

John Rogers

[—613—]

Gazette of the United States.

PUBLISHED WEDNESDAYS AND SATURDAYS BY JOHN FENNO, No. 47, BROAD-STREET, NEAR THE EXCHANGE, NEW-YORK.

[No. 50, of Vol. II.]

SATURDAY, OCTOBER 2, 1790.

[WHOLE No. 154.]

COLLECTION LAW.—Concluded.

AND the better to secure the collection of the said duties,
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.

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

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 the places of their destination.

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.

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.

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 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 appraisalment shall be made at the expense of the party on whose prayer it is granted; and on the return of such appraisalment, 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, within three years next after the penalty of forfeiture was incurred.

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.

And be it further enacted, That all penalties, fines and forfeitures, recovered by virtue of this act (and not otherwise appropriated) shall, after deducting all proper costs and charges, be disposed of as follows: One moiety shall be for the use of the United States, and paid into the treasury thereof; the other moiety shall be divided into equal parts, and paid to the collector and naval officer of the district, and surveyor of the port wherein the same shall have been incurred, or to such of the said officers as there may be in the said district; and in districts where only one of the aforesaid officers shall have been established, the said moiety shall be given to such officer: *Provided nevertheless*, That in all cases where such penalties, fines and forfeitures, shall be recovered in pursuance of information given to such collector, by any person other than the naval officer or surveyor of the district, the one half of such moiety shall be given to the informer, and the remainder thereof shall be disposed of between the collector, naval officer and surveyor or surveyors, in manner aforesaid.

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, or 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.

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.

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

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.

And be it further enacted, That after the first day of October next the act, intitled, "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 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, intitled, "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, intitled, "An act to explain and amend an act, intitled, '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.

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 MUELENBERG

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.

(TRUE COPY)

THOMAS JEFFERSON, Secretary of State

B O N M O T.

AN Abbe reproached the National Assembly of France for destroying the Clergy, under the pretext of reforming abuses, while yet they suffered the existence of houses of ill fame. "It is impossible," replied a lay orator, "to think of reforming the brothels, until you have married the Clergy."

THE TABLE.

No. CXLV.

"Every object assumes an importance, in our estimation, proportioned, in some degree, to the labor and attention we bestow upon it."

NO employment is thought useless; no situation uninteresting, in the view of him who occupies it. Quixotism, in some shape or other, infuses itself into the conduct of every human being, and bestows an exaggerated value on his character and attainments. How common is it for men, when they are speaking of a profession, in which they themselves act, to confer such encomiums on its utility and importance, as would make an ignorant by-stander imagine, nothing else could be compared to it, so excellent and useful! But how must his admiration cease, and his opinions change, when he hears twenty persons in a day, heaping the same extravagance of applause, on the modes of life they respectively pursue! The same species of delusion seizes the imagination when we are estimating the value of any favorite principle or tenet, as prevails when we are valuing our occupation or profession.—Those who acquire some degree of polemic skill, and cherish any fondness for it, either about religion or politics, are apt to select some particular point, and pursue it so far, and so long, as really to believe every thing great or excellent is centered in it, and that it is merely a waste of time to think or speak upon any other subject. An elegant writer in an essay on disputation makes the following sprightly remarks:—"Polemic skill is a dangerous qualification; and if not governed by charity, wisdom and integrity, may betray the possessor, either into intemperate zeal, or absolute indifference for truth. The same enthusiasm that dignifies a butterfly or medal to the virtuoso and the antiquary, may convert controversy into quixotism, and present to the deluded imagination of a theological or political knight-errant, a barber's bason, as Mambreno's helmet."

Perhaps there is no description of men, who understand or love the truth so little, as those who are impelled by the rage of controversy. It too often happens that we embrace a system or a principle before we have examined the proofs or reasons on which it rests. By this means, an attachment is fixed to the theory itself, independent of the truth which ought to support it. We thus become regardless of right and wrong, as they are applicable to doctrines or sentiments; and it is not difficult to perceive that we insensibly acquire the same indifference for those distinctions, in our language and conduct. Such a disregard to the moral nature of objects often grows upon an heart which originally gave no indications of extraordinary perverseness. It has been the effect of an inordinate love of disputation, and a pride of conquest over others in argument, contracted by inadvertently falling into habits of discussion, for the sake of defending ingenious theories, or discovering a dexterity in mental resources.

One cannot too much control a desire for controversy, for if it be left to itself unchecked by reason and propriety, it will become a vicious and irregular propensity. Every person, in his investigations, should be solicitous to attain the truth, and should never sacrifice it to theory.—For however much we may have labored to defend an hypothesis, and however important it may seem in our eyes, it must sooner or later be tried by fair and impartial judges, who will examine it not by our prejudices and prepossessions; but by that standard which will exist, when the current whims and follies of the day may be forgotten.

PATRIOTISM.—AN EXTRACT.

INSTEAD of inculcating the principle of partial patriotism, it were to be wished the philosphers of this late age would reason upon a larger scale. Would not that education have a much better effect upon the minds of the millions of men, which inform us that the whole world is but one country, and all mankind but one family, the offspring of one universal parent; that the interests of all are, in fact, the same; that happiness can only be found in a mutual good understanding with each other, and that the human species can have no right to hold themselves up as the rational visible ruling intelligences on this earth till they divest themselves of all selfish opinions.