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WEDNESDAY, SEPTEMBER 15, 1790.

[Whole No. 149.]

LAW OF THE UNITED STATES.

PUBLISHED

By Authority.

CONGRESS OF THE UNITED STATES :

AT THE SECOND SESSION.

Began and held at the City of New-York, on Monday the fourth of January, one thousand seven hundred and ninety.

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.

(CONTINUED.)

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

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

In the State of Georgia shall be four districts, to wit: Savannah, Sunbury, Brunswick, and Saint Mary's, each of which shall be a port of entry. The district of Savannah shall include Savannah river, and all the waters, shores, harbors, rivers, creeks, bays and inlets, from the said river to the north point of Oflabaw island, and Great Ogeechee 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 Ogeechee river, inclusive, and north of the fourth 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 fourth point of Sapelo island, exclusive, to the fourth 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 fourth point of Jekyl island, exclusive, to Saint Mary's river, inclusive; and a collector for the said district shall be appointed to reside at Saint Mary's: and in each of the said districts it shall be lawful for the collector to grant a permit to unlade at any port or place within the district, and to appoint or put on board any ship or vessel for which a permit is granted, one or more searchers or inspectors as may be necessary for the security of the revenue.

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, Newbury-port, 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, George-town on Potowmack, Chelster-town, Town-creek, Nottingham, Cedar-point, Digges's Landing, Snowhill, and Carrollborough, in the State of Maryland; Alexandria, Kinsale, Newport, Tappahannock, Port-Royal, Frederickburg, Urbanna, York-town, West-point, Hampton, Bermuda Hundred, City Point, Rocket's Landing, Norfolk, and Portsmouth, in the State of Virginia; Wilmington, Newbern, Washington, Edenton, and Plank-bridge, in the State of North-Carolina; Charleston, George-town, 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, Newbury-port, 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 George-town, 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, George-town, and Beaufort, in the State of South-Carolina; and Sunbury, and Savannah, in the State of Georgia; *Provided*, That nothing herein contained shall prevent the master or commander of any ship or vessel, from making entry with the collector of any district in which such ship or vessel may be owned, or from which she may have sailed on the voyage from which she shall then have returned.

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, Newbury-port, New-London, (except the port of Stonington, in the said district) Norfolk, and Portsmouth, Bermuda Hundred, and City-point, York-town, 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 abovementioned, 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.

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, 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.

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.

And be it further enacted, That the several officers of the customs shall respectively perform the duties following, to wit: At each 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, gaugers, 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 counterfeign all permits, clearances, certificates and debentures to be granted by the collector. The surveyor shall superintend and direct all inspectors, weighers, measurers and gaugers within his district; shall visit and inspect the ships or vessels which arrive within his district, and shall have power to put on board each of them one or more inspectors; shall ascertain the proofs of distilled spirits, rating those which shall be of the proof of twenty-four degrees as of Jamaica proof; and shall examine whether the goods imported in any ship or vessel, and the deliveries thereof, are conformable to the entries of such goods and the permits for landing the same; and the said surveyor shall in all cases be subject to the 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 gauge, weight, measure and quality of the goods specified therein; and shall take care that no goods be unladed 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 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 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.

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.

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

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 defined, and the name and built of such ship or vessel, and the true admeasurements or tonnage thereof according to the register of the same, together with the name of the master or other person having the command or charge of such ship or vessel, and the port or place to which such ship or vessel truly belongs, and a just and particular account of all the cargo so laden or taken on board, whether in packages or stowed loose, together with the marks and numbers in words at length of the said packages respectively, with a description of each, as whether leaguer, pipe, butt, puncheon, hoghead, barrel, cask, bale, pack, truss, chest, box, bundle, or other cask or package describing the same by its usual name or denomination.

To be continued.