

CHAP. XI.—*An Act for Registering and Clearing Vessels, Regulating the Coasting Trade, and for other purposes.*(a)

STATUTE I.

Sept. 1, 1789.

What ships or vessels may be registered.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any ship or vessel built within the United States, and belonging wholly to a citizen or citizens thereof, or not built within the said States, but on the sixteenth day of May, one thousand seven hundred and eighty-nine, belonging, and thereafter continuing to belong wholly to a citizen or citizens thereof, and of which the master is a citizen of the United States, and no other, may be registered in manner hereinafter provided, and being so registered, shall be deemed and taken to be, and denominated, a ship or vessel of the United States, and entitled to the benefits granted by any law of the United States, to ships or vessels of the descriptions aforesaid.

Persons registering to obtain a certificate.

SEC. 2. *And be it further enacted,* That the person or persons claiming property in any such ship or vessel, in order to entitle her to the benefits aforesaid, shall cause the same to be registered, and shall obtain a certificate of such registry from the collector of the district to which such ship or vessel belongs, in manner hereinafter directed, which certificate, attested by the Secretary of the Treasury, under his hand and seal, and countersigned by the collector, shall be in the form following, viz :

Form of the certificate.

“In pursuance of an act of the Congress of the United States of America, intituled An act for registering and clearing vessels, regulating the coasting trade, and for other purposes, [here insert the name, occupation and residence of the subscribing owner] having taken and subscribed the oath or affirmation required by the said act, and having sworn or affirmed, that he, together with [names, occupation and residence of non-subscribing owners] is (or are) sole owner (or owners) of the ship (or vessel) called the [ship's name] of [place to which the ship or vessel belongs] whereof [master's name] is at present master, and is a citizen of the United States, and that the said ship (or vessel) was [when and where built] and [name of surveying officer] having certified to us, that the said ship, or vessel, has [number of decks] and masts, that her length is \_\_\_\_\_, her breadth \_\_\_\_\_, her depth \_\_\_\_\_, and that she measures \_\_\_\_\_ tons, that she is [here describe the vessel and how built], has \_\_\_\_\_ gallery and \_\_\_\_\_ head; and the said subscribing owners having consented and agreed to the above description and measurement, and having caused sufficient security to be given as is required by the said act, the said [kind of vessel and name] has been duly registered at the port of \_\_\_\_\_ Given under our hands and seals of office, at [port] this \_\_\_\_\_ day of \_\_\_\_\_, in the year [words at full length.] And the collector shall transmit to the Secretary of the Treasury a duplicate of every such certificate so granted. And it shall be the duty of the Secretary of the Treasury to transmit to the collectors of the several ports of the United States, a sufficient number of certificates attested under his hand and seal, leaving the blanks to be filled up by the collectors respectively.

Rule for ascertaining the tonnage of ships or vessels.

SEC. 3. *And be it further enacted,* That to ascertain the tonnage of all ships or vessels, the surveyor or other person appointed by the collector to measure the same, shall take the length of every vessel, if double decked, from the fore part of the main stem to the after part of the stern post above the upper deck, the breadth at the broadest part above the main wales, and half such breadth shall be accounted the depth of every double decked vessel; he shall then deduct from the

(a) This act was “explained and amended” by an act passed September 29, 1789; and was, by the 30th section of the act of December 31, 1792, repealed.

length three fifths of the breadth, multiply the remainder by the breadth, and the product by the depth, dividing the product of the whole by ninety-five, the quotient shall be deemed the true contents or tonnage of such ship or vessel. To ascertain the tonnage of every single decked vessel, he shall take the length and breadth, as is directed to be taken for double decked vessels, and deduct three fifths in like manner, and the depth from the under side of the deck plank to the ceiling in the hold, and shall multiply and divide as aforesaid, and the quotient shall be deemed the true contents or tonnage of such single decked vessel.

The port to which registered ships or vessels belong ascertained, and the name painted on stern.

SEC. 4. *And be it further enacted,* That the port to which any such ship or vessel shall be deemed to belong, agreeably to the intent and meaning of this act, shall be the port at or near which the husband or acting and managing owner or owners of such ship or vessel usually resides or reside; and the name of such ship or vessel, and of the place to which she belongs shall be painted on her stern, on a black ground with white letters of not less than three inches in length.

Vessels of citizens residing in foreign countries not entitled to register but in certain cases.

SEC. 5. *And be it further enacted,* That no ship or vessel owned in whole or in part by any citizen of the United States, usually residing in any foreign country, shall, during the time he shall continue so to reside, be deemed a vessel of the United States, entitled to be registered by virtue of this act, unless he be an agent for, and partner in, some house or co-partnership, consisting of citizens of the United States, actually carrying on trade in the said States.

No registry to be made or certificate granted until an oath be taken.

SEC. 6. *And be it further enacted,* That no registry shall be made or certificate granted, until the following oath or affirmation be taken and subscribed, before the officer herein before authorized to make such registry and grant such certificate, (which oath or affirmation such officer is hereby empowered to administer) by the owner of such ship or vessel, if owned by one person only, or in case there shall be two or more owners, then by any one of such owners; namely,

Form of the oath.

"I, \_\_\_\_\_, of [place of residence and occupation] do swear or affirm, that the ship or vessel \_\_\_\_\_ of \_\_\_\_\_ [take the description from the certificate of the surveyor or other person authorized by this act] was built at \_\_\_\_\_ in the year \_\_\_\_\_ or was the entire property of \_\_\_\_\_ on the sixteenth day of May, one thousand seven hundred and eighty-nine, and hath continued to be the property of a citizen or citizens of the United States, that \_\_\_\_\_, the present master, is a citizen of the United States, and that I, \_\_\_\_\_ and [the other owners' names, occupation, and where they respectively reside, viz : town, place, county and state, or, if resident in a foreign country, being an agent for, and partner in, any house or co-partnership] am or are sole owner or owners of the said ship or vessel, and that no other person whatever hath any property therein, and that I, the said \_\_\_\_\_, [and the said owners, if any] am or are truly a citizen or citizens of the United States, and that no foreigner, directly or indirectly, hath any part or interest in the said ship or vessel."

Certificates of registry may be granted in one district, the owners residing in another.

SEC. 7. *Provided always, and be it further enacted,* That whenever the owner or owners of such ship or vessel, usually resides or reside out of the district within which such ship or vessel may be at the time of granting the certificate of registry, that such owner, or where there are two or more owners, any one of them may take and subscribe the said oath or affirmation, before the collector of the district within which he usually resides, omitting in the said oath or affirmation the description of such ship or vessel, as expressed in the certificate of the surveyor, and inserting in lieu thereof, the name of the port and district within which such ship or vessel may then be; and the collector before whom such oath or affirmation may be taken and subscribed, shall transmit the same to the collector of the district where such ship or vessel may be,

upon the receipt whereof the said collector shall proceed to register such ship or vessel, in like manner as though the usual and regular oath or affirmation had been taken and subscribed before him.

SEC. 8. *And be it further enacted*, That the surveyor or other person, to be appointed in pursuance of this act, shall, previous to the registering or granting of any certificate of registry, as aforesaid, examine and measure such ship or vessel, as to all and every particular contained in the form of the certificate aforesaid, in the presence of the master, or of any other person to be appointed for that purpose on the part of the owner or owners, and shall deliver a just and true account in writing of the built, description, and measurement of every such ship or vessel as are specified in the form of the certificate above recited, to the person authorized as aforesaid, to make such registry and grant such certificate thereof; and the said master or other person attending on the part of the owner or owners, is hereby required to sign his name also to the certificate of the surveying or examining officer, or other person duly appointed, in testimony of the truth thereof, provided such master or other person, shall agree to the several particulars therein set forth and described.

SEC. 9. *And be it further enacted*, That when the certificate of registry aforesaid shall be granted, sufficient security by bond, shall be given to the collector in behalf of the United States, by the master and owner or owners, or by some other person or persons on his, her, or their behalf, such security to be approved of by the collector, in the penalties following, that is to say: if such ship or vessel shall be above the burthen of fifteen, and not exceeding fifty tons, in the penalty of four hundred dollars, if exceeding the burthen of fifty tons, and not exceeding one hundred tons, in the penalty of eight hundred dollars, if exceeding the burthen of one hundred tons, and not exceeding two hundred tons, in the penalty of twelve hundred dollars, if exceeding the burthen of two hundred tons, and not exceeding three hundred tons, in the penalty of sixteen hundred dollars, and if exceeding the burthen of three hundred tons, in the penalty of two thousand dollars. And the condition of every such bond shall be, that such certificate shall not be sold, lent or otherwise disposed of to any person or persons whomsoever, and that the same shall be solely used for the ship or vessel to which it is granted, and that in case such ship or vessel shall be lost or taken by an enemy, burnt or broken up, or otherwise prevented from returning to the port to which she belongs, the certificate, if preserved, shall be delivered up within three months after the arrival of the master in any port or place in the United States, to the collector of the district where he shall arrive; and that if any foreigner, or any person or persons for his use and benefit, shall purchase or otherwise become entitled to the whole or any part or share of, or interest in such ship or vessel, and the same shall be within any district of the United States, in such case the certificate of registry shall, within seven days after such purchase or transfer of property in such ship or vessel, be delivered up to the collector of the said district; and in case such ship or vessel shall be in any foreign port or place, or at sea, when such transfer of interest or property shall take place, the said master shall, within eight days after his arrival in any port or place within the United States, deliver up the said certificate to the collector of the district where he shall arrive; and all the certificates so delivered up, shall be forthwith transmitted by the collector to the Secretary of the Treasury to be cancelled.

SEC. 10. *And be it further enacted*, That whenever any ship or vessel registered in conformity with this act, shall in whole or in part be sold or transferred to a citizen or citizens of the United States, the former certificate of registry shall be delivered up to the collector, and by him without delay transmitted to the Secretary of the Treasury to be can-

Surveyor to measure vessels in presence of master, or other person, on the part of the owners.

Master, &c. to give bond not to dispose of certificate of registry.

In cases of transfer to foreigners, certificate of registry to be delivered up.

Vessel to be registered anew when vessel sold.

celled, and such ship or vessel shall be registered anew by her former name, and a certificate thereof shall be granted by the collector, in like manner as is herein before directed.

A recital of certificate to be made in instruments of transfer.

SEC. 11. *And be it further enacted*, That whenever any such ship or vessel shall in whole or in part be sold or transferred to any person or persons, the certificate of the registry of every such ship or vessel, shall be recited at length in the instrument of transfer or sale thereof, and in default thereof, such instrument of sale or transfer shall be void; and such ship or vessel shall not be deemed or denominated a ship or vessel entitled to any of the benefits or advantages of a ship or vessel of the United States.

Master of a vessel being changed, collector shall endorse it on certificate.

SEC. 12. *And be it further enacted*, That whenever the master or other person having the charge or command of any ship or vessel registered in manner herein before directed, shall be changed, the master or owner of such ship or vessel shall deliver to the collector of the district where such change shall take place, the certificate of registry of such ship or vessel, who shall thereon endorse and subscribe a memorandum of such change, and forthwith give notice of the same to the collector of the district where such ship or vessel was last registered pursuant to this act, who shall likewise make a memorandum of the same in the book of registers, and transmit a copy thereof to the Secretary of the Treasury.

In cases of loss of certificate, the master to make oath.

SEC. 13. *And be it further enacted*, That if the certificate of registry of any ship or vessel shall be lost or destroyed, the master or other person having charge of the said ship or vessel, may make oath or affirmation before the collector of the district where such ship or vessel may arrive, who is hereby authorized to administer the same in the words and form following:

Form of the oath.

"I, \_\_\_\_\_ being master, or having charge of the ship or vessel called the \_\_\_\_\_ do swear or affirm, that the said ship or vessel hath been, as I verily believe, registered according to law by the name of \_\_\_\_\_ and that a certificate thereof was granted at the port of \_\_\_\_\_ but that the same is lost or destroyed (as the case may be) and that the same, if found again, and comes again within my power, shall be delivered up to the collector of the port where it was granted; and that the master of said ship or vessel is a citizen of the United States; and that the said ship or vessel is, as I believe, the entire property of a citizen or citizens of the United States; and that no foreigner has, to my knowledge and belief, any property or interest therein." and the said oath or affirmation shall be filed in the office of the said collector before whom it was made, who is hereby required to register the said vessel anew by her former name, and take the security in manner herein before directed, and deliver the certificate of such registry to the owner or owners, if residing within his district, or if not resident there, to the master or other person having charge of said ship or vessel, that such certificate of registry is granted in pursuance of this act, instead of a former certificate of registry, which appears by such proof as this act requires, to be lost; and such certificate of registry shall have the same effect with the original, and the said collector shall, within three months, transmit a duplicate of the said certificate to the Secretary of the Treasury, to be registered in his office, who shall notify the collector who granted the certificate which was lost or destroyed, of the same, who is hereby required to cause a memorandum thereof to be made in his book of registers.

Collector to register the vessel anew by her former name.

Registered ships or vessels being altered, to be registered anew.

SEC. 14. *And be it further enacted*, That if any ship or vessel, after having been registered in pursuance of this act, shall in any manner whatever, be altered in form or burthen, by being lengthened or built upon, or from one denomination to another, by the mode or method of rigging or fitting, in such case, such vessel shall be registered anew by her former name in manner herein before directed, as soon as she re-

turns to the port to which she belongs, or to any other port in which she may be lawfully registered by virtue of this act, otherwise such ship or vessel shall not be deemed and considered as a ship or vessel of the United States.

SEC. 15. *And be it further enacted*, That the collector of every district where registers shall be made and certificates granted in pursuance of this act, shall progressively number the same as they shall be severally granted, beginning at the time when this act shall be in force, and continuing to the end of the present year, and thenceforth beginning at the commencement of every year, and shall enter an exact copy of every such certificate with the number thereof, in a book to be kept for that purpose, and shall within three months transmit to the Secretary of the Treasury, a true copy, together with the number of every certificate which shall be by him so granted.

Manner of numbering registers.

SEC. 16. *And be it further enacted*, That every ship or vessel built in the United States after the fifteenth day of August, one thousand seven hundred and eighty-nine, and belonging wholly or in part to the subjects of foreign powers, shall be recorded in the office of the collector of the district in which such ship or vessel was built, in manner following, that is to say: The builder of every such ship or vessel shall make oath or affirmation before the collector of such district, who is hereby authorized to administer such oath in manner following: I,

Vessels built in U. S. after Aug. 15, 1789, and owned by foreigners, to be recorded: builder to make oath.

Form of the oath.

of [here insert the place of residence, county and state] shipwright, do swear, or affirm, that [here designate the kind of vessel] named \_\_\_\_\_ having [number of decks] and being in length \_\_\_\_\_ in breadth \_\_\_\_\_ and measuring \_\_\_\_\_ tons, having \_\_\_\_\_ gallery and \_\_\_\_\_ head, was built by me, or under my direction, at [place, county and state] in the United States, in the year \_\_\_\_\_ which oath or affirmation shall be recorded in manner herein before directed, in a book to be kept for that purpose.

The oath to be recorded.

Collector to grant certificate of record.

Form of the certificate.

SEC. 17. *And be it further enacted*, That a certificate of the said record, attested under the hand and seal of the collector of the district as aforesaid, shall be granted to the master of every such ship or vessel, in manner following: In pursuance of an act entitled, "An act

I, \_\_\_\_\_ collector of the district of \_\_\_\_\_ in the United States, do certify, that the builder [name] of [place of residence, county and state] having sworn or affirmed, that the ship or vessel [here designate the kind of vessel] named \_\_\_\_\_ whereof \_\_\_\_\_ is at present master was built at [place, county and state where built] by him or under his direction, in the year \_\_\_\_\_ and [here insert the name of the surveyor, or other person appointed by the collector, where there is no surveyor] having certified that the said ship or vessel has [numbers of decks,] is in length \_\_\_\_\_ in breadth \_\_\_\_\_ in depth \_\_\_\_\_ and measures \_\_\_\_\_ tons; and the said builder and master having agreed to the said description and measurement, the said ship or vessel has been recorded in the district of \_\_\_\_\_ in the United States. Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_," which certificate shall be recorded in the office of the collector, and a duplicate thereof transmitted to the Secretary of the Treasury of the United States, to be recorded in his office.

SEC. 18. *And be it further enacted*, That the surveyor or other person to be appointed by the collector as aforesaid, is hereby required to deliver a true account in writing, signed with his name, of the built, description, and measurement of every such ship or vessel, as specified

Surveyor and master to give a description of vessel to the collector.

in the form of the said certificate of record, of such ships or vessels, which account shall also be signed by the master, to the collector of the district where such certificate of the record shall be granted.

Vessel's name or master being changed, certificate to be endorsed, otherwise not deemed as recorded.

SEC. 19. *And be it further enacted,* That if the master or the name of any ship or vessel so recorded shall be changed, the owner, part owner or consignee of such ship or vessel shall cause a memorandum thereof to be endorsed on the certificate of the record, by the collector of the district where such ship or vessel may be, or at which she shall arrive, if such change took place in a foreign country, and a copy thereof shall be entered in the book of records, a transcript whereof shall be transmitted by the collector to the collector of the district where such certificate was granted, who shall enter the same in his book of records, and forward a duplicate of such entry to the Secretary of the Treasury of the United States; and in such case, until the said owner, part owner or consignee shall cause the said memorandum to be made by the collector in manner aforesaid, such ship or vessel shall not be deemed or considered as a vessel recorded in pursuance of this act.

Master to produce certificate of record to collector.

SEC. 20. *And be it further enacted,* That the master or other person having command of any ship or vessel recorded in pursuance of this act, shall on entry of such ship or vessel produce the certificate of such record, to the collector of the district, in failure of which the said ship or vessel shall not be entitled to the privileges of a vessel recorded as aforesaid.

Penalties and forfeitures, how sued for.

SEC. 21. *And be it further enacted,* That all the penalties and forfeitures inflicted and incurred by this act, shall, and may be sued for, prosecuted and recovered in such courts, and be disposed of in such manner as any penalties or forfeitures inflicted, or which may be incurred for any offence committed against the United States, in and by an act, entitled, "An act to regulate the collection of the duties imposed by law, on the tonnage of ships or vessels, and on goods, wares and merchandises, imported into the United States," may legally be sued for, prosecuted, recovered and disposed of.

Act of July 31, 1789, ch. 5.

Vessels of 20 tons or upwards employed between district and district, or in the bank or whale fisheries, their privileges.

SEC. 22. *And be it further enacted,* That from and after the tenth day of September next, every ship or vessel of the burthen of twenty tons or upwards, built within the United States, and wholly owned by a citizen or citizens thereof; or not built within the United States, and on the sixteenth day of May, one thousand seven hundred and eighty-nine, wholly owned and thereafter continuing to be owned by a citizen or citizens of the United States, but not registered, if destined from district to district, or to the bank or whale fisheries, shall, in order to be entitled to all the privileges of a ship or vessel belonging to the United States, employed in the coasting trade or in the fisheries, be enrolled by the collector of the district where the owner, or one of the owners of such vessel may reside, and every vessel so enrolled, shall have her name and the name of the place to which she belongs painted on her stern, in manner directed by this act, for registered vessels, and such collector on due proof by oath or affirmation to him made by the owner or one of the owners of such ship or vessel of her name, burthen and denomination, and that she is of the description aforesaid, and of the names of the owner or owners, and of the master thereof, and that they are citizens of the United States, and of the place or places of residence of such owner or owners, shall enroll in a book to be kept for that purpose, the name of every such vessel, her burthen, where built, and denomination, the name or names, and place or places of residence of the owner or owners thereof, and that he or they, together with the master, are citizens of the United States, a description of the built of such vessel as aforesaid, and the date of the enrolment, and shall also grant to the owner or owners, a certificate, containing a copy of such enrolment, and transmit to the secretary of the treasury a copy of every such

Name to be painted on the stern.

Collector, upon owner's making oath of the name, &c., to enrol the same and grant a certificate.

certificate of enrolment, to be by him recorded: and whenever the property of such ship or vessel shall be changed in whole or in part, the person or persons who shall then be owner or owners, or one of them, shall make known such change to the collector of the district where he or they may reside, and such collector is hereby authorized and directed to grant a new certificate of the enrolment of such ship or vessel by her former name, to such owner or owners, upon his or their delivering up the former certificate, which shall be sent to the office of the collector from whence it was issued, to be cancelled: *Provided*, That the master or owner of every vessel of less than twenty tons burthen, and not less than five tons, which shall be employed between any of the districts in the United States, shall cause the name of such vessel and of the place to which she belongs, to be painted on her stern in manner directed by this act for registered vessels, and shall annually procure a license from the collector of the district to which such vessel belongs, who is hereby authorized to give the same, purporting that such vessel is exempt from clearing and entering for the term of one year from the date thereof; and the master or owner of every such vessel shall give bond with sufficient security for the payment of two hundred dollars to the United States, with condition that such vessel shall not be employed in any illicit trade or commerce; and before any new license shall be given for a succeeding year to the master of such vessel, he shall on oath or affirmation, declare that no illicit trade has been carried on in such vessel to his knowledge or belief during the time for which she was licensed.

Vessels between twenty and five tons, name to be painted on the stern, and license granted by collector for one year to exempt them from clearing and entering.

SEC. 23. *And be it further enacted*, That the master, commander or owner of every ship or vessel of the burthen of twenty tons or upwards, to be employed in trade between different districts in the United States, and of every vessel to be employed in the bank or whale fisheries, having a certificate of registry or enrolment, as is herein directed, shall, upon application to the collector of the district where such vessel may lie, be entitled to receive a license to trade between the different districts in the United States, or to carry on the bank or whale fishery for one year, and it shall be the duty of the collector to grant the same; but no license shall be granted for any vessel until the owner or owners applying therefor, shall have paid the tonnage duty thereon, and shall enter into bond, with sufficient security, for the payment of one thousand dollars to the United States, with condition, that such vessel shall not within the time for which such license was granted, be employed in any illicit trade or commerce: and if any vessel of the burthen of twenty tons or upwards, not having a certificate of registry or enrolment, and a license, shall be found trading between different districts, or be employed in the bank or whale fisheries, every such ship or vessel shall be subject to the same tonnage, and fees, as foreign ships or vessels.

Vessels of twenty tons or upwards, registered or enrolled, entitled to a license for one year.

SEC. 24. *And be it further enacted*, That the master or commander of every ship or vessel bound to any foreign port, shall deliver to the collector of the district where such ship or vessel may be, a manifest of the cargo on board such ship or vessel, and on making oath or affirmation to the truth thereof, it shall be the duty of the said collector, to grant a clearance for such ship or vessel, and her loading; and if any ship or vessel bound to any foreign port, shall depart from the place of her loading without such clearance, the master, commander, consignee, or owner thereof, shall forfeit and pay the sum of two hundred dollars for every such offence.

Masters of vessels outward bound to deliver a manifest and obtain a clearance.

Penalty for sailing without.

SEC. 25. *And be it further enacted*, That the master of every ship or vessel of the burthen of twenty tons or upwards, licensed to trade between the different districts of the United States, having on board goods, wares or merchandise of foreign growth or manufacture, of the value of two hundred dollars, or rum or other ardent spirits exceeding four hundred

Masters of vessels of twenty tons or upwards trading from district to district, and having certain goods, to deliver two manifests.

gallons, and being bound from one district to another, shall deliver to the collector, and where the collector and surveyor reside at different places within the same district, to the collector or surveyor, as the one or the other may reside at or nearest to the port where such ship or vessel may be, duplicate manifests of the whole cargo on board such ship or vessel, whether such cargo shall consist wholly of goods, wares or merchandise of foreign growth or manufacture, or partly of such goods, wares or merchandise, and partly of goods, wares, or merchandise, the growth or manufacture of the United States, specifying therein the name and place of residence of every shipper and consignee, together with the quantity of goods, wares or merchandise shipped by and to each; and upon the oath or affirmation of the said master before the said collector or surveyor to the truth of such manifest, and that he doth not know, and hath no reason to believe that the revenue of the United States has been defrauded of any part of the duties imposed by law upon the importations of any of the goods, wares or merchandise contained in the said manifest, it shall be the duty of such collector or surveyor to return to the said master one of the said manifests, first certifying thereon that the same had been sworn or affirmed to, and delivered to him according to law, and also to grant to the said master a permit authorizing such ship or vessel to proceed to the place of her destination.

And make oath thereto.

Collector to return one manifest and grant a permit.

Goods transported from and to Philadelphia and Baltimore, across the state of Delaware, to be accompanied with a manifest.

*So always and provided,* That where goods, wares, or merchandises of foreign growth or manufacture, are to be transported to and from the respective ports of Philadelphia and Baltimore unto each other, through and across the state of Delaware, a manifest certified as aforesaid by the officers of that one of the said ports from whence the same goods, wares or merchandises are to be so transported, shall be sufficient to warrant the transportation thereof to the other of the said ports, without an intermediate entry in the district of Delaware.

Vessels licensed from and to district without manifest or permit.

*Provided always,* That no master of any ship or vessel, licensed to trade as aforesaid, having on board goods, wares or merchandise of the growth, or manufacture of the United States only, rum and other ardent spirits exceeding four hundred gallons excepted, and being bound from one district to another in the same state, or from a district in one state to a district in the next adjoining state, shall be obliged to deliver duplicate manifests, or to apply for a permit as aforesaid; but any such master may in such case lawfully proceed to any other district in the same state, or in the next adjoining state, freely and without interruption.

Or having on board goods &c. of the growth or manufacture of the U. States and bound to a district in any other than an adjoining State, the master must deliver duplicate manifests, &c.

SEC. 26. *And be it further enacted,* That the master of every ship or vessel of the burthen of twenty tons or upwards, licensed to trade as aforesaid, having on board goods, wares or merchandise of the growth or manufacture of the United States only, and being bound from a district in one state to a district in any other than an adjoining state, shall deliver to the collector, or where the collector and surveyor reside at different places within the same district, to the collector or surveyor as the one or the other may reside at or nearest to the port where such ship or vessel may be, duplicate manifests of the whole cargo on board such ship or vessel, specifying therein the name and place of residence of every shipper and consignee, together with the quantity of goods, wares or merchandise shipped by and to each: and upon the oath or affirmation of the said master, before the said collector or surveyor, to the truth of such manifest, it shall be the duty of such collector or surveyor to return to the said master one of the said manifests, first certifying thereon, that the same had been sworn or affirmed to and delivered to him according to law; and also to grant to the said master a permit, authorizing such ship or vessel to proceed to the place of her destination.

On oath, and obtain a permit.

SEC. 27. *And be it further enacted,* That the master of every ship or vessel of the burthen of twenty tons or upwards, licensed to trade as aforesaid, not having on board rum or other ardent spirits, exceeding four hundred gallons, and arriving from one district to another in the same state, or from a district in one state to a district in the next adjoining state, with goods, wares or merchandise, of the growth or manufacture of the United States only, shall, within twenty-four hours, Sundays excepted, next after his arrival at any place or port where a collector or surveyor resides, and before any part of the cargo on board such ship or vessel be landed or unloaded, deliver to such collector or surveyor a manifest thereof, and shall make oath or affirmation before such collector or surveyor, that such manifest contains a true account of all the goods, wares and merchandise on board such ship or vessel, and thereupon shall receive from such collector or surveyor a permit to land or unload the same.

Arriving at the district to which bound, must deliver a manifest, make oath, and receive a permit.

SEC. 28. *And be it further enacted,* That in all other cases the master of every vessel of the burthen of twenty tons or upwards, licensed to trade as aforesaid, shall within twenty-four hours, Sundays excepted, next after his arrival at any port or place within the United States, where a collector or surveyor resides, and before any part of the cargo on board any such ship or vessel be landed or unloaded, deliver to such collector or surveyor the manifest thereof, authenticated before and received from the collector or surveyor of the port or place where the said cargo was taken on board, together with his permit to depart from the place of lading, whereupon it shall be the duty of such collector or surveyor to grant a permit to land or unload such cargo.

In all other cases master of licensed vessel to deliver a manifest and permit from the collector or surveyor where the cargo was taken on board.

SEC. 29. *And be it further enacted,* That if the master of any ship or vessel, of the burthen of twenty tons or upwards, licensed to trade as aforesaid, and having on board goods, wares or merchandise, of the value of two hundred dollars or upwards, shall depart with the said ship or vessel from any port, with intent to go to another district, without such manifest and permit, except as is herein after provided, the master or owner of such ship or vessel shall forfeit and pay the sum of four hundred dollars for every such offence; and all goods, wares and merchandise, of the value of two hundred dollars or upwards, which shall be found on board any such ship or vessel after her departure from the port where the same were taken on board, without being contained in, and accompanied with such manifest as is herein before directed, except as is herein after excepted, shall be subject to seizure and forfeiture.

Penalty on departing without manifest and permit.

*Provided always,* That nothing herein contained shall be construed to subject the master or owner of any ship or vessel licensed to trade as aforesaid, having on board goods, wares and merchandise of the growth and manufacture of the United States only, rum and other ardent spirits exceeding four hundred gallons, excepted, and bound from district to district in the same state, or from a district in one state to a district in the next adjoining state, to any penalty for having departed from the port of loading without such permit and manifest, or to subject the said goods on board such ship or vessel to seizure or forfeiture, in case they are not accompanied with a manifest as aforesaid.

Proviso.

SEC. 30. *And be it further enacted,* That if any ship or vessel having a license to trade or fish, for one year, shall within that time be destined to any foreign port, the master or commander of every such ship or vessel shall, before he departs from the United States, deliver such license to the collector of the port from whence he intends to depart; and it shall be the duty of such collector forthwith to transmit the license to him so delivered, to the collector of the district where the same was granted, who shall thereupon cancel every license; and if any master or commander shall neglect or refuse to deliver up such license

Master of a licensed vessel bound to a foreign port must deliver up his license.

before he depart from the United States, he shall forfeit and pay the sum of one hundred dollars for every such neglect or refusal.

Fees and allowances for the duties prescribed by this act.

SEC. 31. *And be it further enacted*, That the fees and allowances for the several duties to be performed in virtue of this act, and the distribution of the same, shall be as follows, to wit:—

For the first register or certificate of record granted for every ship or vessel, there shall be paid to the collector granting the same, the sum of two dollars.

For every subsequent one, one dollar and fifty cents.

For every certificate of enrolment, fifty cents.

For every license to trade between the different districts of the United States, or to carry on the bank or whale fishery for one year, fifty cents.

For every entry of inward cargo directed to be made in conformity with this act, and for receiving of, and qualifying to every manifest of vessels licensed to trade as aforesaid, sixty cents.

For a permit to land goods of foreign growth or manufacture, twenty cents.

For every permit to proceed to the place of destination, twenty-five cents.

And for taking every bond required by this act, twenty cents.

How to be distributed.

The whole amount of which fees shall be accounted for by the collector, and where there is a collector, naval officer and surveyor, shall be equally divided between the said officers, and where there is no naval officer, between the collector and surveyor, and where there is only a collector, he shall receive the whole amount thereof, and where there is more than one surveyor in any district, each of them shall receive his proportionable part of such fees as shall arise in the port for which he is appointed. *Provided always*, That in all cases where the tonnage of any ship or vessel shall be ascertained by any person specially appointed for that purpose, as is herein before directed, that such person shall be allowed and paid by the collector a reasonable compensation for the same, out of the fees aforesaid, before any distribution thereof as aforesaid.

Naval officers to sign all official documents.

SEC. 32. *And be it further enacted*, That in every case where the collector is by this act directed to grant any license, certificate, permit or other document, the naval officer, if there be one residing at the port, shall sign the same.

In cases of forfeiture of goods or vessel, name of owner or consignee to be advertised.

SEC. 33. *And be it further enacted*, That in every case where a forfeiture of any ship or vessel, or of any goods, wares or merchandise shall accrue, it shall be the duty of the collector or other proper officer, who shall give notice of the sale of such ship or vessel, or of such goods, wares or merchandise, to insert in the same advertisement, the name or names, and the place or places of residence of the person or persons, to whom any such ship or vessel, goods, wares or merchandise, belonged or were consigned at the time of such seizure.

Penalties for offences against this act.

SEC. 34. *And be it further enacted*, That every collector who shall knowingly make any false registry, record, or enrolment of any ship or vessel; and every officer or person appointed as is herein provided, who shall make any false record, or grant any false certificate, or any document whatever, in any manner that shall not be herein prescribed, or that shall be contrary to the true intent and meaning of this act, or shall take any other or greater fees than are by this act allowed, or receive any other reward or gratuity, contrary to the provisions of this act; and every surveyor, or other person appointed to measure ships or vessels, who shall wilfully deliver to any collector or naval officer, a false description of any ship or vessel to be registered, recorded or enrolled, in pursuance of this act, shall, upon conviction of any such neglect or offence,

forfeit the sum of one thousand dollars, and be rendered incapable of serving in any office of trust or profit under the United States; and if any person or persons, authorized and required by this act, in respect of his or their office, or offices, to perform any act or thing required to be done or performed, pursuant to any of the provisions of this act, and wilfully neglecting or refusing to do or perform the same, according to the true intent and meaning of this act, shall, on being duly convicted thereof, if not subject to the penalty and disqualification aforesaid, forfeit the sum of five hundred dollars for the first offence, and a like sum for the second offence, and shall from thence forward be rendered incapable of holding any office of trust or profit under the United States.

SEC. 35. *And be it further enacted*, That if any certificate of registry, record, or enrolment, shall be fraudulently used for any ship or vessel, not entitled to the same by this act, such ship or vessel shall be forfeited to the United States, with her tackle, apparel and furniture.

SEC. 36. *And be it further enacted*, That if any person or persons shall falsely make oath or affirmation to any of the matters herein required to be verified, such person or persons shall suffer the like pains and penalties, as shall be incurred by persons committing wilful and corrupt perjury; and that if any person or persons shall forge, counterfeit, erase, alter or falsify, any certificate, register, license, permit or other document, mentioned in this act, or to be granted by any officer of the customs, such person or persons shall, for every such offence, forfeit the sum of five hundred dollars.

SEC. 37. *And whereas*, By an act intituled, "An act for laying a duty on goods, wares and merchandises imported into the United States," it is provided, That there shall be allowed or paid five cents on every quintal of dried fish, and on every barrel of pickled fish, and of salted provisions exported from the United States to any country without the limits thereof, in lieu of the drawback of the duties imposed on the importation of the salt employed and expended therein, and there are now large quantities of salt within the United States, imported before any duties were laid for the use of the said States:

*Be it enacted*, That no allowance shall be made by any collector, for any dried or pickled fish, or for any salted provisions, which shall be exported from the United States prior to the last day of May, one thousand seven hundred and ninety.

APPROVED, September 1, 1789.

Certificate of registry, &c. fraudulently used, ship or vessel forfeited. Farther penalties for offences against this act.

No allowance on exportation of dried or pickled fish, or salted provision prior to the last day of May, 1790.

Act of July 4, 1789, ch. 2, sec. 4.

#### STATUTE I.

Sept. 2, 1789.

#### CHAP. XII.—*An Act to establish the Treasury Department.*(a)

SECTION 1. *Be 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.

Department designated.

Officers: Secretary, Comptroller, Auditor, Treasurer, Register, Assistant to Secretary.

Duties of the Secretary.

SEC. 2. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to digest and prepare plans for the improvement and management of the revenue, and for the support of public credit; to prepare and report estimates of the public revenue, and the public expenditures; to superintend the collection of the revenue; to decide on the forms of keeping and stating accounts and making re-

(a) The acts, in addition to this act which have been passed relating to the Treasury Department, have been: act of March 3, 1791; act of May 8, 1792; act of March 3, 1809, chap. 23; act of November 22, 1814; act of March 3, 1817, chap. 45; act of February 24, 1819, chap. 43; act of May 1, 1820, chap. 50; act of May 15, 1820, chap. 107.