(XLVth YEAR.) THE (No. 2236.)

MARYLAND GAZETTE.

THURSDAY, NOVEMBER 19, 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.

CONCLUSION *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 the duties and fees to be collected by virtue of this act, shall be received in gold or silver coin only, at the following rates, that is to say, the gold coins of France, England, Spain and Portugal, and all other gold coin of equal fineness, at eighty-nine cents for every pennyweight. The Mexican dollar at one hundred cents; the crown of France at one dollar and eleven cents; the crown of England at one dollar and eleven cents; and all silver coins of equal fineness at one dollar and eleven cents per ounce.

And be it further enacted, That all the drawbacks allowed by law on the exportation of goods, wares and merchandise, imported, shall be paid or allowed by the collector at whose office the said goods, wares and merchandise, were originally entered, and not otherwise, retaining one per centum for the benefit of the United States.

PROVIDED ALWAYS, *and be it further enacted*, That no goods, wares or merchandise, entitled to drawback, shall be reladen before an entry shall be made with the collector of the port from whence such goods are intended to be exported; which entry shall contain a particular account of the casks and packages, their marks, numbers and contents, the cost thereof, the vessel or vessels in which they were imported, and the place or places imported from; and the person or persons intending to export such goods, shall give bond, with one or more sufficient sureties, that the same, or any part thereof, shall not be relanded in any port or place within the limits of the United States, as settled by the late treaty of peace; and shall moreover make oath or affirmation as to the truth of the entry, that the goods, wares and merchandise, are in quantity, quality and value, as therein expressed, according to the inward entry thereof, which entry was duly made at the time of importation pursuant to the directions of this act; and that the quality is the same as at the time of importation; and the exporter of such goods shall not be entitled to drawback the duties, until at least six months after the exportation thereof, and until he shall produce to the collector, with whom such outward entry is made, a certificate in writing of two reputable merchants, at the foreign port or place in which the same were landed, together with the oath or affirmation of the master and mate of the vessel in which they were exported, certifying the delivery thereof; but in case any vessel shall be cast away, or meet with such unavoidable accidents as to prevent the landing such goods, a protest in due form of law, made by the master and mate, or some of the seamen, or in case no such protest can be had, then the oath or affirmation of the exporter shall be received in lieu of the other proofs herein directed, unless there shall be good reason to suspect the truth of such oath or affirmation, in which case it shall and may be lawful for the collector to require such further proof as the nature of the case may demand. PROVIDED ALSO, That no goods, wares or merchandise, imported, shall be entitled to a drawback of the duties paid or secured to be paid thereon, unless such duties shall amount to twenty dollars at the least; nor unless they shall be exported in the same cask, package or packages, and from the port or district into which they were originally imported, and moreover shall be reladen under the inspection of the collector, naval-officer or surveyor, of the port.

And be it further enacted, That the sums allowed to be paid by law on the exportation of dried or pickled fish, and of salted provisions, shall be paid by the collector of the port or district from whence the same shall be exported: PROVIDED, That due entry thereof shall be first made and bonds given, as in case of drawbacks, and that no such allowance shall be made, unless it shall amount to three dollars at the least upon any one entry.

And be it further enacted, That if any goods, wares or merchandise, entered for exportation, with a view to drawback the duties, or to obtain any allowance given by law on the exportation thereof, shall be landed in any port or place within the limits of the United States as aforesaid, all such goods, wares and merchandise, shall be subject to seizure and forfeiture, together with the vessel from which such goods shall be landed, and the vessels or boats used in landing the same, and all persons concerned therein, shall, on indictment and conviction thereof, suffer imprisonment for a term not exceeding six months: and for discovery of frauds, and seizure of goods, wares and merchandise, relanded contrary to law, the several officers established by this act shall have the same powers, and in case of seizure the same proceedings shall be had, as in the case of goods, wares and merchandise, imported contrary to law: And for measuring, weighing and gauging, goods for exportation, the same fees shall be allowed as in like cases upon the importation thereof.

And be it further enacted, That if any officer of the customs shall, directly or indirectly, take or receive any bribe, reward or recompence, for conniving, or shall connive at a false entry of any ship or vessel, or of any goods, wares or merchandise, 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 be for ever disabled from holding any office of trust or profit under the United States; and any person giving or offering any bribe, recompence 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 or affirmation 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 mercandise, if the person so swearing or affirming shall swear or affirm 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, in any court proper to try the same, by the collector of the district where the same accrued, and not otherwise, unless in cases of penalty relating to an officer of the customs; and such collector shall be, and hereby is authorised and directed to sue for and prosecute the same to effect, and to distribute and pay the sum recovered, after first deducting all necessary costs and charges, according to law. And all ships or vessels, goods, wares and merchandise, which shall become forfeit by virtue of this act, shall be seized, libelled and prosecuted, as aforesaid, in the proper court having cognizance thereof; and the 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 public news-paper, nearest 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; 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 merchandise, 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 merchandise, 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 merchandise, 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 merchandise, who shall be sworn in open court for the faithful discharge of their duty; and such appraisement shall be made at the expence of the party on whose prayer it is granted; and on the return of such appraisement, if the claimant shall, with one or more sureties, to be approved of by the court, execute a bond in the usual form, to the United States, for the payment of a sum equal to the sum at which the ship or vessel, goods, wares or merchandise, so prayed to be delivered, be appraised, the court shall by rule order such ship or vessel, goods, wares or merchandise, 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 favour 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 merchandise, 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 merchandise, 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 merchandise, 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, judgment or suit, on account of such seizure or prosecution. PROVIDED, That the ship or vessel, goods, wares or merchandise, be after judgment forthwith returned to such claimant or claimants, his 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 or forfeiture was incurred.

And be it further enacted, That all ships, vessels, goods, wares or merchandise, 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 news-papers 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.

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 three equal parts, and paid to the collector, naval-officer and surveyor, of the district wherein the same shall have been incurred; and in such districts where only two of the aforesaid officers shall have been established, the said moiety shall be equally divided between them; and in such 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 said naval-officer and surveyor, 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, in manner and form as above limited and expressed.

AND WHEREAS, The states of Rhode-Island and Providence-Plantations, and North-Carolina, have not as yet ratified the present constitution of the United States, by reason whereof this act doth not extend to the collecting of duties within either of the said two states, and it is thereby become necessary that the following provision with respect to goods, wares or merchandise, imported from either of the said two states should for the present take place;

Be it therefore further enacted, That all goods, wares and merchandise, not of their own growth or manufacture, which shall be imported from either of the said two states of Rhode-Island and Providence-Plantations, or North-Carolina, into any other port or place within the limits of the United States, as settled by the late treaty of peace, shall be subject to the like duties, seizures and forfeitures, as goods, wares or merchandise, imported from any state or country without the said limits.

And be it further enacted, That no goods, wares or merchandise, of foreign growth or manufacture, subject to the payment of duties, shall be brought into the United States, in any other manner than by sea, nor in any ship or vessel less than thirty tuns burthen, except within the district of Louisville, and except also in such vessels as are now actually on their voyages; 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, goods, wares or merchandise, brought in, landed or unladen, in any other manner. And all goods, wares and merchandise, 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.

FREDERICK AUGUSTUS MUHLENBERG, *Speaker of the house of representatives.*

JOHN ADAMS, *Vice-president of the United States, and president of the senate.*

Approved—July 31, 1789.

GEORGE WASHINGTON, *President of the* UNITED STATES.

An ACT to suspend part of an act, entitled, "An 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 for other purposes.

BE *it enacted, by the senate and house of representatives of the United States of America in Congress Assembled*, That so much of the act, entitled, An 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, as obliges ships or vessels bound up the river Patowmack, to come to and deposite manifests of their cargoes, with the officers at St. Mary's and Yeocomico, before they proceed to their port of delivery, shall be and hereby is suspended until the first day of May next.