(XLVth YEAR.) THE (No. 2234.)

MARYLAND GAZETTE.

THURSDAY, NOVEMBER 5, 1789.

Congress of the United States,

Begun and held at the city of New-York, on Wednesday the fourth of March, one thousand seven hundred and eighty-nine.

CONTINUATION *of the* ACT *to regulate the* COLLECTION *of the* DUTIES *imposed by* LAW *on the* TUNNAGE *of* SHIPS *or* VESSELS, *and on* GOODS, WARES *and* MERCHANDISE, *imported into the United States.*

AND *be it further enacted*, That in case of the disability or death of any collector, the duties and authorities vested in him by this act shall devolve on his deputy, if any such hath been appointed, (for whose conduct the estate of such disabled or deceased collector shall be liable) and the said deputy shall exercise the authority and perform all the duties, until a successor shall be appointed. But in cases where no deputy is appointed, the authorities and duties of the disabled or deceased collector, shall devolve upon the naval-officer of the same district, until a successor, duly authorised and sworn, shall enter upon the execution of the duties of the said office.

And be it further enacted, That at such of the ports established by this act, to which a collector and surveyor only are assigned, the said collector shall execute all the duties herein required to be done by the collector and naval-officer at other ports. That at such ports to which a collector only is assigned, such collector shall possess all the powers, and execute as far as may be all the duties prescribed to a collector, naval-officer and surveyor, at the ports where such officers are established; that at such ports of delivery only, to which a surveyor is assigned, it shall be his duty to receive and record the copies of all manifests transmitted to him by the collector; to enter and record all permits granted by such collector, distinguishing the gauge, weight, measure and quality, of the goods specified therein; to take care that no goods be unladen or delivered from any ship or vessel without such permit; and to perform all other duties required to be done by a surveyor:—That at such ports of delivery only, to which no surveyor is assigned, it shall be the duty of the collector of the district to attend the unlading and delivery of goods, or in cases of necessity, to employ a proper person or persons for that purpose, who shall possess the power, and be entitled to the like compensation allowed to inspectors during the time they are employed. Every collector, naval-officer and surveyor, shall attend in person at the port or district for which he is appointed, and before he enters on the execution of his office, shall take an oath, or affirmation, in the form following, to wit:—" I, ——, do solemnly swear or affirm " (as the case may be) that I will truly and faithfully " execute and perform all the duties of a ——— of the " port or district of ——— according to law, and the " best of my skill and ability." The said oath or affirmation shall be administered by any justice of the peace, and a certificate thereof, under the hand and seal of such justice, transmitted within three months thereafter to the comptroller of the treasury: Any collector, naval-officer or surveyor, failing herein, shall forfeit and pay two hundred dollars, recoverable with costs in any court having cognizance thereof, to the use of the informer. And no weigher, gauger, measurer or inspector, shall execute the duties of his office, until he shall have taken the above oath or affirmation.

And be it further enacted, That the collectors, naval-officers and surveyors, to be appointed by virtue of this act, shall respectively keep fair and true accounts of all their transactions relative to their duty as officers of the customs, in such manner and form as may be directed by the proper department, or officer appointed by law to superintend the revenue of the United States; and shall at all times submit their books, papers and accounts, to the inspection of such persons as may be appointed for that purpose: And the collectors of the different ports shall at all times pay to the order of the officer who shall be authorised to direct the same, 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 department or officer before mentioned.

And be it further enacted, That every master or other person having or taking the charge or command of any ship or vessel, bound to any port of the United States, from any foreign port or place, shall deliver upon demand, to any officer or other person lawfully authorised, who shall first come on board his ship or vessel, two manifests, signed by the said master or person having command, and specifying in words (and not in figures) a true account of the loading which such ship or vessel had on board at the port from which she last sailed, and at the time of her sailing, or at any time since, the packages, marks and numbers, and noting thereon to what port in the United States such ship or vessel is bound, and the name or names of the person or persons to whom the goods are consigned, or in cases where the goods are shipped to order, the names of the shippers, noting the goods consigned to their order. One of which manifests such officer or other person shall sign, and return to the master or other person having the charge of such ship or vessel, certifying thereon, as nearly as may be, the time when the same was produced, and that a like manifest was delivered to him; and shall transmit the other manifest to the collector of the district to which such ship or vessel is bound.

And be it further enacted, That the master or other person, having the charge or command of any ship or vessel (ships and vessels of war excepted) coming into, or arriving in any of the ports or districts of the United States, or in any of the creeks or harbours thereof, shall, within forty-eight hours after such arrival, repair to the office of the collector of the district where such vessel shall so arrive, and shall report to the said collector the place from whence he last sailed, with the name and burthen of his ship or vessel, and shall deliver to such collector two manifests, agreeably to the directions of this act, unless he shall before have delivered one manifest to some officer, or other person lawfully authorised in manner as herein before is required; in which case, he shall deliver the manifest certified as aforesaid, together with such documents as are usually furnished in the port from whence they came, and shall take and subscribe an oath or affirmation before the collector or other proper officer, which oath or affirmation he or they are authorised and required to administer, and shall be in the words following, to wit:—" I, ———, do solemnly swear, or affirm, (as the case may be) that this is, to the best of my knowledge and belief, a just and true manifest of all the goods, wares and merchandise, on board the ———, at the port from which she last sailed, at the time of her sailing, or at any time since, and of which vessel I am at present master." And if the master or other person having charge or command of any such ship or vessel, shall neglect or refuse to make entry, or deliver his manifests and documents, pursuant to the directions of this act, or to take the oath or affirmation herein prescribed, he shall forfeit and pay five hundred dollars for each refusal or neglect.

And be it further enacted, That no goods, wares or merchandise, shall be unladen or delivered, from any ship or vessel, but in open day, or without a permit from the collector for that purpose, and if the master or commander of any ship or vessel shall suffer or permit the same, such master and commander, and every other person who shall be aiding or assisting in landing, removing, housing or otherwise securing the same, shall forfeit and pay the sum of four hundred dollars for every offence; shall moreover be disabled from holding any office of trust or profit under the United States, for a term not exceeding seven years; and it shall be the duty of the collector of the district to advertise the names of all such persons in the public gazette of the state in which he resides, within twenty days after each respective conviction. And all goods, wares and merchandise, so landed or discharged, shall become forfeited, and may be seized by any officer of the customs; and where the value thereof shall amount to four hundred dollars, the vessel, tackle, apparel and furniture, shall be subject to like forfeiture and seizure: PROVIDED ALWAYS, That if any ship or vessel, compelled by distress of weather, or other sufficient cause, shall put into any port or place of the United States, other than to which she was actually destined, the master or other person having command, shall, within forty-eight hours next after his arrival, make report and deliver a true manifest of his cargo to the collector of the port or district; and moreover shall, within twenty-four hours, make protest in the usual form before a notary public or justice of the peace, of the cause and circumstances of such distress; and if it shall appear to the collector that there is a necessity for unloading such ship or vessel, he shall grant permission, and appoint a proper officer to attend the unloading thereof; and all goods, wares and merchandise, so unladen, shall be stored under the direction, and subject to the safe keeping of such collector; but if any part thereof shall be of a perishable nature, or it may be necessary to make sale of any part thereof to defray the expences of such vessel or cargo, the said collector shall grant a licence to the master, commander or owner, to dispose of so much thereof as are perishable, or shall be necessary to defray such expences: PROVIDED, That the duties thereon be first paid or secured: AND PROVIDED ALSO, That such necessity be made appear by the wardens of the port, or other persons legally authorised to certify the same, and where there are no such persons, by the affidavit of two reputable citizens of the neighbourhood, best acquainted with matters of that kind.

And be it further enacted, That every person having goods, wares or merchandise, in any ship or vessel, which shall arrive at any port of entry, or of delivery only, shall make entry with the collector of the port or district where the same shall arrive, of all such goods, wares and merchandise, specifying the number of packages, and the marks, numbers, and contents of each (or if in bulk, the quantity and quality) together with an account of the net prime cost thereof; and shall moreover produce to the collector the original invoice or invoices, together with the bills of loading: And the said collector shall estimate and endorse the duties on the said entry, the party making such entry taking an oath or affirmation that it contains the whole of the goods, wares and merchandise, imported by him, or to him consigned in such ship or vessel, which shall then have come to his knowledge, and that the said invoice contains, to the best of his knowledge and belief, the net prime cost thereof, and that if he shall afterwards discover any other, or greater quantity than is contained in such entry, he will make due report and entry thereof: And the said oath or affirmation shall be administered by the collector, and the entry shall be subscribed by the person making the same: PROVIDED, That in all cases where the party making entry shall reside ten miles or upwards from such port, the affidavit or affirmation of such party, taken before a justice of the peace, and by him endorsed on the original invoices, shall be as effectual as if administered and endorsed by the collector.

And be it further enacted, That all such entries so authenticated by the collector, together with a copy of the same made out by the party, shall, before any permit is granted for landing of any goods, wares or merchandise, therein contained, be examined by the naval-officer (where such officer is established) who shall countersign the same, and retaining one, shall return the other certified to the party, together with the bills of lading, and invoice or invoices; and on such certified entries being returned to the collector, and the duties thereon paid or secured to be paid, he shall grant a permit for the unlading and landing the goods, wares and merchandise, therein mentioned. And at such ports for which no naval-officer is appointed, the collector shall grant like permits for the unlading and landing of all such goods as shall be so entered, and the duties thereof paid or secured.

And be it further enacted, That it shall and may be lawful for the collector, naval-officer and surveyor, of any port of entry or delivery, at which any ship or vessel may arrive, to put on board such ship or vessel one or more inspectors, who shall make known to the person having charge of such ship or vessel, the duties he is to perform by virtue of this act, and such inspector shall suffer no goods, wares or merchandise, to be delivered without a permit from the proper officer, authorising the same; and shall enter in a book, to be by him kept for that purpose, the contents of each permit, specifying the marks and numbers of each package, and a description thereof, with the name of the person to whom such permit was granted; and if, at the expiration of fifteen working days after such ship or vessel shall begin to unload her cargo, there shall be found on board any goods, wares or merchandise, the said inspectors shall take possession thereof, and deliver them to the collector of the district, or to such person as he shall authorise or appoint on his behalf to receive the said goods, taking his receipt for the same, and giving a certificate to the person having command, describing the packages, and their marks and numbers, so taken: And as soon as any ship or vessel is entirely unladen, he shall, with the collector and naval-officer, compare the account and entries he has made of the goods unladen from such ship or vessel, with the manifest delivered to the collector, and if it appears that there are more goods than are specified in the said manifest, the same shall be endorsed thereon, with a description of the packages, their marks and numbers, or of such goods as may be in bulk, and the same shall be subscribed by such inspector, who is hereby directed to remain on board the said ship or vessel until she is discharged: PROVIDED ALWAYS, That the said limitation of fifteen days shall not extend to vessels laden with salt or coal, but if the master or owner of such vessels require a longer time to discharge their cargoes, the wages of the inspector for every day's attendance exceeding the said fifteen days shall be paid by the master or owner. And if any goods, wares or merchandise, subject to duty, shall be removed from the wharf or place where the same may be landed, before they shall be weighed or gauged (as the case may be) or without consent of the collector, or other proper officer, all such goods, wares and merchandise, so removed, shall be forfeited. All goods delivered to the collector in manner aforesaid shall be kept at the charge and risque of the owner, for a term not exceeding nine months; and if within that time no claim be made for the same, an appraisement thereof shall be made by two or more reputable merchants, and lodged with the collector, who shall sell the same at public auction, and pay the proceeds, retaining the duties and charges thereon, into the treasury of the United States, there to remain for the use of the owner, who shall, upon due proof of his property, be entitled to receive the same; and the receipt or certificate of the collector shall exonerate the master or commander from all claim