn and pulse; tobacco, and likewise all manner of spices; salted and smoked flesh, salted fish, cheese and butter, beer, oils, wines, sugars, and all sorts of salts; and in general all provisions which serve for the nourishment of mankind and the sustenance of life; furthermore, all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail cloths, anchors and any parts of anchors, also ships masts, planks, boards and beams of what trees soever; and all other things proper either for building or repairing ships, and all other goods whatever which have not been worked into the

What goods
 shall be
 deemed
 contraband.

ARTICLE XXIV.

Cette liberté de navigation et de commerce doit s'étendre sur toutes sortes de marchandises, à l'exception seulement de celles qui sont désignées sous le nom de contrebande : Sous ce nom de contrebande ou de marchandises prohibées, doivent être compris les armes, canons, bombes avec leurs fusées et autres choses y relatives, boulets, poudre à tirer, méches, piques, épées, lances, dards, hallebardes, mortiers, petards, grenades, salpêtre, fusils, balles, boucliers, casques, cuirasses, cote de mailles, et autres armes de cette espèce, propres à armer les soldats, porte-mousqueton, baudriers, chevaux avec leurs équipages, et tous autres instrumens de guerre quelconques. Les marchandises dénommées ci-après ne seront pas comprises parmi la contrebande ou choses prohibées, savoir : toutes sortes de draps et toutes autres étoffes de laine, lin, soye, coton ou d'autres matières quelconques ; toutes sortes de vêtemens avec les étoffes dont on a coutume de les faire, l'or et l'argent monnoié ou non, l'étain, le fer, laiton, cuivre, airain, charbons, de même que le froment et l'orge, et toute autre sorte de bleds et légumes ; le tabac et toutes les sortes d'épiceries ; la viande salée et fumée, poisson salé, fromage et beurre, bière, huiles, vins, sucres, et toute espèce de sel, et en général toutes provisions servant pour la nourriture de l'homme et pour le soutien de la vie. De plus, toutes sortes de coton, de chanvre, lin, goudron, poix, cordes, cables, voiles, toiles à voiles, ancres, parties d'ancres, mats, planches, madriers, et bois de toute espèce, et toutes autres choses propres à la construction et réparation des vaisseaux, et autres matières quelconques qui n'ont pas la forme d'un in-

form of any instrument or thing prepared for war by land or by sea, shall not be reputed contraband, much less such as have been already wrought and made up for any other use: all which shall be wholly reckoned among free goods; as likewise all other merchandizes and things which are not comprehended and particularly mentioned in the foregoing enumeration of contraband goods; so that they may be transported and carried in the freest manner by the subjects of both confederates, even to places belonging to an enemy, such towns or places being only excepted, as are at that time besieged, blocked up or invested,

ARTICLE XXV.

Ships and vessels to be furnished with sea letters or passports and certificates.

To the end that all manner of dissensions and quarrels may be avoided and prevented, on one side and the other, it is agreed, that in case either of the parties hereto should be engaged in war, the ships and vessels belonging to the subjects or people of the other ally, must be furnished with sea letters or passports, expressing the name, property and bulk of the ship, as also the name and place of habitation of the master or commander of the said ship, that it may appear thereby that the ship really and truly belongs to the subjects of one of the parties, which passport shall be made out and granted according to the form annexed to this treaty; they shall likewise be recalled every year, that is if the ship happens to return home within the space of a year. It is likewise agreed, that such ships being laden are to be provided not only with passports as above-mentioned, but also with certificates, containing the several particulars of the cargo, the place whence

strument préparé pour la guerre par terre comme par mer, ne seront pas réputées contrebande, et encore moins celles qui sont déjà préparées pour quelque autre usage : Toutes les choses dénommées ci-dessus, doivent être comprises parmi les marchandises libres, de même que toutes les autres marchandises et effets qui ne sont pas compris et particulièrement nommés dans l'énumération des marchandises de contrebande ; de manière qu'elles pourront être transportées et conduites de la manière la plus libre, par les sujets des deux parties contractantes, dans des places ennemies, à l'exception néanmoins de celles qui se trouveroient actuellement assiégées, bloquées ou investies.

ARTICLE XXV.

Afin d'écarter et de prévenir de part et d'autre toutes discussions et querelles, il a été convenu que dans le cas où l'une des deux parties se trouveroit engagée dans une guerre, les vaisseaux et bâtimens appartenans aux sujets ou peuple de l'autre allié, devront être pourvus de lettres de mer ou passeports, les quels exprimeront le nom, la propriété et le port du navire, ainsi que le nom et la demeure du maître ou commandant du dit vaisseau, afin qu'il apparaisse par là que le même vaisseau appartient réellement et véritablement aux sujets de l'une des deux parties contractantes ; lequel passeport devra être expédié selon le modèle annexé au présent traité. Ces passeports devront également être renouvelés chaque année, dans le cas où le vaisseau retourne chez lui dans l'espace d'une année. Il a été convenu également que les vaisseaux susmentionnés, dans le cas où ils seroient chargés, devront être pourvus non seulement de passe-

the ship sailed, and whither she is bound, that so it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship set sail, in the accustomed form; and if any one shall think it fit or advisable to express in the said certificates, the person to whom the goods on board belong, he may freely do so.

ARTICLE XXVI.

Vessels
coming on
the coast or
entering
the ports of
either party
how to
be treated.

The ships of the subjects and inhabitants of either of the parties, coming upon any coasts belonging to either of the said allies, but not willing to enter into port, or being entered into port and not willing to unload their cargoes or break bulk, they shall be treated according to the general rules prescribed or to be prescribed, relative to the object in question.

ARTICLE XXVII.

How vessels
are to be
treated
when met
by ships of
war or pri-
vateers.

If the ships of the said subjects, people or inhabitants of either of the parties shall be met with, either sailing along the coasts or on the high seas, by any ship of war of the other, or by any privateers, the said ships of war or privateers, for the avoiding of any disorder, shall remain out of cannon shot, and may send their boats aboard the merchant ship which they shall so meet with, and may enter her to number of two or three men only, to whom the master or commander of such ship or vessel shall exhibit his passport concerning the property of the ship, made out according to the form inserted in this present treaty, and the ship when she shall have shewed such passport, shall be free and at liberty to pursue her

ports, mais aussi de certificats, contenant le détail de la cargaison, le lieu d'où le vaisseau est parti, et la déclaration des marchandises de contrebande qui pourroient se trouver à bord ; lesquels certificats devront être expédiés dans la forme accoutumée par les officiers du lieu d'où le vaisseau aura fait voile : et s'il étoit jugé utile ou prudent d'exprimer dans les dits passeports, la personne à laquelle les marchandises appartiennent, on pourra le faire librement.

ARTICLE XXVI.

Dans le cas où les vaisseaux des sujets et habitans de l'une des deux parties contractantes approcheroient des côtes de l'autre, sans cependant avoir le dessein d'entrer dans le port, ou après être entrés, sans avoir le dessein de décharger la cargaison, ou rompre leur charge, on se conduira à leur égard suivant les réglemens généraux prescrits ou à prescrire relativement à l'objet dont il est question.

ARTICLE XXVII.

Lorsqu'un bâtiment appartenant aux dits sujets, peuple et habitans de l'une des deux parties, sera rencontré navigant le long des côtes ou en pleine mer, par un vaisseau de guerre de l'autre, ou par un armateur, le dit vaisseau de guerre, ou armateur, afin d'éviter tout désordre, se tiendra hors de la portée du canon, et pourra envoyer sa chaloupe à bord du bâtiment marchand, et y faire entrer deux ou trois hommes, aux quels le maître ou commandant du bâtiment montrera son passeport, le quel devra être conforme à la formule annexée au présent traité, et constatera la propriété du bâtiment : et après que le dit bâtiment aura exhibé un pareil passeport, il lui sera libre de continuer son voyage, et il ne sera pas permis

voyage, so as it shall not be lawful to molest or search her in any manner, or to give her chace or force her to quit her intended course.

ARTICLE XXVIII.

No search
after goods
are put on
board ships
or vessels,
unless in
case of
fraud.

It is also agreed, that all goods when once put on board the ships or vessels of either of the two contracting parties, shall be subject to no farther visitation; but all visitation or search shall be made beforehand, and all prohibited goods shall be stopped on the spot, before the same be put on board, unless there are manifest tokens or proofs of fraudulent practice; nor shall either the persons or goods of the subjects of his Most Christian Majesty or the United States, be put under any arrest or molested by any other kind of embargo for that cause; and only the subject of that state to whom the said goods have been or shall be prohibited, and who shall presume to sell or alienate such sort of goods, shall be duly punished for the offence.

ARTICLE XXIX.

Consuls,
&c. to be
allowed in
the ports of
each party.

The two contracting parties grant mutually the liberty of having each in the ports of the other, consuls, vice-consuls, agents and commissaries, whose functions shall be regulated by a particular agreement.

ARTICLE XXX.

Free ports. And the more to favor and facilitate the commerce which the subjects of the United States may have with France, the Most Christian King will grant them in Europe one or more free ports, where they may bring and dispose of all the produce and merchandize of the thirteen United States; and his Majes-

de le molester, ni de chercher en aucune manière, de lui donner la chasse, ou de le forcer de quitter la course qu'il s'étoit proposée.

ARTICLE XXVIII.

Il est convenu que lorsque les marchandises auront été chargées sur les vaisseaux ou bâtimens de l'une des deux parties contractantes, elles ne pourront plus être assujéties à aucune visite; toute visite et recherche devant être faite avant le chargement, et les marchandises prohibées devant être arrêtées et saisies sur la plage avant de pouvoir être embarquées, à moins qu'on n'ait des indices manifestes ou des preuves de versements frauduleux. De même aucun des sujets de sa Majesté très Chrétienne ou des Etats Unis, ni leurs marchandises, ne pourront être arrêtés ni molestés pour cette cause, par aucune espèce d'embargo; et les seuls sujets de l'état, auxquels les dits marchandises auront été prohibées, et qui se feront émancipés à vendre et aliéner de pareilles marchandises, seront dûment punis pour cette contravention.

ARTICLE XXIX.

Les deux parties contractantes se sont accordé mutuellement la faculté de tenir dans leurs ports respectifs, des consuls, vice-consuls, agents et commissaires, dont les fonctions seront réglées par une convention particulière.

ARTICLE XXX.

Pour d'autant plus favoriser et faciliter le commerce que les sujets des Etats Unis feront avec la France, le Roi très Chrétien leur accordera en Europe un ou plusieurs ports Francs dans lesquels ils pourront amener et débiter toutes les denrées et marchandises provenant des treize Etats Unis; sa Majesté conservera

ty will also continue to the subjects of the said states, the free ports which have been and are open in the French islands of America : of all which free ports the said subjects of the United States shall enjoy the use, agreeable to the regulations which relate to them.

ARTICLE XXXI.

Ratifica-
tion.

The present treaty shall be ratified on both sides, and the ratifications shall be exchanged in the space of six months, or sooner if possible.

In faith whereof the respective plenipotentiaries have signed the above articles, both in the French and English languages, declaring nevertheless, that the present treaty was originally composed and concluded in the French language, and they have thereto affixed their seals.

DONE at Paris, this sixth day of February, one thousand seven hundred and seventy-eight.

C. A. GERARD,	(L. S.)
B. FRANKLIN,	(L. S.)
SILAS DEANE,	(L. S.)
ARTHUR LEE,	(L. S.)

d'un autre côté, aux sujets des dits Etats, les ports Francs qui ont été, et sont ouverts dans les isles Françoises de l'Amérique. De tous les quels ports Francs les dits sujets des Etats Unis jouiront conformément aux réglemens qui en déterminent l'usage.

ARTICLE XXXI.

Le présent traité sera ratifié de part et d'autre, et les ratifications seront échangées dans l'espace de six mois ou plutôt si faire se peut.

En foi de quoi les Plenipotentiaires respectifs ont signé les articles ci-dessus, tant en langue Françoisse qu'en langue Angloise, déclarant néanmoins que le présent traité a été originairement rédigé et arrêté en langue Françoisse ; et ils y ont apposé le cachet de leurs armes.

Fait à Paris, le sixieme jour du mois de Fevrier, mil sept cent soixante dix-huit.

C. A. GERARD, (L. s.)

B. FRANKLIN, (L. s.)

SILAS DEANE, (L. s.)

ARTHUR LEE, (L. s.)

O R I G I N A L .

T R E A T Y

Of Amity and Commerce between their High Mightineffes the States General of the United Netherlands, and the United States of America, to wit: New-Hampshire, Massachusetts, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia.

THEIR High Mightineffes the States General of the United Netherlands, and the United States of America; to wit: New-Hampshire, Massachusetts, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia, desiring to ascertain in a permanent and equitable manner, the rules to be observed relative to the commerce and correspondence, which they intend to establish between their respective states, countries and inhabitants, have judged that the said end cannot be better obtained, than by establishing the most perfect equality and reciprocity for the basis of their agreement, and by avoiding all those burthensome preferences, which are usually the sources of debate, embarrassment and discontent; by leaving also each party at liberty to make, respecting commerce and navigation, such ulterior regulations as it shall find most convenient to itself; and by founding the advantages of commerce solely upon reciprocal utility, and the just rules

ORIGINEEL.

T R A C T A A T

Van Vriendschap en Commercie, tusschen Haar Hoog Mogende de Staten Generaal der Vereenigde Nederlanden, en de Vereenigde Statên van America, te weeten, New-Hampshire, Massachusets, Rhode-Island en Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginien, Noord-Carolina, Zuyd-Carolina, en Georgia.

HAAR Hoog Mogende de Staten Generaal der Vereenigde Nederlanden en de Vereenigde Staten van America ; te weeten : New-Hampshire, Massachusets, Rhode-Island en Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginien, Noord-Carolina, Zuyd-Carolina, en Georgien, geneegen zynde op een bestendige en billyke wyze te bepalen de regelen, die in acht genomen moeten worden, ten opzigte van de correspondentie en commercie, welke zy verlangen vast te stellen tusschen haare respectie landen Staten, onderdanen en ingezeetenen, hebben geoordeelt, dat het gezegde eynde niet beeter kan worden bereykt, dan door te stellen tot een basis van haar verdrag, de volmaekste egaliteit en reciprociteit, en met vermyding van alle die lastige præferentien, dewelke doorgaans de bronäders zyn van twist, verwarring en misnoegen ; door aan iedere party de vryheid te laten, om wegens de commercie en navigatie, verder zulke reglementen te maken, als die voor zig zelve het gevoegelykst zal oordceelen ; en door de

of free intercourse, reserving withal to each party the liberty of admitting at its pleasure other nations to a participation of the same advantages.

On these principles their said High Mightinesses the States General of the United Netherlands, have named for their plenipotentiaries, from the midst of their assembly, Messieurs, their deputies for the foreign affairs; and the said United States of America, on their part, have furnished with full powers, Mr. John Adams, late commissioner of the United States of America at the court of Versailles, heretofore delegate in Congress from the state of Massachusetts-Bay, and chief justice of the said state, who have agreed and concluded as follows, to wit:

ARTICLE I.

Peace and
friendship
between the
two nations.

There shall be a firm, inviolable and universal peace and sincere friendship, between their High Mightinesses, the Lords the States General of the United Netherlands, and the United States of America, and between the subjects and inhabitants of the said parties, and between the countries, islands, cities and places, situate under the jurisdiction of the said United Netherlands, and the said United States of America, their subjects and inhabitants, of every degree, without exception of persons or places.

ARTICLE II.

The subjects of the said States General of the United Netherlands, shall pay in the ports,

voordeelen van commercie, eeniglyk to grofden op wederzyds nut, en de juyfte regels van vrye handel over en weer; referveerende by dat alles aan iedere parthy de vryheid, om, na des zelfs goedvinden andere natien te admitteeren tot het participeeren aan dezelfde voordeelen.

Op deeze grondbeginzelen hebben voorge- melde Haar Hoog Mogende de Staten Gene- raal der Vereenigde Nederlanden, tot hunne Plenipotentiariſſen, uit het midden hunner ver- gadering benoemd, de Heeren Derſelver ge- deputeerden tot de buytenlandſche Zaaken; En de gemelde Vereenigde Staten van Ameri- ca van hunne zyde, met volmagt voorſien den Heer John Adams, laatſt commiſſaris van de Vereenigde Staten van America, aan het Hof van Verſailles gewezen afgevaardigde op het Congres wegens de ſtaten van Maſſachuſetts- Baay, en opper-regter van den gemelden ſtaat, dewelke zyn overeengekomen, en geaccordeert:

ARTICLE I.

Daar zal een vaſte, onverbreekelyke en uni- verſeele vrede, en opregte vriendschap zyn, tuſſchen Haar Hoog Mogende de Heeren Sta- ten General der Vereenigde Nederlanden, en de Vereenigde Staten van America, en de on- derdanen en ingezeetenen van de voornoem- de parthyen, en tuſſchen de landen, eilanden, ſteeden en plaatzen, geleege, onder de jûrif- dictie van de gemelde Vereenigde Nederlan- den, en de gemelde Vereenigde Staten van America, en derſelver onderdanen en ingezeet- enen van allerley Staat, ſonder onder ſcheid van perſoonen en plaatzen.

ARTICLE II.

De onderdanen van de gemelde Staten Ge- neraal der Vereenigde Nederlanden, zullen in

Subjects of
United Ne-
therlands
shall have
the same pri-
vileges in
the United
States, as
the most
favored na-
tion.

havens, roads, countries, islands, cities or places, of the United States of America, or any of them, no other nor greater duties or imposts, of whatever nature or denomination they may be, than those which the nations the most favoured, are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation and commerce, which the said nations do or shall enjoy, whether in passing from one port to another, in the said states, or in going from any of those ports to any foreign port of the world, or from any foreign port of the world to any of those ports.

ARTICLE III.

Citizens of
United
States, shall
have the
same privi-
leges in the
United Ne-
therlands
as the most
favored na-
tion.

The subjects and inhabitants of the said United States of America, shall pay in the ports, havens, roads, countries, islands, cities or places of the said United Netherlands, or any of them, no other nor greater duties or imposts of whatever nature or denomination they may be, than those which the nations the most favoured, are or shall be obliged to pay: And they shall enjoy all the rights, liberties, privileges, immunities and exemptions in trade, navigation and commerce, which the said nations do or shall enjoy, whether in passing from one port to another in the said states, or from any one towards any one of those ports, from or to any foreign port of the world. And the United States of America, with their subjects and inhabitants, shall leave to those of their High Mightinesses, the peaceable enjoyment of their rights, in the countries,

de havens, rheaden, landen, eilanden, ſteden of plaatzen van de Vereenigde Staten van America, of eenige van dezelve, geen andere of grootere regten of impositien van wat natuur, die ook mogen zyn, of hoedanig dezelve ook genoemd mogen werden, betaalen, dan die welke de meest-gefavoriſeerde natien, zyn of zullen worden verplicht aldaar te betaalen. En zy zullen genieten alle de regten, vryheden, privilegien, immuniteiten en exemptien in handel, navigatie en commercie, het zy in het gaan van eene haven in de gemelde Staaten na eene andere, of gaande van eenige van deeze havens na eenige vreemde haven van de wereld, of van eenige vreemde haven van de wereld, na eenige van deeze havens, welke de gemelde natien reeds genieten of zullen genieten.

ARTICLE III.

Inſgelyks zullen de onderdanen en ingezetenen van de gemelde Vereenigde Staten van America, in de havens, rheaden, landen, eilanden, ſteden of plaatzen van de gemelde Vereenigde Nederlanden of eenige van dezelve, geen andere of grootere regten of impositien, van wat natúúr, die ook mogen zyn of hoedanig dezelve ook genoemd mogen worden, betalen, dan die, welke de meest-gefavoriſeerde natien, zyn of zullen worden verplicht aldaar te betalen. En zy zullen genieten alle de regten, vryheden, privilegien, immuniteiten, en exemptien in handel, navigatie en commercie, het zy in het gaan van eene haven in de gemelde Staaten na eene andere, of gaande na en van dezelve, van en na eenige vreemde haven van de wereld, welke de meest-gefavoriſeerde natien reeds genieten of zullen genieten. En zullen de Vereenigde Staten van America, benevens haare onderdanen en in-

islands and seas, in the East and West-Indies, without any hindrance or molestation.

ARTICLE IV.

Liberty of
conscience,
&c. secur-
ed to the
citizens of
each party
in the o-
ther's do-
minions.

There shall be an entire and perfect liberty of conscience allowed to the subjects and inhabitants of each party, and to their families, and no one shall be molested in regard to his worship, provided he submits as to the public demonstration of it, to the laws of the country: There shall be given moreover, liberty, when any subjects or inhabitants of either party shall die in the territory of the other, to bury them in the usual burying places, or in decent and convenient grounds to be appointed for that purpose, as occasion shall require; and the dead bodies of those who are buried, shall not in any wise be molested. And the two contracting parties shall provide, each one in his jurisdiction, that their respective subjects and inhabitants may henceforward obtain the requisite certificates in cases of deaths, in which they shall be interested.

ARTICLE V.

Both par-
ties to pro-
tect vessels
of the o-
ther in their
dominions,
to restore
them when
captured,
and to con-
voy in cer-
tain cases.

Their High Mightinesses, the States General of the United Netherlands, and the United States of America, shall endeavour, by all the means in their power, to defend and protect all vessels and other effects, belonging to their subjects and inhabitants respectively, or to any of them, in their ports, roads, havens, internal seas, passages, rivers, and as far as their

gezeetenen, aan die van Haar Hoog Mogende laten het geruſt genot van haare regten, omtrent de landen, eilanden en zeeën, in Ooſt en Weſt-Indien, ſonder haar daar in eenig belet of hindernis te doen.

ARTICLE IV.

Er zal eene volle, volkomene en geheele vryheid van conſcientie worden toegeſtaen aan de onderdanen en ingezeetenen van iedere parthy, en aan derzelve familien, en zal niemand ter zake van den Godtdienſt worden gemoleſteert, mits hem omtrent publique demonſtratie onderwerpene aan de wetten van het land. Daar en boven zal vryheyd worden gegeven aan de onderdanen en ingezeetenen van iedere parthye, die in des anderen's terriſcir overlyden, om begraven te worden in de gewoone begraafplaatzen of gevoeglyke en decenſe plaatzen, daar toe te-bepaalen, zoo als de gelegenheid zal vereyſſchen, nogte zullen de doode lighaamen van die geene, die begraven zyn eenigſints worden gemoleſteert. En zullen de beide contracteerende mogendheeden, ieder onder hun gebied, de nodige voorſieninge doen, ten eynde de reſpective onderdanen en ingezeetenen van behoorlyke bewyzen van ſterfgevallen, waar by dezelve zyn geïntereſſeert voortaan zullen kunnen worden gedient.

ARTICLE V.

Haar Hoog Mogende, de Staten Generaal der Vereenigde Nederlanden en de Vereenigde Staten van America, zullen tragten zoo veel eenigzints in haar vermogen is, te beſchermen en defendeeren alle ſcheepen en andere effecten toebehoorende aan wederzydſche onderdanen en ingezeetenen, of eenige van dezelve, zynde in haare havens of rheën, binnenlandſche

jurisdiction extends at sea, and to recover, and cause to be restored to the true proprietors, their agents or attornies, all such vessels and effects, which shall be taken under their jurisdiction: And their vessels of war and convoys, in cases when they may have a common enemy, shall take under their protection all the vessels belonging to the subjects and inhabitants of either party, which shall not be laden with contraband goods, according to the description which shall be made of them hereafter, for places, with which one of the parties is in peace and the other at war, nor destined for any place blocked, and which shall hold the same course or follow the same route; and they shall defend such vessels as long as they shall hold the same course or follow the same route, against all attacks, force and violence of the common enemy, in the same manner as they ought to protect and defend the vessels belonging to their own respective subjects.

ARTICLE VI.

The subjects of the contracting parties may, on one side and on the other, in the respective countries and states, dispose of their effects, by testament, donation, or otherwise; and their heirs, subjects of one of the parties, and residing in the country of the other, or elsewhere, shall receive such successions, even *ab intestato*, whether in person or by their attorney or substitute, even although they shall not have obtained letters of naturalization, without having the effect of such commission contested, under pretext of any rights or prerogatives of any province, city, or private person; and if

Citizens of each party may dispose of estate by will or otherwise.

zeeën, ſtroomen, rivieren, en zoo verre haare jurisdictie zeewaards ſtrekt, en wederom te bekomen, ente doen reſtitueeren aan de regte eigenaers, hunne agenten of gevolmagtigden, alle zodanige ſcheepen, en effecten die, onder haare jurisdictie, zullen genomen worden : en haare convoyeerende oorlog ſcheepen zullen, voor zoo verre zy eenen gemeenen vyand mogen hebben, onder haare protectie neemen alle ſcheepen toebehoorende aan elkanders onderdanen en ingezetenen, dewelke geene contrabande goederen, volgens de beſchryving, hier na daar van te doen, zullen hebben ingelaaden naar plaatzen, waar meede de eene parthy in vrede, en de andere in oorlog is, en na geen geblocqueerde plaats geſtineert zyn, en zullen houden dezelve cours, of gaan dezelve weg, en zullen zodanige ſcheepen defendeeren, zoo lang als zy dezelve cours houden, of deſelve weg gaan, teegens alle aanvalen, magt en geweld van den gemeenen vyand op dezelve wys als zy zouden moeten beſchermen en defendeeren de ſcheepen toebehoorende aan weederſyds eigen onderdaanen.

ARTICLE VI.

De onderdanen der contracteerende parthyen, zullen over en weder in weederſydsche landen en ſtaten van hunne goederen by teſtamenten donatien, of andersints mogen diſponeeren ; en hunne erfgenamen, zynde onderdanen van een der parthyen in de landen vande andere, of wel elders woonagtig, zullen dezelve nalatenschapen ontfangen, ſelfs *ab inſtato*, het zy in perſoon, het zy by hun procureur of gemagtigde, ſchoon zy geen brieven van naturalifatie zouden mogen hebben geobtaineert, zonder dat het effect van die commiſſie, hun zal kunnen worden betwift, onder præ-

Regulations
concerning
the same.

the heirs, to whom such successions may have fallen, shall be minors, the tutors or curators, established by the judge domiciliary of the said minors, may govern, direct, administer, sell and alienate the effects fallen to the said minors by inheritance, and in general, in relation to the said successions and effects, use all the rights, and fulfil all the functions which belong, by the disposition of the laws, to guardians, tutors and curators: Provided nevertheless, that this disposition cannot take place, but in cases where the testator shall not have named guardians, tutors, curators, by testament, codicil, or other legal instrument.

ARTICLE VII.

Subjects of
each party
may em-
ploy such
advocates,
&c. as they
think pro-
per.

It shall be lawful and free for the subjects of each party, to employ such advocates, attorneys, notaries, solicitors, or factors, as they shall judge proper.

ARTICLE VIII.

Vessels, &c.
not to be
detained.

Merchants, masters and owners of ships, mariners, men of all kinds, ships and vessels, and all merchandizes and goods in general, and effects of one of the confederates, or of the subjects thereof, shall not be seized, or detained in any of the countries, lands, islands, cities, places, ports, shores, or dominions whatsoever of the other confederate, for any military expedition, public or private use of any one, by arrests, violence, or any colour thereof; much less shall it be permitted to the subjects of either party, to take or extort by

text van eenige regten, of voor-regten van eenige provincie, stad of particulier perzoon: enfoo de erfgenamen, aan welke-de erffeniffen mogten vervallen zyn, minder jarig waren, zullen de voogden of curateurs by den domiciliairen regter der genoemde minderjarigen aangenstelt, kunnen regeeren, bestieren, administreeeren, verkoopen en veralieneeren de goederen, welke de gemelde minderjarigen by erffeniffen zullen zyn te beurt gevallen; en generalyk met opfigttot de voorschreeve successien en goederen, waarcemen alle regten en functien, die aan voogden en curateurs na dispositie der wetten competeeren, behoudens nogtans dat deeze dispositie geen plaats zal kunnen hebben, dan ingevalle als wanneer de testateur, by testament, codicille, of ander wettig instrument, geene-voogden of curateurs sal hebben genomineert.

ARTICLE VII.

Het zal wettig en vry zyn aan de onderdanen van iedere parthye, zodanige advocaten, procureurs, notariffen, solliciteurs of factoors te employeeren, als zy zullen goedvinden.

ARTICLE VIII.

Kooplieden, schippers, eygenaers, bootgezellen, lieden van alderhande soort, scheepen en vaartúigen, en alle koopmanschappen en goederen in het generaal, en effecten van een der bondgenooten, of vanderfelver onderdanen, zullen niet mogen worden in beslag genomen of aangehouden in eenige der landen, gronden, eilanden, steeden, plaatfen, havens, stranden of dominien, hoegenaamt van den anderen bondgenoot, tot eenige militaire expeditie, publicq of privaat gebruik van iemand, door arrest, geweld of eenigints daar na gelykende:

force, any thing from the subjects of the other party, without the consent of the owner; which, however, is not to be understood of seizures, detentions and arrests, which shall be made by the command and authority of justice, and by the ordinary methods, on account of debts or crimes, in respect whereof, the proceedings must be by way of law, according to the forms of justice.

ARTICLE IX.

It is further agreed and concluded, that it shall be wholly free for all merchants, commanders of ships, and other subjects and inhabitants of the contracting parties, in every place, subject to the jurisdiction of the two powers respectively, to manage themselves, their own business; and moreover as to the use of interpreters or brokers, as also in relation to the loading or unloading of their vessels, and every thing which has relation thereto, they shall be, on one side and on the other, considered and treated upon the footing of natural subjects, or, at least, upon an equality with the most favoured nation.

ARTICLE X.

The merchant ships, of either of the parties, coming from the port of an enemy, or from their own, or a neutral port, may navigate freely towards any port of an enemy of the other ally: they shall be, nevertheless, held, whenever it shall be required, to exhibit, as well upon the high-seas, as in the ports, their sea-letters, and other documents, described in

Privileges
of citizens
in transact-
ing busi-
ness.

Merchant
ships, if re-
quired shall
exhibit sea-
letters, &c.
if no con-
traband
goods shall
pass.

veel-minder ~~mal~~ het gepermitteert zyn aan de onderdanen van iedere parthy iets te neemen of door geweld te ontvreemden, van de onderdanen van de andere parthy sonder bewilliging van die persoon, die het toebehoord: het geen egterniet te verstaan is van die aanhalingen, detentien, en arresten, welke zullen worden gedaan op bevel en autoriteit van de justitie en volgens de ordinaire wegen, ten opzichte van schulden of misdaden, waar omtrent de procedures moeten geschieden, by wege van regten, ingevolge de form van justitie.

ARTICLE IX.

Verders is overeengekomen en beslooten, dat het volkomen vry zal staan aan alle kooplieden bevelhebbers van scheepen en andere onderdanen of ingezeetenen der beide contracteerende mogendheeden in alle plaatsen, respectivelyk gehoorende onder het gebied en de jurisdictie der weederzydsche mogendheeden hunne eige saaken, zelfs te verrigten; zullende deselve wyders, omtrent het gebruik van tolken of makelaars, mitsgaders met opzigt tot het laaden, of ontladen hunner scheepen, en al het geen daar toe betrekkelijk is, over en weeder op den voet van eige onderdanen, of ten minsten in-gelykheid met de meest gefavoriseerde natie geconfidereert en gehandelt worden.

ARTICLE X.

De koopvaardy scheepen van een ieder der parthyen, koomende soo wel van een vyandelyke, als eige of neutrale haven, zullen vry mogen vaaren naa eenige haven van een vyand van den anderen bondgenoot; dog verpligt zyn, soo dikwils het gevordert word, haare zeebrieven en verdere bescheiden in het vyfentwintigste articul beschreeven, zoo wel op

the twenty-fifth article, stating expressly that their effects are not of the number of those, which are prohibited, as contraband: and not having any contraband goods for an enemy's port, they may freely and without hindrance, pursue their voyage towards the port of an enemy. Nevertheless, it shall not be required to examine the papers of vessels conveyed by vessels of war, but credence shall be given to the word of the officer, who shall conduct the convoy.

ARTICLE XI.

Mode of proceeding when contraband goods are discovered.

If by exhibiting the sea-letters, and other documents, described more particularly in the twenty-fifth article of this treaty, the other party shall discover there are any of those sorts of goods, which are declared prohibited, and contraband, and that they are consigned for a port under the obedience of his enemy, it shall not be lawful to break up the hatches of such ship, nor to open any chest, coffer, packs, casks, or other vessels found therein, or to remove the smallest parcel of her goods, whether the said vessel belongs to the subjects of their High Mightinesses, the States General of the United Netherlands, or to the subjects or inhabitants of the said United States of America, unless the lading be brought on shore, in presence of the officers of the court of admiralty, and an inventory thereof made; but there shall be no allowance to sell, exchange, or alienate the same, until after that due and lawful process shall have been had against such prohibited goods of contraband, and the court of admiralty, by a sentence pronounced, shall have confiscated the same, saving always as well the ship itself, as any other goods found

de open zee, als in de havens te exhibeeren, expreffelyk aantonnende, dat haare goederen niet zyn van het getal dier geene, dewelke als contrabande verboden zyn, en geene contrabande goederen voor een vyandelyke haven gelaaden hebbende, na de haven van een vyand, haare reize vryelyk en onverhindert mogen vervolgen; dog fal geen vifitatie van papieren geveert worden van fcheepen, onder convoy der oorlog fcheepen, maar geloof worden gegeven aan het woord van den officier, het convoy leidende.

ARTICLE XI.

Indien by het vertoonen der zee-brieven en andere befcheiden by het vyf-entwintigfte articul van dit tractaat nader befchreeven, de andere parthy ontdekt, dat er eenige van die foort van goederen zyn, dewelke verboden en contrabande gedeclareert zyn, en geconfigneert naar een haven onder de gehoorfaemheid van den vyand, zal het niet geoorloft zyn de luyken van zodanig fchip op te breeken, of eenige kift, koffers, pakken, kaffen of ander vaat-werk, daar in gevonden wordende te openen of het geringfte gedeelte van haare goederen te verplaatfen, het fy zodanige fcheepen toebehooren aan de onderdanen van Haar Hoog Mogende de Staten Generaal der Vereenigde Nederlanden, of aan onderdanen en ingezeetenen van de gemelde Vereenigde Staaten van America, ten zy de lading aan land gebragt worde in prefentie van de officieren van het admiraliteits hoff, en een inventaris van defelve gemaakt, dog fal niet worden toegelaten, om defelve op eenigerhande wyfe te verkoopen, verruilen of veralieneeden, dan, na dat behoorlyke en wettige procedures tegens zodanige verbodene contrabande goede-

therein, which are to be esteemed free, and may not be detained on pretence of their being infected by the prohibited goods, much less shall they be confiscated as lawful prize : but on the contrary, when by the visitation at land, it shall be found that there are no contraband goods in the vessel, and it shall not appear by the papers that he who has taken and carried in the vessel has been able to discover any there, he ought to be condemned in all the charges, damages and interests of them, which he shall have caused, both to the owners of vessels, and to the owners and freighters of cargoes with which they shall be loaded, by his temerity in taking and carrying them in ; declaring most expressly the free vessels shall assure the liberty of the effects with which they shall be loaded, and that this liberty shall extend itself equally to the persons who shall be found in a free vessel, who may not be taken out of her, unless they are military men actually in the service of an enemy.

ARTICLE XII.

Goods found in an enemy's ship liable to be confiscated, unless put on board before declaration

On the contrary, it is agreed, that whatever shall be found to be laden by the subjects and inhabitants of either party, on any ship belonging to the enemies of the other, or to their subjects, although it be not comprehended under the sort of prohibited goods, the whole may be confiscated in the same manner as if it be.

ren zullen zyn gehouden, en het admiraliteits hof by een gepronuntieerde fententie dezelve zal hebben geconfifqueert, daar van altoos vrylatende, zoo wel het fchip zelve, als eenige andere goederen, daarin gevonden wordende, welke voor vry werden gehouden, nogte mogen dezelve worden opgehouden, onder voor-geeven, dat die, als't ware door de geprohibeerde goederen, zouden zyn geïnfecteert, veel min zullen defelve, als wettige prys worden geconfifqueert: Maar in tegendeel, wanneer by de vifitatie aan land word bevonden, dat er geen contrabande waaren in de fcheepen zyn, en uyt de papieren niet bleek, dat de neemer en opbrenger, het daar uyt niet had kunnen ontdekken, zal defelve moeten worden gecondemneert in alle de kosten en fchaden, die hy zoo aan de eigenaaren der fcheepen, als aan de eigenaars en inlaaders der goederen, waar meede de fcheepen belaaden zullen zyn, door zyne rukelooze aanhouding en opbrenging der fcheepen zal hebben veroorzaakt met de intereffen van dien; wordende wel expreffelyk verklaart, dat een vry fchip, zal vry maaken de waaren daar ingelaaden, en dat die vryheid zig ook zal uitftrekken over de perfoonnen, die haar zullen bevinden in een vry fchip, dewelke daar uyt niet geligt zullen mogen worden, ten zy het waren oorlogfluiden in effectiven dienft van den vyand.

ARTICLE XII.

In tegendeel is overeengekomen, dat al het geen bevonden zal worden gelaaden te zyn door de onderdanen en ingezeetenen van een der beide parthyen, in eenig fchip de vyanden van den anderen, of aan defzelfs onderdanen toebehoorende, geheel, of fchoon niet zynde van de foort van verbodene goederen,

of war or
within six
months af-
ter.

longed to the enemy; except nevertheless such effects and merchandizes as were put on board such vessel before the declaration of war, or in the space of six months after it, which effects shall not be, in any manner, subject to confiscation, but shall be faithfully and without delay restored in nature to the owners who shall claim them, or cause them to be claimed, before the confiscation and sale, as also their proceeds, if the claim could not be made but in the space of eight months after the sale, which ought to be public: Provided nevertheless, that if the said merchandizes are contraband, it shall by no means be lawful to transport them afterwards to any port belonging to enemies.

ARTICLE XIII.

Vessels of
war or
privateers
to do no in-
jury to ei-
ther party,
if they do,
to be pu-
nished and
make repara-
tion.

And that more effectual care may be taken for the security of subjects and people of either party, that they do not suffer molestation from the vessels of war or privateers of the other party, it shall be forbidden to all commanders of vessels of war and other armed vessels of the said States General of the United Netherlands, and the said United States of America, as well as to all their officers, subjects and people, to give any offence or do any damage to those of the other party; and if they act to the contrary, they shall be, upon the first complaint which shall be made of it, being found guilty after a just examination, punished by their proper judges, and moreover obliged to make satisfaction for all damages and interests thereof, by repara-

mag worden geconfisqueert, op dezelve wyf als of het den vyand toequam, uitgefondert zodanige goederen en koopmanschappen, als aan boord van zodanig fchip gedaan waren voor de oorlogs-declaratie, of binnen zes maanden na defelve, welke goederen in geenendeele confiscatie zullen onderhevig zyn, maar wel en getrouwelyk fonder uytitel aan de eigenaers, die defelve voor de confiscatie en verkoop zullen te rug vragen of doen vragen, in natura zullen worden gereftitueert, gelyk meede het provenu daar van, indien de reclame binnen agt maanden na de verkoping, dewelke publicq zal moeten worden gedaan, eerft konde gefchieden, dog zoo, dat, indien de gemelde koopmanschappen, contrabande zyn, het geenzints geoorloft zal zyn defelve naderhand te vervoeren na eenige havens, de vyanden toebehoorende.

ARTICLE XIII.

En ten einde de beft mogelyke zorg mag worden gedragen voor de securiteit van de onderdanen en het volk van een der beide parthyen, dat dezelve geen overlast komen te lyden van wegens de oorlog-fcheepen of kapers van de andere parthy, zullen alle de bevelhebbers van oorlog-fcheepen en gewapende vaartuigen van de voorfchreeve Staten Generaal der Vereenigde Nederlanden, en van de gemelde Vereenigde Staten van America, mits gaders alle derfelfver officieren onderdanen en volk, verboden worden eenige belediging of fchade aan die van de andere zyde toe-te-brengen, en zoo zy dien contrarie handelen, zullen zy op de eerfte klagten, daar over te doen, na behoorlyk onderzoek fchuldig bevonden wordende, door haar eige regters geftraft worden, endaar en boven verpligt

tion, under pain and obligation of their persons and goods.

ARTICLE XIV.

Captains of privateers, &c. to give sufficient caution, to be responsible for their malversations.

For further determining of what has been said, all captains of privateers, or fitters-out of vessels armed for war, under commission and on account of private persons, shall be held, before their departure, to give sufficient caution, before competent judges, either to be entirely responsible for the malversations which they may commit in their cruizes or voyages, as well as for the contraventions of their captains and officers against the present treaty, and against the ordinances and edicts which shall be published in consequence of and conformity to it, under pain of forfeiture and nullity of the said commissions.

ARTICLE XV.

Goods rescued from pirates to be restored.

All vessels and merchandizes of whatsoever nature, which shall be rescued out of the hands of any pirates or robbers, navigating the high seas without requisite commissions, shall be brought into some port of one of the two states, and deposited in the hands of the officers of that port in order to be restored entire to the true proprietor, as soon as due and sufficient proofs shall be made concerning the property thereof.

ARTICLE XVI.

If any ships or vessels, belonging to either of the parties, their subjects or people, shall, within the coasts or dominions of the other,

worden satisfactie te geeven voor alle schade, en den interest daar van, door vergoeding onder poene en verbintenis van hunne personen en goederen.

ARTICLE XIV.

Tot meerder verklaring van het geen voorschreeve is, zullen alle kaper capiteinen of rheeders van scheepen op particuliere bestelling en commissie ten oorlog-uitgerust, voor dezelve gehouden zyn, voor derselver vertrek, goede en suffisante cautie te stellen voor de competente regters, of in het geheel te verantwoorden de malversatien, die-ze in haare courssen, of op haare reizen zouden mogen-begaan, en voor de contraventien van haare capiteinen en officieren, tegen het tegenwoordig tractaatende ordonnantien, en edicten, die gepubliceert zullen worden, in kragte, en conform de dispositie van dien, op poene van verval, en nulliteit der voorschreve commissien.

ARTICLE XV.

Alle scheepen en koopmanschappen, van wat natuur dezelve ook zyn, die hernomen zullen worden uyt handen van piratten en zeerovers, sonder behoorlyke commissie op de open zee varende, zullen gebragt worden in eenige haven van eene der beide staten, en zullen aan de bewaring der officieren van die haven worden overgeleeverd, ten einde geheel, geresitueert te worden aan den regten eigenaar, zoodra als behoorlyk en genoegsaam bewys, wegens den eigendom der zelve, zal gedaan zyn.

ARTICLE XVI.

Indien eenige scheepen of vaartuigen toebehoorende aan een van beyde de parthyen, hunne onderdanen of ingezctenen, op de ku-

*In case of
shipwreck,
relief shall
be afforded
and goods
restored.*

stick upon the sands, or be wrecked or suffer any other sea-damage, all friendly assistance and relief shall be given to the persons shipwrecked, or such as shall be in danger thereof; and the vessels, effects and merchandizes, or the part of them which shall have been saved, or the proceeds of them, if, being perishable, they shall have been sold, being claimed within a year and a day by the masters or owners, or their agents or attornies, shall be restored, paying only the reasonable charges, and that which must be paid, in the same case, for the salvage, by the proper subjects of the country: there shall also be delivered them, safe conducts or passports, for their free and safe passage from thence, and to return, each one to his own country.

ARTICLE XVII.

*When ves-
sels by strefs
of weather,
&c. shall be
forced into
ports, &c.
they shall
be protec-
ted and per-
mitted to
depart.*

In case the subjects or people of either party, with their shipping, whether public and of war, or private and of merchants, be forced through strefs of weather, pursuit of pirates or enemies, or any other urgent necessity for seeking of shelter and harbour, to retract and enter into any of the rivers, creeks, bays, ports, roads or shores, belonging to the other party, they shall be received with all humanity and kindness, and enjoy all friendly protection and help, and they shall be permitted to refresh and provide themselves, at reasonable rates, with victuals, and all things needful for the sustenance of their persons, or reparation of their ships; and they shall no ways be detained or hindered from returning out of the said ports or roads, but may remove and de-

ften of dominien van den anderen zullen komen te stranden, vergaan, of eenige andere zee-schade te lyden, zal alle vriendelyke assistentie en hulp worden gegeven aan de personen schipbreuk geleeden hebbende, of die zig in gevaar daar van zullen bevinden; en de scheepen, goederen en koopmanschappen, en het geen daarvan ge-borgen zal zyn, of het provenu van dien, by aldien die goederen verderffelyk zynde, zullen weezen verkogt, alle door de schippers of door de eigenaars, of van haare gelaste, of volmagt hebbende, binnen jaar en dag gereclameert wordende, worden geresitueert; mits betaelende alleen de reedelyke onkosten, en het geen voor bergloon door de eyge onderdanen, in het zelve geval, betaalt moet worden; zullende insgelyks brieven van vrygeley aan hun worden gegeven, voor hunne vrye en geruste passage van daar, en retour van een-ieder na syn eigen land.

ARTICLE XVII.

Ingevalle de onderdanen of ingezeetenen van een der beide parthyen, met hunne scheepen, het zy publique en ten oorlog varende, of bysondere en ter koopvaardy uitgerust, door ontuimig weer, najaaging van zeerovers of vyanden, of eenige andere dringende nood, gedwongen zullen worden, terbekoming van een schuilplaats en haaven, zig te retireeren en binnen te loopen in eenige der rivieren, creekuen, baayen, havens, rheaden of stranden, toebehoorende aan de andere parthy, zullen dezelve met alle menschlievendheid en goedwilligheid werden ontfangen, en alle vriendelyke protectie en hulp genieten en zal hun worden toegestaan zig te ververschen; en proviandeeren, teegens reedelyke pryfen met victuaille, en alle dingen benoodigt tot onder-

part when and whither they please without any let or hindrance,

ARTICLE XVIII.

In case of war, nine months allowed to citizens residing in the other's dominion to sell and transport their effects.

For the better promoting of commerce, on both sides it is agreed, that if a war should break out, between their High Mightinesses the States General of the United Netherlands, and the United States of America, there shall always be granted to the subjects on each side, the term of nine months after the date of the rupture, or the proclamation of war, to the end that they may retire, with their effects, and transport them where they please, which it shall be lawful for them to do, as well as to sell or transport their effects and goods, in all freedom and without any hindrance, and without being able to proceed, during the said term of nine months, to any arrest of their effects, much less of their persons; on the contrary, there shall be given them, for their vessels and their effects, which they would carry away, passports and safe conducts for the nearest ports of their respective countries, and for the time necessary for the voyage. And no prize made at sea, shall be adjudged lawful, at least, if the declaration of war was not or could not be known, in the last port, which the vessel taken, has quitted, but for whatever may have been taken from the subjects and inhabitants of either party, and for the offences which may have been given them, in the in-

houd van haare perfoonen of reparatie van hunne fcheepen, en zy zullen op geenerley wys worden opgehouden, of verhindert uit de gemelde havens of rheaden te vertrekken, maar mogen verzylen en gaan wanneer en waar het hun behaagt, zonder eenig belet of verhindering.

ARTICLE XVIII.

Tot des te beeter voortzetting der weederfydsche commercie, is over eengekomen, dat indien een oorlog mogt komen te ontftaan, tuffchen haar Hoog Mogend e de Staten Generaal der Vereenigde Nederlanden, en de Vereenigde Staten van America, altyd aan de onderdanen van de een of andere zyde zal worden gegeven den tyd van neegen maanden, na dato van de rupture of proclamatie van oorlog, om haar te mogen retireeren met haare effecten, endezelve te vervoeren, waar het haar believen zal, het welk haar geoorloft zal zyn te mogen doen; als meede te mogen verkoopen of transporteeren haare goederen en meubilien in alle vryheid; fonder dat men haar daarin eenig belet zal-doen; ook zonder geduurende de tyd van de voorfchreeve neegen maanden te mogen procederen tot enig arrest van haare perfoonen, maar zullen inteedendeel voor haare fcheepen, en effecten, die zy zullen willen medevoeren worden gegeven pafporten van vry geleide tot de naefte havenen in elkanders Landen voor den tyd, tot de reizen nodig. Ook zullen geen pryfen op zee genomen voor wettig genomen gehouden mogen worden, ten minften indien de oorlogs-declaratie, niet bekend was geweest of had kunnen zyn in de haven, die het genoome fchip het laaft heeft verlaten, maar zal voor al, het geen aan de onderdanenen ingezetenen

terval of the said terms, a complete satisfaction shall be given them.

ARTICLE XIX.

Citizens of
neither party
shall take
commissions
or letters
of marque
from a
prince or
state with
whom the
other is at
war.

No subject of their High Mightinesses the States General of the United Netherlands, shall apply for or take any commission or letters of marque, for arming any ship or ships to act as privateers against the said United States of America, or any of them, or the subjects and inhabitants of the said United States or any of them, or against the property of the inhabitants of any of them, from any prince or state with which the said United States of America may happen to be at war; nor shall any subject or inhabitant of the said United States of America, or any of them, apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the High and Mighty Lords the States General of the United Netherlands, or against the subjects of their High Mightinesses, or any of them, or against the property of any one of them, from any prince or state with which their High Mightinesses may be at war: And if any person of either nation shall take such commission or letters of marque, he shall be punished as a pirate.

ARTICLE XX.

If the vessels of the subjects or inhabitants of one of the parties come upon any coast belonging to either of the said allies, but not

van wederfyd en binnen de voorschreeve termynen, ontnomen mogt zyn, en de beledigingen, die hun aangedaan zouden mogen zyn, volkoomen satisfactie gegeven worden.

ARTICLE XIX.

Geen onderdaan van haar Hoog Mogende de Staten Generaal der Vereenigde Nederlanden, zullen mogen verfoeken of aanneemen eenige commissien, of lettres de marque tot het wapenen van eenig fchip, of fcheepen, ten einde als kapers te ageeren teegens de gemelde Vereenigde Staten van America of eenige der zelve, of teegens de onderdanen of ingezeeten der gemelde Vereenigde Staten, of eenige der zelve, van eenige prins of staat, met wien de voorschreeve Vereenigde Staten van America in oorlog mogten zyn; nochte zal eenige onderdaen of ingezeeten van demelde Vereenigde staten van America, of eenige derselve, eenige commissie off lettres de marque verfoeken of aanneemen, tot het wapenen van eenig fchip of fcheepen, om ter kaap te vaaren teegens de Hoog Mogende Heeren Staten Generaal der Vereenigde Nederlanden, of tegens de onderdanen of ingezeeten van gemelde Haar Hoog Mogende, of eenige van deselve, of den eigendom van eenige derzelve, van eenige Prins of Staat, met wien haar Hoog Mogende in oorlog zullen zyn; en indien eenig perfoon van een van beide natien zodanige commissie of lettres de marque zal aanneemen zal deselve als een zeerover worden gestraft.

ARTICLE XX.

De fcheepen der onderdanen of ingezeeten van een van beide de parthyen, komende aan eenige kust, toebehoorende aan de een of

Vessels coming on the coast or entering the ports of either party, how to be treated.

willing to enter into port, or being entered into port and not willing to unload their cargoes or break bulk, or take in any cargo, they shall not be obliged to pay, neither for the vessels nor the cargoes, any duties of entry in or out, or to render any account of their cargoes, at least if there is not just cause to presume that they carry to an enemy merchandizes of contraband.

ARTICLE XXI.

Consuls, &c. to be allowed in the ports of each nation.

The two contracting parties grant to each other mutually, the liberty of having each in the ports of the other, consuls, vice-consuls, agents and commissaries of their own appointing, whose functions shall be regulated by particular agreement, whenever either party chuses, to make such appointments.

ARTICLE XXII.

This treaty not to derogate from treaty with France.

This treaty shall not be understood in any manner to derogate from the ninth, tenth, nineteenth and twenty-fourth articles of the treaty with France, as they were numbered in the same treaty, concluded the sixth of February 1778, and which make the articles ninth, tenth, seventeenth and twenty-second of the treaty of commerce now subsisting between the United States of America, and the crown of France: nor shall it hinder his Catholic Majesty from acceding to that treaty, and enjoying the advantages of the said four articles.

ARTICLE XXIII.

If at any time the United States of America shall judge necessary to commence negotiations

andere der gemelde bondgenooten, doch niet voorneemens zynde in een haven binnen te loopen, of binnen gelooopen zynde, en niet begeerende hunne ladingen te lossen, of last te breeken, of by te laden, zullen niet gehouden zyn voor haare scheepen of laadingen eenige inkomende, of uitgaende regten te betalen nog eenige reekenschap van haare ladingen te geven, ten minsten indien er geen wettig vermoeden is, dat zy aan een vyand toevoeren koopmanschappen van contrabande.

ARTICLE XXI.

De twee contracteerende parthyen vergunnen over en weeder aan elkanderen de vryheid, om ieder in de havens van den anderen, consuls, vice-consuls, agenten en commissarissen van hunne eigen aanstelling te hebben, welkers functien gereguleert zullen worden by particuliere overeenkomst, wanneer ooit eene der beide parthyen goedvind zodanige aanstelling te doen.

ARTICLE XXII.

Dit tractaat zal in geenerhande opsigten verstaan worden te derogeeren aan de 9, 10, 19 en 24 articulen, van het tractaat met Vrankryk. soo als die genummert zyn geweest in het zelve tractaat den 6 Febrúary, 1778, geslooten, zynde de 9, 10, 17 en 22 articulen van het tractaat van commercie, soo als het nu in kragt is, tusschen de Vereenigde Staten van America en de kroon van Vrankryk: en zal meede niet beletten, dat syne Catholicque Majesteit aan t'selve zoude accedeeren, en van het beneficie der gemelde vier articulen jouisseeren.

ARTICLE XXIII.

By aldien de Vereenigde Staten van America, t'eeniger tyd nodig mogten vinden, om

United Ne-
therlands
to aid the U.
States in
forming
treaties
with the
Barbary
powers.

with the King or Emperor of Morocco and Fez, and with the Regencies of Algiers, Tunis or Tripoli, or with any of them, to obtain passports for the security of their navigation in the Mediterranean sea, their High Mightinesses promise that upon the requisition which the United States of America shall make of it, they will second such negotiations in the most favourable manner, by means of their consuls, residing near the said King, Emperor and Regencies.

ARTICLE XXIV.

What goods
shall be
deemed
contraband.

The liberty of navigation and commerce shall extend to all sorts of merchandizes, excepting only those which are distinguished under the name of contraband, or merchandizes prohibited: and under this denomination of contraband and merchandizes prohibited, shall be comprehended only war-like stores and arms, as mortars, artillery, with their artifices and appurtenances, fusils, pistols, bombs, grenades, gun-powder, saltpetre, sulphur, match, bullets and balls, pikes, sabres, lances, halberts, casques, cuirasses, and other sorts of arms; as also soldiers, horses, saddles, and furniture for horses; all other effects and merchandizes, not before specified expressly, and even all sorts of naval matters, however proper they may be for the construction and equipment of vessels of war, or for the manufacture of one or another sort of machines of war by land or sea, shall not be judged contraband, neither by the letter, nor according to any pretended interpretation whatever, ought they, or can they be comprehended under the notion of effects prohibited or contraband. So that all effects and merchandizes, which are

by den koning of keizer van Marocco of Fez, mitfgaders by de regeeringen van Algiers, Tunis of Tripoli, of by eenige van dezelve, negotiatien te entameeren tot het verkrygen van pasporten, ter beveiliging van hunne navigatie op de Middellandsche zee, zoo beloven haar Hoog Mogende op het aanzoek van Hoogstgedagte Vereenigde Staten, die negotiatien door middel van hunne by den voorschreeve koning of keizer en regeeringen, resideerende consuls op de favorabelste wyze te zullen secondeeren.

ARTICLE XXIV.

De vryheid van navigatie en commercie zal zig uitstrekken tot alle soorten van koopmanschappen, uitgesondert alleen deeze, welke onderscheiden zyn onder den naam van contrabande of verbodene goederen: en onder deeze benoeming van contrabande of verbodene goederen, zullen alleen begreepen zyn de oorlogsammunitien, of wapenen, als mortieren, geschut met zyne vuurwerken, en het geen daar toebehoort; geweeren, pistoolen, bomben, granaden, buspulver, salpeeter, zwavel, lonten, kogels, pieken, zwaarden, lancien, helbaarden, casquetten, cuirassen, en diergelyk soort van wapentuig, ook soldaten, paarden, zadels, en toerusting van paarden. Alle andere goederen en koopmanschappen, hier boven niet uitdrukkelijk gespecificeert, jaa zelfs alle soorten van scheepsmaterialen, hoe zeer dezelve ook zouden mogen zyn geschikt, tot het bouwen of equipeeren van oorlogsscheepne, of tot het maken van het een of ander oorlogstuig, te water of te lande, zullen mits dien nog volgens den letter, nog volgens eenigé voor te wende interpretatie van dezelve, hoe ook genaamt onder verboodene of

not expressly before named, may, without any exception, and in perfect liberty, be transported by the subjects and inhabitants of both allies, from and to places belonging to the enemy ; excepting only the places which at the same time shall be besieged, blocked or invested ; and those places only shall be held for such, which are surrounded nearly by some of the belligerent powers.

ARTICLE XXV.

Regulations
respecting
passports.

To the end that all dissention and quarrel may be avoided and prevented, it has been agreed, that in case that one of the two parties happens to be at war, the vessels belonging to the subjects or inhabitants of the other ally, shall be provided with sea-letters or passports, expressing the name, the property and the burthen of the vessel, as also the name and the place of abode of the master, or commander of the said vessel, to the end, that thereby it may appear, that the vessel really and truly belongs to subjects or inhabitants of one of the parties ; which passports shall be drawn and distributed, according to the form annexed to this treaty, each time that the vessel shall return, she should have such her passport renewed, or at least, they ought not to be of more ancient date than two years, before the vessel has been returned to her own country.

contrabande goederen, begreepen kunnen of mogen worden: zoo dat alle dezelve goederen, waaren en koopmanschappen, hier boven niet uit drukkelyk genoemd, sonder eenig onderscheid zullen mogen worden getransporteert en vervoert in alle vryheid, door de onderdanen en ingezeetenen van beide bondgenooten, van en na plaatsfen, aan den vyand toebehoorende, zodanige steeden of plaatsfen alleen uitgefondert, welke op die tyt beleegert, geblocqueert of geïnvesteert zyn, waar voor alleenlyk worden gehouden de zulke, die door een der oorlogvoerende mogendheeden van na by ingeflooten worden gehouden.

ARTICLE XXV.

Ten einde alle diffentie en twist mag werden vermyd en voorgekomen, is over een gekomen, dat ingeval een van beide de parthyen in oorlog mogt komen te geraken, de scheepen en vaartuigen, toebehoorende aan de onderdanen of ingezeetenen van de andere geallieerde, met zee-brieven of pasporten, moeten werden voorsten, expresseerende den naam, eigendom en de groote van het schip of vaartuig, als meede den naam, plaats, of woning van den schipper of bevelhebber van het gemelde schip of vaartuig, ten einde daar by mag blyken, dat het schip reëel en in waarheid aan de onderdanen of ingezeetenen van eene der parthyen toebehoord, welk pasport zal worden opgemaakt en uitgegeeven, volgens het formulier, agter dit tractaat gevoegt. Deselve zullen ieder reize, dat het schip thuy is geweest op nieuw verleent moeten zyn, of ten minsten niet ouder mogen zyn, als twee jaar, voorde tyd, dat het schip laaft is thuy geweest.

It has been also agræd, that such vessels, being loaded, ought to be provided not only with the said passports or sea-letters, but also with a general passport, or with particular passports or manifests, or other public documents, which are ordinarily given to vessels outward bound in the ports from whence the vessels have set sail in the last place, containing a specification of the cargo, of the place from whence the vessel departed, and of that of her destination; or, instead of all these, with certificates from the magistrates or governors of cities, places and colonies, from whence the vessel came, given in the usual form, to the end that it may be known, whether there are any effects prohibited or contraband, on board the vessels, and whether they are destined to be carried to an enemy's country or not; and in case any one judges proper to express in the said documents, the persons to whom the effects on board belong, he may do it freely, without, however, being bound to do it; and the omission of such expression cannot and ought not to cause a confiscation.

ARTICLE XXVI,

How ships and vessels are to be treated, when met by ships of war or privateers.

If the vessels of the said subjects or inhabitants of either of the parties, sailing along the coasts or on the high seas, are met by a vessel of war, or privateer, or other armed vessel of the other party, the said vessels of war, privateers, or armed vessels, for avoiding all disorder, shall remain without the reach of cannon, but may send their boats on board the merchant vessel, which they shall meet in this manner, upon which they may not pass more

Het is inſgelyks vaſtgeſtelt, dat zodanige ſcheepen of vaartuigen gelaaden zynde, moeten weezen voorſien, niet alleen met paſporten of zeebrieven bovengemeld; maar ook met een generaal paſport of particuliere paſporten, of manifeſten, of andere publicque documenten, die in de havenen, van waar de ſcheepen laaſt gekomen zyn, gewoonlyk gegeven worden aan de uitgaande ſcheepen, inhoudende een ſpecificatie van de lading de plaats van waar het ſchip gezeild is, en waar heenen het gedefineert is, of by gebreeke van alle deſelve met certificaten van de magiſtraten of gouverneurs der ſteeden, plaatſen en colonien, van waar het ſchip vertrokken is, in de gewoonde form gegeven, op dat geweeten kan worden, of eenige verboode of contrabande goederen, aan boord van de ſcheepen zyn, en of zy daar meede na's vyands landen gedefineert zyn, of niet. En by aldien iemand goetdunkt of raadzaam vind, om in de gemelde beſcheiden uit te drukken de perſoonen, aan wien de aan boord zynde goederen toekomen, vermag hy zulks vryelyk te doen, ſonder egter daar toe gehouden te ſyn, of dat gebrek van die uitdrukking geleegenheid tot confiſcatie kan of mag geeven.

ARTICLE XXVI.

Indien de ſcheepen of vaartuigen van de gemelde onderdanen of ingezeetenen van een van beide de parthyen, zeilende langs de kuſten off in de open zee, ontmoet zullen worden door eenig ſchip van oorlog, kaper, of gewapend vaartuig van de andere parthy, zullen de gemelde orlog-ſcheepen, kapers of gewapende vaartuigen tot vermindering van alle diſordre, buiten bereik van het geſchut blyven, dog hunne booten mogen zenden aan boord

than two or three men, to whom the master or commander shall exhibit his passport, containing the property of the vessel, according to the form annexed to this treaty : And the vessel, after having exhibited such a passport, sea-letter and other documents, shall be free to continue her voyage, so that it shall not be lawful to molest her, or search her in any manner, nor to give her chase nor to force her to alter her course.

ARTICLE XXVII.

It shall be lawful for merchants, captains and commanders of vessels, whether public and of war, or private and of merchants, belonging to the said United States of America, or any of them, or to their subjects and inhabitants, to take freely into their service, and receive on board of their vessels, in any port or place in the jurisdiction of their High Mightinesses aforesaid, seamen or others, natives or inhabitants of any of the said states, upon such conditions as they shall agree on, without being subject for this, to any fine, penalty, punishment, process or reprehension whatsoever.

Lawful for merchants and commanders of vessels to take into their service seamen and others belonging to either nation,

And reciprocally, all merchants, captains and commanders, belonging to the said United Netherlands, shall enjoy, in all the ports and

van het koopvaardy fchip, welke zy op die wys zullen ontmoeten, en op het zelve mogen overgaan ten getalle alleen van twee a drie man, aan wien de fchipper of bevelhebber van zodanig fchip of vaartuig zyn pasport zal vertoon, inhoudende den eigendom van het fchip of vaartuig ingevolge het formulier, agter dit tractaat gevoegt, en zal het fchip of vaartuig na de vertoonig van dusdanig pasport, zee-brief en verdere bescheiden vry en liber zyn, om defzelfs reis te vervolgen, zoo dat niet geoorloft zal zyn het zelve op eenigerhande wyze te molefteeren of doorzoeken, nog jagt op haar te maken, of het felve te forceeren, haare voorgenomen cours te verlaten.

ARTICLE XXVII.

Het zal geoorloft zyn aan kooplieden, capiteins, en bevelhebbers van fcheepen, het zy publicque en ten oorlog, of particuliere en ter koopvardy vaarende, toebehoorende aan de gemelde Vereenigde Staten van America, of eenige van dezelve, of aan de onderdanen en ingezeetenen van eenige derzelve, vryelyk in hunne dienst aan te neemen, en aan boord van haare gemelde fcheepen te ontfangen, in iedere der havens of plaatsfen onder de jurisdictie van voornoemde Haar Hoog Mogende, eenige bootsgezellen of anderen, zynde inboorlingen of ingezeetenen van eenige der gemelde Staten, op zulke voorwaarden, als zal werden overeen gekomen, zonder daar voor aan eenige boete, pœne, straffe, proces of berisping hoegenaamt onderheevig te zyn.

En zullen reciproquelyk alle kooplieden, capiteinen en bevelhebbere van fcheepen, behoorrende tot de voorschreeven Vereenigde

places under the obedience of the said United States of America, the same privilege of engaging and receiving seamen or others, natives or inhabitants of any country of the denomination of the said States General: Provided, that neither on one side nor the other, they may not take into their service such of their countrymen who have already engaged in the service of the other party contracting, whether in war or trade, and whether they meet them by land or sea; at least if the captains or masters under the command of whom such persons may be found, will not of his own consent discharge them from their service; upon pain of being otherwise treated and punished as deserters.

ARTICLE XXVIII.

The affair of the refraction shall be regulated in all equity and justice, by the magistrates of cities respectively, where it shall be judged that there is any room to complain in this respect.

ARTICLE XXIX.

The present treaty shall be ratified and approved by their High Mightinesses the States General of the United Netherlands, and by the United States of America; and the acts of ratification shall be delivered, in good and due form, on one side and on the other, in the

Nederlanden, in alle de havens en plaatfen, onder het gebied van de gemelde Vereenigde Staten van America, het zelve voorregt genieten tot aanneeming en ontfangen van bootfgezellen of anderen, zynde inboorlingen of ingezeetenen van eenige der domeinen van de gemelde Staten Generaal, met dien verftande, dat men nog aan de eene nog aan de andere zyde zig zal mogen bedienen van zodanige zyner landfgenooten, die zig reeds in dienft van de andere contracteerende parthye, het zy ten oorlog het zy op koopvaardy fcheepen, heeft geëngageert, het zy men defelve aan de vafte wal, dan wel in zee zoude mogen ontmoeten, ten minften indien de capiteinen of fchippers, onder wiens bevel zodanige perfoonen zig mogten bevinden, defelve niet vrywillig uit hunnen dienft wilde ontfiaan, opoene dat dezelve anderfints op den voet van weglopers zullen worden behandelt, en geftraft.

ARTICLE XXVIII.

De toeleg voor refractie zal in alle redelykheid en billyheid worden gereguleert by de magiftraten der refpective fteden, alwaar men oordeelt, dat eenige bezwaaren defwegens plaets hebben.

ARTICLE XXIX.

Het tegenwoordig tractaat werden geratificeert en geapprobeert by Hoogftgemelde Staten Generaal der Vereenigde Nederlanden, en Hoog gemelde Vereenigde Staten van America, en zullen de acten van ratificatien van de eene en de anderezyde in goede en de behoorlyke forme worden overgeleeverd binnen den tyd van zes maanden, ofte eerder zo het

space of six months, or sooner if possible, to be computed from the day of the signature.

In faith of which, We the Deputies and Plenipotentiaries of the Lords the States General of the United Netherlands, and the Minister Plenipotentiary of the United States of America, in virtue of our respective authorities and full powers, have signed the present treaty, and opposed thereto the seals of our arms.

Done at the Hague the eighth of October, one thousand seven hundred and eighty-two.

(L. s.)

John Adams.

zelve kan geschieden, te reekenen van den dag van de onderteekening.

Ten oirkunde deezes, hebben wy Gedeputeerden, en Plenipotentiariffen van de Heeren Staten Generaal der Vereenigde Nederlanden, en Minister Plenipotentiaris der Vereenigde Staten van America, uitkragte van onze respectieve authorisatie en plein pouvoir, deeze onderteekent, en met onze gewoone cachetten bekrachtigt.

In den Hage den agtsten October, een duyfent seeven hondert twee en tagtig.

(L. s.) *George Van Randwyck.*

(L. s.) *B. V. D. Santheuvel.*

(L. s.) *P. V. Bleiswyk.*

(L. s.) *W. C. H. Van Lynden.*

(L. s.) *D. I. Van Heeckeren.*

(L. s.) *Joan Van Kuffeler.*

(L. s.) *F. G. Van Dedem, tot den Geldcr.*

(L. s.) *H. Tjassens.*

ORIGINAL.

CONVENTION

Between the Lords the States General of the United Netherlands, and the United States of America, concerning Vessels re-captured.

THE Lords the States General of the United Netherlands, and the United States of America, being inclined to establish some uniform principles with relation to prizes made by vessels of war, and commissioned by the two contracting powers, upon their common enemies, and to vessels of the subjects of either party, captured by the enemy, and re-captured by vessels of war commissioned by either party, have agreed upon the following articles.

ARTICLE I.

When vessels of either nation shall be re-captured how they shall be restored.

The vessels of either of the two nations re-captured by the privateers of the other, shall be restored to the first proprietor, if such vessels have not been four and twenty hours in the power of the enemy, provided the owner of the vessel re-captured, pay therefor one third of the value of the vessel, as also of that of the cargo, the cannons and apparel, which third shall be valued by agreement, between the parties interested; or, if they cannot agree thereon among themselves, they shall address themselves to the officers of the admiralty, of the place where the privateer who has re-taken the vessel shall have conducted her.

ORIGINAL.

CONVENTIE

Tuffchen de Heeren Staten Generaal der Vereenigde Nederlanden en Vereenigde Staten van America, rakende de hernomen Scheepen.

DE Heeren Staten Generaal der Vereenigde Nederlanden, en Vereenigde Staten van America, geneegen fynde, eenige gelykvormige grond beginzelen vast te ftellen, omtrent het opbrengen van pryfen, door de oorlogfcheepen en commiffievaarders van wederfyds contracteerende parthyen, op derfelver gemeene vyanden genomen, en omtrent de fcheepen van elkanders onderdanen, door den vyand genomen, en by de oorlogfcheepen en commiffievaarders van wederzyden hernoemens zyn met den anderen over eengekomen, omtrent de navolgende articulen.

ARTICLE I.

De fcheepen van eene der beide natien door kapers van den andere hernomen, zullen aan den eerften eigenaer wedergegeeven worden, indien die fcheepen nog geen vier en twintig uren in de magt van den vyand geweest zyn, mits door den eigenaer van het hernoome fchip daar voor betaald worde een derde van de waarde van het fchip mitfgaders van de laading, canons, en fcheepftoerufingen, welk derde in der minne begroot zal worden door de geïntereffeerde parthyen; of andersints, en zoo zy defweegens niet over een konden komen, zullen zy zich adrefleeren aan de bedienden der admiraliteit van de plaats alwaar de kaper die het fchip hernomen heeft, het zelve zal hebben opgebracht.

ARTICLE II.

If the vessel re-captured has been more than twenty-four hours in the power of the enemy, she shall belong entirely to the privateer who has re-taken her.

When they shall belong to the recaptor.

ARTICLE III.

In case a vessel shall have been re-captured by a vessel of war, belonging to the States-General of the United Netherlands, or to the United States of America, she shall be restored to the first owner, he paying a thirtieth part of the value of the ship, her cargo, cannons and apparel, if she has been re-captured in the interval of twenty-four hours, and the tenth part if she has been re-captured after the twenty-four hours; which sums shall be distributed in form of gratifications to the crews of the vessels which shall have re-taken her. The valuation of the said thirtieth parts and tenth parts, shall be regulated according to the tenor of the first article of the present convention.

When re-captured by vessels of war, they shall be restored.

ARTICLE IV.

The restitution of prizes, whether they may have been retaken by vessels of war or by privateers, in the mean time and until requisite and sufficient proofs can be given of the property of vessels re-captured, shall be admitted in a reasonable time, under sufficient securities for the observation of the aforesaid articles.

Restitution to be made in reasonable time.

ARTICLE V.

The vessels of war and privateers, of one and of the other of the two nations, shall be reciprocally, both in Europe and in the other parts of the world, admitted in the respective ports

ARTICLE II.

Indien het hernomen fchip langer dan vier en twintig uren in's vyands magt geweest is, zal het in'tgeheel aan den kaper, die het zelve hernomen heeft, toebehooren.

ARTICLE III.

Ingevalle een fchip zal hernomen geweest zyn door een oorlog-fchip of vaartuig, toebehoorende aan de Staten Generaal der Vereenigde Nederlanden of aan de Vereenigde Staten van America, zal het zelve aan den eerften eigenaer wedergegeeven worden, mits betalende een dertigfte gedeelte van de waarde van het fchip en defzelfs laading, canons, en fcheepftoerustingen, by aldien het binnen de vier en twintig uren hernomen is, en het tiende gedeelte zoo het naa de vier en twintig uren hernomen is: welke fommen als een gratificatie verdeeld zullen worden onder de equipagien van de fcheepen die het zelve hernomen zullen hebben. De begroting der bovengemelde dertigfte, en tiende gedeeltens zal gereguleerd worden naar luid van het eerfte articul der jegenfwaardige conventie.

ARTICLE IV.

De reftitutie der pryzen het zy door oorlog-fcheepen of kapers hernomen, zal ondertuffchen en tot dat beoorlyk en voldoende bewys van dat eigendom der hernomen fcheepen gegeeven kan werden, onder fuffifante cautie wegens het nakomen der bovenftaande articulen, binnen een reedelyken tyd geadmitteert werden.

ARTICLE V.

De oorlog en kaper fcheepen van de eene en de andere der beide natien zullen wederzyds, zoo in Europa als in de andere weereldfdeelen in elkanders refpective havens toegelaten worden met hunne pryzen, welke aldaar

Vessels of war and privateers to be admitted with their prizes into the ports of both nations.

of each, with their prizes, which may be unloaded and sold according to the formalities used in the state where the prize shall have been conducted, as far as may be consistent with the twenty-second article of the treaty of commerce : Provided always, That the legality of prizes by the vessels of the Low Countries, shall be decided conformably to the laws and regulations established in the United Netherlands ; as likewise, that of prizes made by American vessels, shall be judged according to the laws and regulations determined by the United States of America.

ARTICLE VI.

Each nation may make regulations.

Moreover, it shall be free for the States-General of the United Netherlands, as well as for the United States of America, to make such regulations as they shall judge necessary, relative to the conduct which their respective vessels and privateers ought to hold in relation to the vessels which they shall have taken and conducted into the ports of the two powers.

In faith of which, We the Deputies and Plenipotentiaries of the Lords the States General of the United Netherlands, and Minister Plenipotentiary of the United States of America, have, in virtue of our respective authorities and full powers, signed these presents, and confirmed the same with the seal of our arms.

Done at the Hague, the eighth of October, one thousand seven hundred and eighty-two.

(L. S.)

John Adams.

zullen mogen ontladen en verkocht worden, naar de formaliteiten gebruikelijk in den staat, alwaar de prys zal weezen opgebracht, soo ver het bestaanbaar is met het 22ste articul van het tractaat van commercie; met dien verstande, dat de wettigheid der pryzen door Nederlandsche scheepen gemaakt zal beslist worden, naar luid der wetten en reglementen, ter deezer zake in de Vereenigde Neederlanden, vast gesteld, gelyk ook die der pryzen door Americaansche scheepen gemaakt, zal beoordeelt worden volgens de wetten en reglementem by de Vereenigde Staten van America bepaald:

ARTICLE VI.

Voor het overige zal het aan de Staten Generaal der Vereenigde Nederlanden, als meede aan de Vereenigde Staten van America vry staan, zodanige reglementen te maken als zy zullen oordeelen te behooren; met betrekking tot het gedrag't geen hunne scheepen en kapers wederfyds verplicht zullen weezen te houden, ten opzigt der scheepen die zy genomen, en opgebracht zullen hebben in de havens der beide mogendheeden:

Ten oirkoede deezes, hebben Wy Gedeputeerden en Plenipotentiarijen van de Heeren Staten Generaal der Vereenigde Nederlanden, en Minister Plenipotentiaris der Vereenigde Staten van America, uyt kragt van onze respectieve authorisatie en plein pouvoir, deeze onderteekent en met onze gewoone cachetten bekragtigt.

Gedaan in's Hage, den agtsten October, een duyfent seeven hondert twee en tagtig.

(L. s.) *George Van Randwyck.*

(L. s.) *B. V. D. Santheuwel.*

(L. s.) *P. V. Bleiswyk.*

(L. s.) *W. C. H. Van Lynden.*

(L. s.) *D. J. Van Heeckeren.*

(L. s.) *Joan Van Kuffeler.*

(L. s.) *F. G. Van Dedem, tot den Gelder.*

(L. s.) *H. Tjassens.*

O R I G I N A L.

Provisional Articles

BETWEEN THE

UNITED STATES OF AMERICA,

AND

HIS BRITANNIC MAJESTY.

A R T I C L E S

Agreed upon, by and between Richard Oswald, Esquire, the Commissioner of His Britannic Majesty, for treating of Peace with the Commissioners of the United States of America, in Behalf of his said Majesty, on the one Part, and John Adams, Benjamin Franklin, John Jay, and Henry Laurens, four of the Commissioners of the said States, for treating of Peace with the Commissioner of His said Majesty, on their Behalf, on the other Part, to be inserted in, and to constitute the Treaty of Peace, proposed to be concluded between the Crown of Great-Britain and the said United States; but which Treaty is not to be concluded until Terms of a Peace shall be agreed upon between Great-Britain and France; and His Britannic Majesty shall be ready to conclude such Treaty accordingly.

WHEREAS reciprocal advantages and mutual convenience are found by experience to form the only permanent foundation of peace and friendship between states; it is agreed to form the articles of the proposed

treaty, on such principles of liberal equity and reciprocity, as that partial advantages (those seeds of discord) being excluded, such a beneficial and satisfactory intercourse between the two countries may be established, as to promise and secure to both perpetual peace and harmony.

ARTICLE I.

His Britannic Majesty acknowledges the said United States, viz. New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia, to be free, sovereign and independent States ; that he treats with them as such ; and for himself, his heirs and successors, relinquishes all claims to the government, propriety and territorial rights of the same, and every part thereof. And that all disputes which might arise in future, on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared, that the following are, and shall be their boundaries, viz.

United States acknowledged to be free, sovereign and independent.

ARTICLE II.

Boundaries established.

From the north-west angle of Nova-Scotia; viz. that angle which is formed by a line, drawn due north from the source of St. Croix river to the Highlands ; along the said Highlands which divide those rivers, that empty themselves into the river St. Lawrence, from those which fall into the Atlantic ocean, to the northwesternmost head of Connecticut river, thence down along the middle of that river, to the forty-fifth degree of north latitude ; from thence, by a line due west on said lati-

tude, until it strikes the river Iroquois Cata-
 rary ; thence along the middle of said ri-
 ver into Lake Ontario, through the middle of
 said lake until it strikes the communication by
 water between that lake and Lake Erie; thence
 along the middle of said communication into
 Lake Erie, through the middle of said lake un-
 til it arrives at the water-communication be-
 tween that lake and Lake Huron; thence
 along the middle of said water-communication
 into the Lake Huron; thence through the
 middle of said lake to the water-communication
 between that lake and Lake Superior; thence
 through Lake Superior northward of
 the isles Royal and Philippeaux, to the Long
 Lake; thence through the middle of said Long
 Lake, and the water-communication between
 it and the Lake of the Woods, to the said Lake
 of the Woods; thence through the said lake
 to the most north-western point thereof, and
 from thence on a due west course to the river
 Mississippi; thence by a line to be drawn along
 the middle of the said river Mississippi until it
 shall intersect the northernmost part of the
 thirty-first degree of north latitude. South by
 a line to be drawn due east from the determi-
 nation of the line last mentioned, in the lati-
 tude of thirty-one degrees north of the Equa-
 tor, to the middle of the river Apalachicola
 or Catahouchi; thence along the middle there-
 of to its junction with the Flint river; thence
 straight to the head of St. Mary's river; and
 thence down along the middle of St. Mary's
 river to the Atlantic ocean. East by a line to
 be drawn along the middle of the river St.
 Croix, from its mouth in the Bay of Fundy to
 its source, and from its source directly north
 to the aforesaid Highlands which divide the

Boundaries
 established.

rivers that fall into the Atlantic ocean, from those which fall into the river St. Lawrence; comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova-Scotia on the one part, and East-Florida on the other, shall respectively touch the Bay of Fundy and the Atlantic ocean; excepting such islands as now are, or heretofore have been within the limits of the said province of Nova-Scotia.

ARTICLE III.

Right of
fishery se-
cured.

It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank, and on all the other banks of Newfoundland; also in the gulph of St. Lawrence, and at all other places in the sea, where the inhabitants of both countries used at any time heretofore to fish; and also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island); and also on the coasts, bays and creeks of all other of his Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbours and creeks of Nova-Scotia, Magdalen islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors or possessors of the ground.

ARTICLE IV.

It is agreed that creditors on either side, shall meet with no lawful impediment to the recovery of the full value in sterling money, of all bona fide debts heretofore contracted.

Debts to
be paid.

ARTICLE V.

It is agreed that the Congress shall earnestly recommend it to the legislatures of the respective states, to provide for the restitution of all estates, rights and properties, which have been confiscated, belonging to real British subjects, and also of the estates, rights and properties of persons resident in districts in the possession of his Majesty's arms, and who have not borne arms against the said United States. And that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain twelve months, unmolested in their endeavours to obtain the restitution of such of their estates, rights and properties, as may have been confiscated; and that Congress shall also earnestly recommend to the several states a reconsideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation, which on the return of the blessings of peace should universally prevail. And that Congress shall also earnestly recommend to the several states, that the estates, rights and properties of such last mentioned persons, shall be restored to them, they refunding to any persons who may be now in possession, the bona fide price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights or properties, since the con-

Congress
to recom-
mend to
the states
restitution
of confisca-
ted estates

fiscation. And it is agreed, that all persons who have any interest in confiscated lands, either by debts, marriage settlements, or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

ARTICLE VI.

No further
confisca-
tions or
prosecu-
tions.

That there shall be no future confiscations made, nor any prosecutions commenced against any person or persons for, or by reason of the part which he or they may have taken in the present war; and that no person shall on that account, suffer any future loss or damage, either in his person, liberty or property, and that those who may be in confinement on such charges, at the time of the ratification of the treaty in America, shall be immediately set at liberty, and the prosecutions so commenced be discontinued.

ARTICLE VII.

Hostilities
to cease, &
British ar-
mies to be
withdrawn.

There shall be a firm and perpetual peace between his Britannic Majesty and the said States, and between the subjects of the one and the citizens of the other, wherefore all hostilities both by sea and land shall then immediately cease: all prisoners on both sides shall be set at liberty, and his Britannic Majesty shall with all convenient speed, and without causing any destruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garisons and fleets from the said United States, and from every port, place and harbour within the same; leaving in all fortifications the American artillery that may be therein; and shall also order and cause all archives, records, deeds and papers, belonging to any of the said states, or their citizens, which in the course of the war may have fallen into the hands of

his officers, to be forthwith restored and delivered to the proper states and persons to whom they belong.

ARTICLE VIII.

The navigation of the river Mississippi, from its source to the ocean, shall for ever remain free and open to the subjects of Great-Britain, and the citizens of the United States.

Navigation of the Mississippi to be free to both nations.

ARTICLE IX.

In case it should so happen that any place or territory belonging to Great-Britain or to the United States, should be conquered by the arms of either from the other, before the arrival of these articles in America, it is agreed, that the same shall be restored without difficulty, and without requiring any compensation.

Conquests before arrival of these articles in America to be restored.

DONE at PARIS, the thirtieth day of November, in the year one thousand seven hundred and eighty-two.

RICHARD OSWALD, (L. S.)

JOHN ADAMS, (L. S.)

B. FRANKLIN, (L. S.)

JOHN JAY, (L. S.)

HENRY LAURENS, (L. S.)

Witness,

CALEB WHITEFOORD, *Secretary to the British Commission.*

W. T. FRANKLIN, *Secretary to the American Commission.*

ORIGINAL.

DEFINITIVE TREATY

OF

P E A C E

BETWEEN THE

UNITED STATES OF AMERICA

AND

HIS BRITANNIC MAJESTY.

Bancroft Libra.

In the Name of the Most Holy and Undivided Trinity.

IT having pleased the Divine Providence to dispose the hearts of the most serene and most potent Prince GEORGE the Third, by the Grace of God King of Great-Britain, France and Ireland, Defender of the Faith, Duke of Brunswick and Lunenburg, Arch-Treasurer and Prince Elector of the Holy Roman Empire, &c. and of the UNITED STATES OF AMERICA, to forget all past misunderstandings and differences that have unhappily interrupted the good correspondence and friendship which they mutually wish to restore; and to establish such a beneficial and satisfactory intercourse between the two countries, upon the ground of reciprocal advantages and mutual convenience, as may promote and secure to both perpetual peace and harmony: And having for this desirable end, already laid the foundation of peace and reconciliation, by the provisional articles, signed at Paris, on the

thirtieth of November, one thousand seven hundred and eighty-two, by the commissioners empowered on each part, which articles were agreed to be inserted in, and to constitute the treaty of peace proposed to be concluded between the crown of Great-Britain and the said United States, but which treaty was not to be concluded until terms of peace should be agreed upon between Great-Britain and France, and his Britannic Majesty should be ready to conclude such treaty accordingly; and the treaty between Great-Britain and France, having since been concluded, his Britannic Majesty and the United States of America, in order to carry into full effect the provisional articles abovementioned, according to the tenor thereof, have constituted and appointed, that is to say, His Britannic Majesty on his part, David Hartley, Esquire, Member of the Parliament of Great-Britain; and the said United States on their part, John Adams, Esquire, late a Commissioner of the United States of America at the Court of Versailles, late Delegate in Congress from the state of Massachusetts, and Chief Justice of the said state, and Minister Plenipotentiary of the said United States to their High Mightinesses the States General of the United Netherlands; Benjamin Franklin, Esquire, late Delegate in Congress from the state of Pennsylvania, President of the Convention of the said state, and Minister Plenipotentiary from the United States of America at the Court of Versailles; John Jay, Esquire, late President of Congress, and Chief Justice of the state of New-York, and Minister Plenipotentiary from the said United States at the Court of Madrid, to be the Plenipotentiaries for the concluding and

signing the present definitive treaty; who after having reciprocally communicated their respective full powers, have agreed upon and confirmed the following articles.

ARTICLE I.

His Britannic Majesty acknowledges the said United States, viz. New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia, to be free, sovereign and independent States; that he treats with them as such; and for himself, his heirs and successors, relinquishes all claims to the government, propriety and territorial rights of the same, and every part thereof.

United States acknowledged to be independent.

ARTICLE II.

And that all disputes which might arise in future, on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared, that the following are, and shall be their boundaries, viz. From the north-west angle of Nova-Scotia, viz. that angle which is formed by a line, drawn due north from the source of Saint Croix river to the Highlands; along the said Highlands which divide those rivers, that empty themselves into the river St. Lawrence, from those which fall into the Atlantic Ocean, to the northwesternmost head of Connecticut river, thence down along the middle of that river, to the forty-fifth degree of north latitude; from thence, by a line due west on said latitude, until it strikes the river Iroquois or Cataraquy; thence along the middle of said river into Lake Ontario, through the middle of said lake until

Boundaries established.

Boundaries
established

it strikes the communication by water between that lake and Lake Erie; thence along the middle of said communication into Lake Erie, through the middle of said lake until it arrives at the water-communication between that lake and Lake Huron; thence along the middle of said water-communication into the Lake Huron; thence through the middle of said lake to the water-communication between that lake and Lake Superior; thence through Lake Superior northward of the isles Royal and Philipeaux, to the Long Lake; thence through the middle of said Long Lake, and the water communication between it and the Lake of the Woods, to the said Lake of the Woods; thence through the said Lake to the most north-western point thereof, and from thence on a due west course to the river Mississippi; thence by a line to be drawn along the middle of the said river Mississippi until it shall intersect the northernmost part of the thirty-first degree of north latitude. South by a line to be drawn due east from the determination of the line last mentioned, in the latitude of thirty-one degrees north of the Equator, to the middle of the river Apalachicola or Catahouche; thence along the middle thereof to its junction with the Flint river; thence straight to the head of St. Mary's river; and thence down along the middle of St. Mary's river to the Atlantic ocean. East by a line to be drawn along the middle of the river St. Croix, from its mouth in the Bay of Fundy to its source, and from its source directly north to the afore-said Highlands which divide the rivers that fall into the Atlantic ocean, from those which fall into the river St. Lawrence: comprehending all islands within twenty leagues of any part of

the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova-Scotia on the one part, and East-Florida on the other, shall respectively touch the Bay of Fundy and the Atlantic ocean; excepting such islands as now are, or heretofore have been within the limits of the said province of Nova-Scotia.

ARTICLE III.

It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank, and on all the other banks of Newfoundland; also in the gulph of St. Lawrence, and at all other places in the sea, where the inhabitants of both countries used at any time heretofore to fish; and also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island); and also on the coasts, bays and creeks of all other of his Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbours and creeks of Nova-Scotia, Magdalen islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors or possessors of the ground.

Right of
fishery se-
cured.

ARTICLE IV.

It is agreed that creditors on either side, shall meet with no lawful impediment to the

Debts to be
paid.

recovery of the full value in sterling money,
of all bona fide debts heretofore contracted.

ARTICLE V.

Congress
to recom-
mend to
the states
restitution
of confisca-
ted estates.

It is agreed that the Congress shall earnestly recommend it to the legislatures of the respective states, to provide for the restitution of all estates, rights and properties, which have been confiscated, belonging to real British subjects, and also of the estates, rights and properties of persons resident in districts in the possession of his Majesty's arms, and who have not borne arms against the said United States. And that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain twelve months, unmolested in their endeavours to obtain the restitution of such of their estates, rights and properties, as may have been confiscated; and that Congress shall also earnestly recommend to the several states a reconsideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation, which on the return of the blessings of peace should universally prevail. And that Congress shall also earnestly recommend to the several states, that the estates, rights and properties of such last mentioned persons shall be restored to them, they refunding to any persons who may be now in possession, the bona fide price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights or properties, since the confiscation. And it is agreed, that all persons who have any interest in confiscated lands, either by debts, marriage settlements,

or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

ARTICLE VI.

That there shall be no future confiscations made, nor any prosecutions commenced against any person or persons for, or by reason of the part which he or they may have taken in the present war; and that no person shall, on that account, suffer any future loss or damage, either in his person, liberty or property; and that those who may be in confinement on such charges, at the time of the ratification of the treaty in America, shall be immediately set at liberty, and the prosecutions so commenced be discontinued.

No further
confisca-
tions or
prosecu-
tions.

ARTICLE VII.

There shall be a firm and perpetual peace between his Britannic Majesty and the said States, and between the subjects of the one and the citizens of the other, wherefore all hostilities, both by sea and land, shall from henceforth cease: all prisoners on both sides shall be set at liberty, and his Britannic Majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons and fleets from the said United States, and from every post, place and harbour within the same; leaving in all fortifications the American artillery that may be therein; and shall also order and cause all archives, records, deeds and papers, belonging to any of the said states, or their citizens, which in the course of the war may have fallen into the hands of his officers, to be forthwith restored and delivered to the proper states and persons to whom they belong.

Hostilities
to cease, &
British ar-
mies to be
withdrawn.

ARTICLE VIII.

Navigation
of the Mis-
sippi to be
free to both
nations.

The navigation of the river Mississippi, from its source to the ocean, shall for ever remain free and open to the subjects of Great-Britain, and the citizens of the United States.

ARTICLE IX.

Conquests
before ar-
rival of
these arti-
cles in
America, to
be restored.

In case it should so happen that any place or territory belonging to Great-Britain or to the United States, should have been conquered by the arms of either from the other, before the arrival of the said provisional articles in America, it is agreed, that the same shall be restored without difficulty, and without requiring any compensation.

ARTICLE X.

Ratifica-
tion.

The solemn ratifications of the present treaty, expedited in good and due form, shall be exchanged between the contracting parties, in the space of six months, or sooner if possible, to be computed from the day of the signature of the present treaty. In witness whereof, we the undersigned, their Ministers Plenipotentiary, have in their name and in virtue of our full powers, signed with our hands the present definitive treaty, and caused the seals of our arms to be affixed thereto.

DONE at Paris, this third day of September, in the year of our Lord one thousand seven hundred and eighty-three.

D. HARTLEY, (L. S.)
JOHN ADAMS, (L. S.)
B. FRANKLIN, (L. S.)
JOHN JAY, (L. S.)

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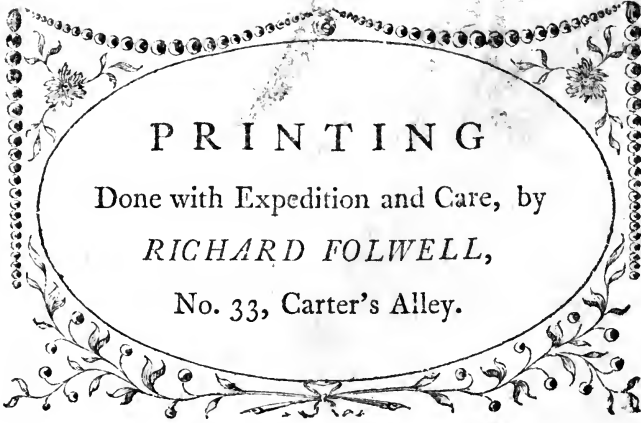
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PRINTING

Done with Expedition and Care, by

RICHARD FOLWELL,

No. 33, Carter's Alley.





G# 50778574J

